

§ 153.066 REVIEW AND APPROVAL PROCEDURES AND CRITERIA.

(A) *Intent.* The intent of this section is to provide an efficient and predictable review process for rezoning and/or development applications within the Bridge Street District (BSD) zoning districts and to enhance Dublin's reputation for exceptional, carefully considered design and high quality development consistent with the Vision Principles and direction articulated in the BSD Special Area Plan in the Community Plan. The review and approval procedures and criteria help 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 to protect the health, safety, and general welfare of residents, occupants, and users of property in the BSD districts and surrounding areas of the city.

(B) *Required Approvals.*

(1) *Summary.* This section outlines the requirements and procedures for development review specifically within the BSD districts. The review procedures of this section shall be used for all development applications in a BSD district. Table 153.066-A, Summary Procedure Table, describes the review procedures applicable in all BSD districts.

(2) *Abbreviations.* The following abbreviations and terms are used in this section:

ART: Administrative Review Team

BZA: Board of Zoning Appeals

CC or Council: City Council

PD or Director: Planning Director

PZC or Commission: Planning and Zoning Commission

TABLE 153.066-A: SUMMARY PROCEDURE TABLE						
R = Recommendation D = Decision A = Administrative Appeal RF = Review & Feedback						
Type of Application	PD	ART	BZA	PZC	Council	Zoning Code Reference
Zoning Code Approvals						
Zoning Map or Text Amendment	R			R	D	§ 153.234
Conditional Use	R			D		§ 153.236
Special Permit	R		D			§ 153.231(G)
Use Variance	R		R		D	§ 153.231(H)(3)
Non-Use (Area) Variance	R		D			§ 153.231(H)(2)
Other Approvals						
Building Code Appeal			D			§ 153.231(I)
Bridge Street District Applications						
Pre-Application	RF					§ 153.066(C)
Informal	RF			RF		§ 153.066(D)
Concept Plan	R			D		§ 153.066(E)
Concept Plan with a Development Agreement	R			R	D	§ 153.066(E)
Preliminary Development Plan	R			D		§ 153.066(F)
Final Development Plan	R			D		§ 153.066(G)
Minor Project	R	D		A		§ 153.066(H)
Administrative Departure	R	D		A		§ 153.066(I)
Waivers	R			D		§ 153.066(J)
Master Sign Plan	R			D		§ 153.065(H)(2)(e)/ § 153.066(K)
Parking Plans	R			D		§ 153.066(H)(2)(f)/ § 153.065(B)
Administrative Approval	D			A		§ 153.066(L)

Open Space Fee in Lieu	R			D		§ 153.066(M)(1)/ § 154.064(D)-(E)
Certificate of Zoning Plan Approval	D					§ 153.233/ § 153.066(N)(3)

(C) *Pre-Application.*

(1) *Purpose and Applicability.*

(a) The purpose of the pre-application submittal 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 application review procedures.

(b) 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 division (N)(1) of this section.

(b) Requests shall be submitted to the Director, who shall be responsible for circulating any submittal material to the applicable departments for input.

(c) The Director and staff shall use reasonable efforts to conduct an expeditious review of the submitted materials and provide non-binding input and recommendations.

(d) The Director may schedule a meeting with the potential applicant to discuss the request or may provide a written summary of the staff review.

(e) Additional staff reviews of the pre-application submittal may be requested by the applicant prior to filing a formal application.

(f) Any and all written summaries of the pre-application review shall be forwarded to the required reviewing body with a formal application.

(D) *Informal.* Prior to submittal of an application for a Concept Plan (CP), an applicant may submit an informal application for review of a development concept with the PZC. Such submittal shall include a completed application form and supporting material sufficient to describe the development concept. The review of the informal submittal shall be non-binding upon the PZC and the applicant, however, it is intended to provide feedback by the PZC that should inform the preparation and subsequent review of the CP. The Planning Director shall prepare a brief analysis and comments that will be submitted to the PZC with the application.

(E) *Concept Plan.*

(1) *Purpose and Applicability.*

(a) The purpose of the Concept Plan (CP) is to provide a general outline of the scope, character, and nature of the proposed development that is consistent with the policy direction of the Community Plan and the BSD Special Area Plan, the requirements of the BSD Code, other related policy and regulatory documents, and the review criteria, and to consider the proposal within the context of existing and planned development within the vicinity of the project.

(b) The CP allows the required reviewing body the means to ensure that the proposed concept is consistent with the following:

1. That the proposed land uses are consistent with Community Plan, BSD Special Area Plan, and BSD Code;
2. That the proposed block framework and street network are generally compatible with the adopted plans, lead to the creation of a walkable, urban place;
3. That the proposed development concept generally fulfills the intent of the BSD Special Area Plan; and
4. That the proposed development concept has the potential to create a walkable, urban place.

(c) The CP review provides an opportunity for public input at an early stage of the development process.

