

ARTICLE XII – DEVELOPMENT/SITE PLAN REQUIREMENTS

Sect. 1200 Development Plan submission

All applications for any proposed amendment to the Zoning Map shall include a development plan in accordance with the provisions and requirements of this section. The development plan is intended to demonstrate to the Planning commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect the proposed development would have on the community and determine what provisions, if any, should be included as part of the development plan and be binding on the use and development of the subject property.

The elements included in the development plan shall be determined in accordance with section 1203 below.

Sect. 1201 Development Plan Alternative

A preliminary subdivision plan submitted in conjunction with a proposed Zoning Map Amendment for the purpose of creating a single-family residential subdivision, shall be accepted in lieu of a development plan.

Sect. 1202 Agreement to Development Plan Conditions

The filing of an application for any Zoning Map amendment shall constitute an agreement by the owner and applicant, their heirs, successors and assignees that if the Zoning Map amendment is enacted by the legislative body having zoning authority over the property in question, building permits for improvement of any such property shall be issued only when applications for the permits show the proposed buildings in conformance with the binding elements of the approved development plan for the property. The binding elements described herein and adopted in conjunction with any Zoning Map amendment shall be strictly complied with, and shall be enforceable in the same manner as the Zoning Regulations.

Sect. 1203 Elements of Development plan

Unless specifically waived at a preapplication conference the development plan submitted to the Planning Commission or legislative body involved at its public hearing on the requested Zoning Map amendment shall contain all of the following elements in graphic or written form. The Planning Commission or legislative body involved may, in conjunction with its hearing, and prior to making its decision on the issue of the proposed Zoning Map amendment, require such additional elements it deems necessary for adequate review of the Map Amendment application:

- 1.) Existing topography, with a contour interval not greater than five (5) feet unless specifically waived. Existing topography with a contour interval

less than five (5) feet, based on field survey, may be required for all or part of the subject property as existing topographic conditions warrant. Proposed contours may also be required;

- 2.) Vicinity map with measurements to existing streets;
- 3.) Boundary description, including area and bearings and dimensions of all property lines;
- 4.) Lot sizes within the project, the location, height, floor area, and arrangement of proposed and existing buildings;
- 5.) The uses proposed for the subject property and the proposed use of existing structures, if any, on the subject property
- 6.) Existing tree masses, significant rock outcroppings, streams, floodplains, and other natural features;
- 7.) Provisions for screening and buffering, landscaping, recreational, and open space area;
- 8.) The location, arrangement, and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking areas (including number of off-street parking spaces), points of ingress and egress, off-street loading areas, and other vehicular, bicycle, or pedestrian right-of-ways;
- 9.) Provisions for handling surface water drainage and utilities information, where appropriate; such as proposals for gas, water, electricity, telephone service, sewage lines, fire hydrants and similar information, and the location and dimensions of other existing or proposed easements;
- 10.) Demonstration of compliance with land use intensity requirements;
- 11.) Proposed stages of development, if applicable, and the anticipated time required to develop each stage;
- 12.) Other such information the Planning Commission or legislative body involved deems appropriate;
- 13.) All development plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. such scale shall be indicated on the development plan.

Sect. 1204 Scope of Review

The Planning commission and legislative body hearing a zoning map change shall consider, but not be limited to the following factors in review of a development plan;

- 1.) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, floodplains, soils, air quality, scenic views and historic sites;
- 2.) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
- 3.) The provision for sufficient open space (scenic and recreation) to meet the needs of the proposed development;
- 4.) The provision for adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community
- 5.) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;
- 6.) Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.

Sect. 1205 Binding Elements

The Planning Commission and legislative body involved shall designate, at the time of approval of any zoning map change and development plan, those elements, provisions and restrictions of the approved plan, if any, including a time period for development plan expiration, that shall be an integral and permanent part of the development plan and thereby binding on the use and development of the subject property. The items from the development plan designated as integral and permanent by the legislative body approving the zoning map change shall be known as the "Binding Elements". Items shown on the approved development plan that are not designated by the Planning Commission or the legislative body as an integral and permanent part of the plan shall not be binding on the use and development of the subject property except as required by other provisions of the zoning ordinance.

1.) Binding Elements Run With the Land:

The Binding Elements of a development plan approved by the Planning Commission or legislative body shall run with the land and be binding on the owner and applicant, their successors, heirs, or assigns, unless otherwise amended as herein provided or released by the Planning Commission. The "Binding Elements" designated