(d) The CP review is intended to provide clear direction to the applicant by the required reviewing body resulting from its review and approval of the application.

(e) If the CP is approved by the required reviewing body it shall serve as a basis for preparation by the applicant of the Preliminary Development Plan (PDP) for the proposed development.

(f) For projects that will propose a development agreement due to the need for development timeframe, public infrastructure, public and private contributions, development restrictions, or other related items, City Council shall serve as

the required reviewing body for the CP. In those cases, the Director and the Planning and Zoning Commission shall each review the CP and provide a recommendation to Council to approve, approve with conditions, or disapprove the CP.

(2) *Review Procedure.*

(a) The CP is a mandatory step in the development review and approval process for the BSD.

(b) An application for a CP shall be made in accordance with the provisions of divisions (D)(3) and (N)(1) of this section.

(c) The PZC shall be the required reviewing body for the CP in the BSD, unless a development agreement is proposed in conjunction with a proposed project, then City Council shall be the required reviewing body for the CP.

(d) The Director shall make a recommendation to the PZC for approval, approval with conditions, or denial of the CP application under the criteria of division (D)(4) of this section.

(e) The PZC shall review the CP application, the minutes of the PZC meeting if an informal review was requested by the applicant, the Director's recommendation, and render its decision based on the criteria of division (D)(4) of this section. In the instance the PZC is the required reviewing body, the Commission will render a decision for approval, approval with conditions, or denial and written record of the Commission's decision shall be provided.

(f) In the instance of a CP associated with a proposed development agreement, the Commission will make a recommendation of approval, approval with conditions, or denial to City Council.

(g) City Council shall review the CP application and the recommendations of PZC and the Director, and render its decision based on the criteria of division (D)(4) of this section of approval, approval with conditions, or denial.

(3) *Submittal Requirements.* It is the intent of these regulations that the CP shall indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the required reviewing body to understand the existing site and concept for the proposed development, and to evaluate consistency with the review criteria in division (D)(4) of this section. The applicant shall submit an application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(4) *Review Criteria.* The required reviewing body shall make its decision on an application for a CP based on each of the following criteria and may consider the recommendation of the Director and, if City Council is the required reviewing body, the recommendation of the PZC. For applications associated with a development agreement, the PZC shall apply these criteria in the formulation of its recommendation to City Council.

(a) The CP is consistent with the applicable policy guidance of the Community Plan, the BSD Special Area Plan, and other applicable city plans, and related policies;

(b) The CP conforms to the applicable requirements of the BSD Code;

(c) The illustrative lots and blocks, supporting street and pedestrian network, and internal circulation provide a coherent development pattern that conforms to the requirements of §§ 153.060 Lots and Blocks, 153.061 Street Types, and 153.065 Site Development Standards, and the conceptual locations of access points to surrounding streets will avoid adverse impacts on surrounding neighborhoods and traffic infrastructure;

(d) The proposed land uses allow for appropriate integration into the community, consistent with adopted plans, and align with the requirements of § 153.059 Uses;

(e) The conceptual buildings are appropriately sited and scaled to create a cohesive development character that complements the surrounding environment, and conforms to the architectural requirements of § 153.062 Building Types;

(f) The conceptual design of open spaces, including location and relationship to surrounding buildings, provides for meaningful public gathering spaces that benefit the community both within and outside the proposed development;

(g) The CP allows for the connection and or expansion of public or private infrastructure and the continued provision of services required by the city or other public agency; and

(h) The development concept conforms to the requirements of §153.063 Neighborhood Standards, as applicable.

(F) *Preliminary Development Plan.*

(1) *Purpose and Applicability.*

(a) The purpose of the Preliminary Development Plan (PDP) is to establish a framework for the proposed development that is consistent with the requirements of the Community Plan, BSD Special Area Plan, BSD Code, BSD Design Guidelines, other adopted plans, policies, and regulations, and the review criteria.

(b) The PDP allows the PZC to ensure that the proposed development is consistent with the following:

1. That the street network and block framework provide a coherent and rational development pattern;
2. That the proposed street types provide for walkable urbanism;
3. That the proposed building types are appropriate to the location and surrounding neighborhood;

4. That the proposed development creates the urban setting envisioned by the applicable neighborhood standards;
5. That planned open spaces and building types within the development are integrated in order to complement each other;
6. 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; and
7. That the proposed development will contribute to the creation of signature places in the city consistent with the BSD Special Area Plan through an evaluation of long-term phasing plans, transitional development conditions, and planned placemaking elements.

(c) The PDP is intended to establish the direction of the proposed development based on all applicable code requirements and shall refine the approved CP.

(d) If a PDP is approved by the PZC, such action shall be binding and shall serve as the basis for submittal of the Final Development Plan (FDP) for the proposed development or phases thereof.

(2) *Review Procedure.*

(a) An application for a PDP may not be submitted prior to the review and approval of a CP.

(b) The PDP is a mandatory submittal requirement prior to filing a FDP. However, the PDP may be combined with the FDP at the request of the applicant, by motion of the PZC following its approval of the CP, or if recommended by the Director and agreed by the applicant.

(c) An application for PDP shall be submitted in accordance with the provisions of divisions (E)(3) and (N)(1) of this section.

(d) The PZC shall be the required reviewing body for the PDP within the Bridge Street District.

(e) The Director shall make a recommendation for approval, approval with conditions, or denial of the PDP application under the criteria of division (E)(4) of this section.

(f) The PZC shall review the PDP application and the recommendation of the Director and render its decision based on the criteria of division (E)(4) of this section for approval, approval with conditions, or denial. A written record of the Commission's decision shall be provided to the applicant.

(3) *Submittal Requirements.* It is the intent of these regulations that a PDP shall provide information that is sufficient to ensure general conformity with the regulations and that can serve as a basis for the future consideration of a FDP. Information submitted should be sufficiently detailed to enable the PZC to understand the existing site and the PDP for the proposed development, and to evaluate consistency with the review criteria in division (E)(4) of this section. The applicant shall submit an application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(4) *Review Criteria.* The PZC shall make its decision on an application for a PDP based on each of the following criteria:

(a) The PDP shall be consistent with the approved CP, the record established by the required reviewing body, the associated staff report, and the Director's recommendation;

(b) The development is consistent with the Community Plan, BSD Special Area Plan, BSD Design Guidelines, other adopted city plans, and related policies;

(c) The proposed land uses align with all applicable requirements and use specific standards of §153.059 Uses;

(d) The proposed buildings are appropriately sited and scaled to create a cohesive development character that complements the surrounding environment, and conforms to the requirements of §§ 153.062 Building Types and 153.065 Site Development Standards;

(e) The proposed lots and blocks conform to the requirements of §153.060 Lots and Blocks;

(f) The proposed street types conform to the requirements and standards of §153.061 Street Types, including the general pattern of streets, blocks, and development reflected on the BSD Street Network Map and the conceptual locations of access points to surrounding streets to avoid adverse impacts on surrounding neighborhoods and traffic infrastructure;

(g) The proposed design of the internal circulation system, driveways, and any connections to the public realm provide for safe and efficient access for pedestrians, bicyclists, vehicles, and emergency services;

(h) The proposed design of buildings conforms to the BSD Code and is consistent with the BSD Design Guidelines, while integrating with nearby development;

(i) The proposed open spaces are appropriately sited and designed to conserve or enhance natural features as appropriate, enhance the community both within and outside the proposed development, and conform to the requirements of § 153.064 Open Spaces;

(j) The scale and design of the proposed development allows for 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;

(k) The proposed development conforms to the requirements of §153.063 Neighborhood Standards, as applicable;

(l) The proposed development provides adequate stormwater management systems and facilities that comply with the applicable regulations of this code and any other applicable design criteria or regulations as adopted by the city or required by other government entities;

(m) The proposed development can be adequately serviced by existing and/or planned public or private infrastructure consistent with the city's most recently adopted capital improvements program;

(n) If the development is to be implemented in phases, each phase has adequate infrastructure to serve the development independently without the need for further phased improvements; and

(o) The proposed development demonstrates consistency with the recommendations, principles, and intent of all applicable design standards and guidelines, including but not limited to buildings, open spaces, and streetscapes.

(G) *Final Development Plan.*

(1) *Purpose and Applicability.*

(a) The purpose of the Final Development Plan (FDP) is to confirm compliance with the PDP, all requirements of the BSD Code, Community Plan, BSD Special Area Plan, BSD Design Guidelines, and other adopted plans, policies, and regulations, and the review criteria.

(b) The FDP allows the PZC to ensure that the proposed development is compliant with the following:

1. That the street network and block framework provide a coherent and rational development pattern;
2. That proposed street types provide for walkable urbanism;
3. That the proposed building types are appropriate to the location and neighborhood, including assuring that the dimensions of a parcel meet the lot size requirements for the applicable building type;
4. That the architecture, building materials and colors, landscaping and buffering, and site layout create a functional, aesthetically appealing urban place;
5. That the proposed development creates the urban setting envisioned by the applicable neighborhood standards;
6. That planned open spaces and building types within the development are integrated in order to complement each other;
7. 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; and
8. That the proposed development will contribute to the creation of signature places in the city consistent with the BSD Special Area Plan through an evaluation of long-term phasing plans, transitional development conditions, and planned placemaking elements.

(c) The FDP is intended to verify the proposed development, or phases of development, is in compliance with all applicable code requirements, and is consistent with the PDP.

(d) All development within the BSD District shall require an approved FDP prior to applying for site disturbance approval, CZPA, and/or building permits. In addition, the following development activities shall also require an approved FDP:

1. When a project involves the design or construction of new streets, or a proposed realignment or relocation of any street in the general pattern of street development conceptualized by the BSD Street Network Map in § 153.061 that is required or permitted by the city;
2. When a project requires land subdivision in accordance with Chapter 152; or
3. When a project does not meet the criteria for a Minor Project (MP).

(e) Applications for a FDP shall be reviewed by the PZC, whose approval shall be binding and shall serve as the regulatory and administrative document for zoning compliance.

(2) *Review Procedures.*

(a) An application for a FDP shall be submitted in accordance with the provisions of divisions (F)(3) and (N)(1) of this section.

(b) The PDP may be combined with the FDP at the request of the applicant, by motion of the PZC at the time of CP review and approval, or recommended by the Director.

(c) The PZC shall be the required reviewing body for the FDP within the BSD.

(d) The Director shall make a recommendation to the PZC for approval, approval with conditions, or denial of the final development plan application under the criteria of division (F)(4) of this section.

(e) The PZC shall review the FDP application and the recommendation of the Director and render its decision based on the criteria of division (F)(4) of this section for approval, approval with conditions, or denial. A written record of the Commission's decision shall be provided.

(3) *Submittal Requirements.* It is the intent of these regulations that a FDP shall provide final project information that is sufficient to ensure general conformity to an approved PDP. In cases where the applicant has been authorized to submit a combined PDP and FDP, then the submittal shall incorporate the required information for the PDP and as required below. Information should be sufficiently detailed to enable the PZC to understand the existing site and the FDP for the proposed project or a portion thereof, and to evaluate consistency with the review criteria in division (F)(4) of this section. The applicant shall submit an application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(4) *Review Criteria.* The PZC shall make its decision on an application for a FDP based on each of the following criteria:

(a) The FDP shall be substantially similar to the approved PDP, and consistent with the record established by the required reviewing body, the associated staff report, and the Director's recommendation;

(b) The proposed development is consistent with the Community Plan, BSD Special Area Plan, BSD Design Guidelines, other adopted city plans, and citywide administrative and financial policies;

(c) The proposed land uses conform to all applicable requirements and use specific standards of §153.059 Uses;

(d) The proposed buildings are appropriately sited and conform to the requirements of §153.062 Building Types and § 153.065 Site Development Standards;

(e) The proposed lots and blocks conform to the requirements of §153.060 Lots and Blocks;

(f) The proposed street types conform to the requirements and standards of §153.061 Street Types, including the general pattern of streets, blocks, and development reflected on the BSD Street Network Map, as amended;

(g) The proposed design of the internal circulation system, driveways, and any connections to the public realm provide for safe and efficient access for pedestrians, bicyclists, vehicles, and emergency services;

(h) The proposed design, architecture, and materials of buildings is consistent with the BSD Design Guidelines, while integrating with nearby development, and avoids overshadowing of existing or proposed development;

(i) The proposed site design, landscaping, screening, and buffering is consistent with the BSD Design Guidelines;

(j) The proposed open spaces are appropriately sited and designed to conserve or enhance natural features as appropriate, enhance the community, benefit the community both within and outside the proposed development, and conform to the requirements of § 153.064 Open Spaces;

(k) The scale and design of the proposed development allows for 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;

(l) The proposed development conforms to the requirements of §153.063 Neighborhood Standards, as applicable;

(m) The proposed development provides adequate stormwater management systems and facilities that comply with the applicable regulations of this code and any other applicable design criteria or regulations as adopted by the city or required by other government entities;

(n) The proposed development can be adequately serviced by existing and/or planned public or private infrastructure consistent with the city's most recently adopted capital improvements program;

(o) If the development is proposed to be implemented in phases, each phase has adequate infrastructure to serve the development independently without the need for further phased improvements; and

(p) The proposed development demonstrates consistency with the recommendations, principles, and intent of all applicable design standards and guidelines, including but not limited to buildings, open spaces, and streetscapes.

(H) *Minor Project.*

(1) *Purpose and Applicability.* The purpose of the Minor Project (MP) is to provide an efficient review process for smaller projects that do not have significant community effects, as defined in division (H)(2) of this section.

(2) *Minor Projects Defined.* The following projects shall be considered eligible for review and approval as an MP:

(a) 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, and associated site development requirements.

(b) Exterior modifications to principal structures involving not more than 25% of any individual facade elevation of the structure.

(c) 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 a FDP.

(d) Accessory structures 1,000 gross square feet or smaller and the related accessory uses.

(e) Modifications to existing structures in accordance with § 153.062(B)(2) 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 and associated site development requirements; and

(f) Parking plans when not associated with a PDP or a FDP.

(3) *Review Procedure.*

(a) An application for a minor project MP shall be made in accordance with the provisions of divisions (G)(4) and (N)(1) of this section.

(b) The ART shall be the required reviewing body for the MP.

(c) The Director shall make a recommendation to the ART for approval, approval with conditions, or denial of the MP under the criteria of division (G)(5) of this section.

(d) The ART shall review the MP application and the Director's recommendation, and render its decision based on the criteria of division (G)(5) of this section for approval, approval with conditions, or denial. A written record of the ART's decision shall be provided.

(e) The ART may forward any MP application to the PZC for consideration. In making such a determination, the ART shall conclude that the application raises complex issues, including but not limited to, the need for public infrastructure improvements and/or other neighborhood or community-wide effects that would benefit from a public review and decision by the PZC. These applications shall be reviewed against the criteria in division (G)(5) of this section.

(f) If the application is not approved by the ART, the applicant shall be given the opportunity to revise the application in response to the ART's comments and resubmit for reconsideration.

(g) Decisions of the ART are appealable to the PZC.

(4) *Submittal Requirements.* It is the intent of these regulations that an application for a MP provides sufficient information to ensure general conformity to the applicable provisions of this code. The information should be sufficiently detailed to enable the required reviewing body to understand the existing site and the MP request for the proposed project or a portion thereof. The applicant shall submit an application and supplemental materials as outlined in division (M)(1) of this section and determined by the Director.

(5) *Review Criteria.* The Administrative Review Team (ART) shall make its decision on an application for a MP based on each of the following criteria and the recommendation of the Director:

(a) The MP shall be consistent with the Community Plan, BSD Special Area Plan, BSD Code, BSD Design Guidelines, and adopted plans, policies, and regulations;

(b) In cases where a MP is proposed within or as part of an approved PDP or FDP, the MP shall be consistent with such approved PDP or FDP;

(c) The MP shall be consistent with the record established by the required reviewing body, the associated staff report, and the Director's recommendation;

(d) The proposed land uses meet all applicable requirements and use specific standards of §153.059 Uses; and

(e) The proposed site improvements, landscaping, screening, and buffering shall meet all applicable requirements of the BSD Code and respond to the standards of the BSD Design Guidelines.

(I) *Administrative Departure.*

(1) *Purpose and Applicability.*

(a) The intent of the Administrative Departure (AD) is to provide an efficient process to allow minor deviations from the strict application of the BSD 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.

(b) The AD shall not convey special rights or other approvals that would not otherwise result from a decision under this code.

(2) *Administrative Departure Defined.* An AD shall be limited to any modification of no greater than 10% to a numeric zoning standard related to building dimensions, lot dimensions or coverage, open space, landscaping, parking, fencing, walls, screening, or exterior lighting.

(3) *Review Procedure.*

- (a) An application for an AD shall be made in accordance with the provisions of divisions (H)(4) and (N)(1) of this section.
- (b) The ART shall be the required reviewing body for administrative departures.
- (c) A request for an AD may be submitted with an application for a PDP, FDP, MP, or at any other time as may be necessary.
- (d) A request for an AD may be processed simultaneously with a PDP, FDP, or MP to which it relates.
- (e) The Director shall make a recommendation to the ART for approval, approval with conditions, or denial of the AD under the criteria of division (H)(5) of this section.
- (f) The ART shall determine whether each requested AD is approved, approved with conditions, or denied. A written record of the ART's decision will be provided. Decisions relative to an approved FDP shall be reported to the PZC.
- (g) Should the ART find that the request does not meet the criteria for an AD, the applicant may request a waiver under the provisions of division (I) of this section or submit a new application for a FDP or MP, as applicable.
- (h) Decisions may be appealed to the PZC.

(4) *Submittal Requirements.* It is the intent of these regulations that an application for an AD provides sufficient information to evaluate whether the request should be granted under divisions (H)(2) and (H)(5) of this section. The information should be sufficiently detailed to enable the required reviewing body to understand the existing site, proposed AD, and the related PDP, FDP or MP for the proposed project or a portion thereof. The applicant shall submit an application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(5) *Review Criteria.* The ART shall make its decision on the requested AD based on the following criteria:

- (a) The need for the AD is caused by unique site conditions, conditions on surrounding properties, and/or otherwise complies with the spirit and intent of the Community Plan, BSD Special Area Plan, BSD Design Guidelines, other adopted city plans and policies, and all applicable requirements within §§ 153.057 through 153.066;
- (b) The AD is not being requested simply to reduce cost or as a matter of general convenience;
- (c) The AD does not have the effect of authorizing any use, sign, building type, or open space type that is not otherwise permitted in the BSD district;
- (d) The AD, if approved, does not adversely impact the pedestrian experience; and
- (e) The AD, 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 AD.

(J) *Waiver.*

(1) *Purpose and Applicability.* Under the provisions of this section, waivers are a process to allow deviations from specific code requirements that may only be granted by the PZC.

(2) *Waivers Defined.* A waiver is defined as a request for a deviation from a requirement of §§153.059 through 153.065, which do not otherwise qualify for an AD under the provisions of division (H) of this section.

(3) *Review Procedure.*

- (a) An application for a waiver shall be made in accordance with the provisions of divisions (I)(4) and (N)(1) of this section.
- (b) The PZC shall be the required reviewing body for waivers. In cases where a waiver is submitted with a Minor Project (MP), the PZC shall be the required reviewing body for both the waiver and the MP.
- (c) The Waiver may be submitted with any application for a PDP
- (d) The Director shall make a recommendation to the PZC for approval, approval with conditions, or denial of the waiver under the criteria of division (I)(5) of this section. Additional waivers determined by the Director during his/her review, may be included for review by the PZC.
- (e) The PZC shall review the requested waiver using the criteria of division (J)(5) of this section. Should other waivers be necessary to resolve conflicts with other requirements of this chapter resulting from the requested waiver, those waivers shall also be reviewed by PZC.
- (f) The PZC shall approve, approve with conditions, or deny the waiver request. A written record of the PZC decision will be provided.

(4) *Submittal Requirements.* It is the intent of these regulations that an application for a waiver provides sufficient information to evaluate whether the waiver should be granted under divisions (I)(2) and (I)(5) of this section. The information should be sufficiently detailed to enable the PZC to understand the existing site, proposed PDP, FDP, or MP as noted in division (J)(3)(b), and the related waiver request for the proposed project or a portion thereof. The applicant shall submit an

application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(5) *Review Criteria.* The PZC shall make its decision on an application for a proposed waiver based on all of the following criteria:

(a) The need for the 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;

(b) The waiver, if approved, will generally meet the spirit and intent of the Community Plan, BSD Special Area Plan, BSD Design Guidelines, other adopted city plans and policies, and all applicable requirements in §§ 153.057 through 153.066;

(c) The waiver is not being requested solely to reduce cost or as a matter of general convenience;

(d) The 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;

(e) The requested waiver is better addressed through the waiver rather than an amendment to the requirements of this chapter; and

(f) The waiver does not have the effect of authorizing any use or open space type that is not otherwise permitted in that BSD district.

(K) *Master Sign Plan.*

(1) *Purpose and Applicability.*

(a) The purpose of the Master Sign Plan (MSP) is to define the scope, character, and aesthetic quality of signs and sign regulations for an individual tenant, multi-tenant building, or multi-building development; while allowing an additional degree of flexibility and creativity in sign design and display.

(b) The MSP review is intended to confirm the proposed sign design or comprehensive sign plan is consistent with the development context, architectural character, and the BSD Design Guidelines. MSPs are not intended to permit larger or more visible signs, and are not intended to permit a greater number of signs without consideration of the BSD Design Guidelines.

(c) The MSP allows the PZC the means to evaluate the proposal for its consistency with §§153.057 through 153.066, the Community Plan, BSD Special Area Plan, BSD Design Guidelines, and other adopted city plans, and the review criteria, and to consider the proposal within the context of existing and planned development within the vicinity of the project boundary.

(2) *Review Procedure.*

(a) An application for a MSP shall be submitted in accordance with the provisions of divisions (J)(3) and (N)(1) of this chapter.

(b) The PZC shall be the required reviewing body for MSPs in the BSD.

(c) The Director shall make a recommendation to the PZC for approval, approval with conditions, or denial of the MSP application under the criteria of division (J)(4) of this section. The Director's recommendation shall be provided prior to the respective public hearing.

(d) The PZC shall review the MSP application and the recommendation of the Director, and render its decision based on the criteria of division (J)(4) of this section for approval, approval with conditions, or denial. A written record of the Commission's decision shall be provided.

(e) The applicant may request additional review meetings with the PZC.

(3) *Submittal Requirements.* It is the intent of these regulations that the MSP shall indicate general information, sign design standards, and the area of applicability. Information submitted should be comprehensive enough to enable the PZC to understand the existing site and design concept for the proposed MSP. The applicant shall submit an application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(4) *Review Criteria.* The PZC shall render its feedback on an application for a MSP based on each of the following criteria and the recommendation of the Director.

(a) The MSP is consistent with the Community Plan, BSD Special Area Plan, BSD Design Guidelines, and other adopted city plans and policies;

(b) The proposed signs are appropriately sited and scaled to create a cohesive character that complements the surrounding environment and meets the intent of the architectural requirements of § 153.062 Building Types;

(c) The proposed signs are not in conflict with public streets, open spaces, utilities, or rights-of-way, and do not impede the continued provision of services required by the city or other public agency; and

(d) The MSP responds to the requirements of § 153.063 Neighborhood Standards, as applicable.

(L) *Administrative Approval.*

(1) *Purpose and Applicability.*

(a) The Director may authorize an Administrative Approval (AA) to an approved FDP or MP that is required to correct any undetected errors or omissions, address conditions discovered during the permitting process or construction, or that is necessary to ensure orderly and efficient development.

(b) Any approved AA must be consistent with the intent of the related approved FDP or MP.

(c) The Director may also authorize an AA to existing structures and associated site improvements that are necessary to complete ordinary maintenance, refurbishment or Zoning Code compliance.

(2) *Administrative Approval Defined.* The following are considered AA's:

(a) Adjustments to lot lines;

(b) Adjustments to the location and layout of parking lots;

(c) Adjustments of up to 10% in total building floor area or floor plan;

(d) Adjustments to building height up to 10% for no more than 10% of the floorplate of the highest occupied floor when necessary to accommodate building equipment or features required to comply with building code;

(e) Substitution of landscaping materials specified in the landscape plan;

(f) Redesigning and/or relocating stormwater management facilities;

(g) Relocating fencing, walls or screening (not including screening walls);

(h) Modifications to sign location, sign face, landscaping and lighting;

(i) Changes in building material or color;

(j) Changes required by outside agencies such as the county, state, or federal departments; and/or

(k) 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.

(3) *Review Procedure.*

(a) An application for an AA shall be made in accordance with the provisions of divisions (K)(4) and (N)(1) of this section.

(b) The Director shall be the required reviewing body for applications for an AA.

(c) The Director shall review the request after receiving a complete application and make a decision to approve, approve with conditions, or deny an AA application under the criteria of division (K)(5) of this section. The Director's decision shall be provided to the applicant in writing.

(d) The Director may forward any AA application to the PZC for consideration. In making such a determination, the Director shall conclude that the application raises complex issues, including that the proposal is of such magnitude that it has a detrimental effect on the approved development or there are neighborhood or community-wide effects that may result if the proposal is approved, that would benefit from a public review and decision by the PZC.

(e) If denied, or approved with conditions, the applicant shall be given the opportunity to revise the request in response to the Director's comments and resubmit for further consideration.

(f) Requests not meeting the requirements for an AA shall require the filing and approval of a new application for a FDP, MP or other application as applicable, in accordance with this section.

(g) Decisions may be appealed to PZC.

(4) *Submittal Requirements.* It is the intent of these regulations that an application for an AA provides sufficient information to ensure general conformity to the applicable provisions of this code and the approved FDP or MP, and to evaluate whether the AA should be granted under division (K)(2) and (K)(5) of this section. The information should be sufficiently detailed to enable the Director to understand the existing site and the AA request for the proposed project or a portion thereof. The applicant shall submit an application and supplemental materials as outlined in division (N)(1) of this section and determined by the Director.

(5) *Review Criteria.* The Director shall make his or her decision on an application for a proposed AA based on all of the following criteria:

(a) Adjustments to lot lines do not create additional lots, required setbacks and/or RBZs are maintained, and the boundaries to any approved PDP, FDP, or MP are not altered;

(b) Adjustments to the location and layout of parking lots maintain the perimeter setbacks, yards, buffers, and required parking;

(c) Adjustments for buildings do not alter the character or the use of the originally approved building, building height(s), or floor plans except as provided for in division (K)(2) of this section;

(d) Substitution of landscaping materials shall be of an equal or greater size and quality as the approved materials;

(e) Redesigned and/or relocated stormwater management facilities shall maintain the approved general character of said facilities and the approved stormwater capacities;

(f) Relocating fencing, walls, or screening (not including screening walls) shall maintain the same level and quality of materials and screening;

(g) Modifications to sign location, sign face, and related landscaping and lighting, shall maintain the approved general sign design, number of signs, and dimensional requirements;

(h) Changes in building material shall be similar to and have the same general appearance comparable to previously approved material; such changes shall be of equal or higher quality than the previously approved material;

(i) Changes in color shall be complimentary to the architectural design and character of the building;

(j) The modification is not being requested solely to reduce cost or as a matter of general convenience; and

(k) The requested modification would be better addressed through the modification rather than an amendment to the requirements of this chapter or to the approved FDP or MP.

(M) *Other Applicable Approvals.*

(1) *Open Space Fee in Lieu.* After a recommendation from the Director in consultation with the Director of Parks and Recreation, the PZC shall determine whether a request for a payment of a fee in lieu of open space dedication may be approved, as provided in § 153.064(D) and (E).

(2) *Conditional Uses.* The Conditional Use approval procedures in §153.236 shall apply in the BSD districts. The PZC is the required reviewing body for Conditional Use applications.

(3) *Zoning Map or Text Amendment.* The amendment procedures of §153.234 shall apply in the BSD districts. In addition, a recommendation from the Director shall be submitted for consideration by the PZC 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 BSD districts.

(6) *Zoning Variance.* The Zoning Variance procedures in §153.231(H) shall apply in the BSD districts. In addition, a recommendation from the Director 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 BSD districts.

(N) *General Provisions.*

(1) *Applications.*

(a) Each application required by this section 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 shall include all information required by the city, unless deemed unnecessary by the Director based on the nature and scale of the proposed development. No application shall be accepted and processed by the city until it is deemed complete by the Director. If found to be incomplete, the Director shall inform the applicant of any additional materials required to certify that the application is complete.

(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) No application for a FDP that has been denied by the PZC 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) The Director may approve the simultaneous review of applications required by this chapter and/or a subdivision plat required by the Code, if the Director determines that simultaneous review will not adversely impact the achievement of the purpose and intent of this chapter. The provisions of § 153.066(F)(2)(b) and (G)(2)(b) govern relative to the filing of a combined PDP and FDP.

(f) Where public reviews are required by this chapter, a written notice of the public meeting shall be sent, not less than ten days prior to the meeting, 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. 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 this section shall be approved, approved with conditions, or denied by the required reviewing body based on the applicable review criteria as provided in this section and other applicable provisions of this chapter. 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.

(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 this section and other applicable provisions of this chapter, but determines that the application could meet those criteria with modifications that could not be reasonably conditioned, the applicant may request that the decision on the application be postponed to provide the opportunity to make those modifications.

(c) Following the approval of a FDP or MP, the applicant may proceed with the process for obtaining a Certificate of Zoning Plan Approval (CZPA) and Building Permit (BP), consistent with the approval as granted. All construction and development under any BP shall comply with the approved FDP and MP, and any other approval, as applicable.

(3) *Certificate of Zoning Plan Approval.* A CZPA 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 BSD.

(4) *Code Administration.* The PZC may evaluate and monitor the application of the requirements and standards of §§ 153.057 through 153.066 by the Director. The PZC may advise the Director as to whether it finds that the requirements or standards (including requests for an AA) are being applied correctly, and recommend to City Council any changes needed in the BSD district standards and requirements to better implement the Community Plan, BSD Special Area Plan, BSD Design Guidelines, and other related policy and regulatory documents adopted by the city.

(5) *Duration of Approvals.*

(a) Because the review of an informal application is non-binding on the city and does not result in a decision by the PZC, the comments made during the informal application review do not expire. However, if the applicant makes any material change in the informal application following the review, the applicant should not assume that the previous informal review comments remain applicable to the revised application.

(b) An approved CP shall be valid for a period of no more than one year. If an application has not been filed for a PDP for at least a portion of the site within that one-year period, then the CP shall no longer be valid. A new CP application shall be required in accordance with the requirements of this chapter.

(c) An approved PDP shall be valid for a period of no more than two years. If a FDP application for at least a portion of the site has not been filed within that two-year period, then the PDP shall no longer be valid. A new PDP application shall be required in accordance with this chapter.

(d) An approved FDP shall be valid for a period of no more than two years. If a Building Permit and/or CZPA has not been filed for at least a portion of the project within the two-year period, the FDP shall no longer be valid. A new FDP application shall be required in accordance with this chapter.

(e) An approved MP shall be valid for a period of no more than two years. If a Building Permit and/or CZPA for at least one portion of the site has not been filed within that two-year period, then the MP shall no longer be valid. A new MP application shall be required in accordance with this chapter.

(f) *Abandonment.*

1. Once a final approval is granted by the required reviewing body, if 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 make the determination 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. Once the Director of Building Standards makes a determination of abandonment, if a new BSD application is not submitted within 90 days from the date of the determination, 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 the determination of abandonment. If the owner fails to restore the site to its previous condition within 180 days, the city may take any and all actions necessary to restore the site to its previous condition, including removing any structures or other evidence of work, and the costs of removal shall be assessed against the property.

(6) *Architectural Review Board Authority.* Until otherwise amended, the Architectural Review Board (ARB) shall be the required reviewing body for the following districts: BSC Historic Core, Historic Residential, Historic South, and Historic Transition Neighborhood, as outlined in §§ 153.170 through 153.180. The ARB shall be sole authority for waivers and Master Sign Plans in the above noted zoning districts, pursuant to the standards and criteria in § 153.066.

(7) *Single-Family Detached Home.* A single-family detached home and additions thereto are not subject to the submittal of a CP, PDP, nor FDP. A single-family home and additions thereto shall submit a Building Permit as required by code and issuance of a CZPA as provided for in § 153.233. Any proposed modifications to zoning standards of the BSD Code associated with a proposed single-family home and any additions thereto shall be subject to review and approval of a waiver, AA, and/or AD provided for in this chapter. A single-family home is not subject to MP provisions of this chapter.

(Ord. 07-12, passed 3-26-12; Am. Ord. 84-13, passed 11-4-13; Am. Ord. 114-14, passed 12-8-14; Am. Ord. 09-19, passed 4-8-19)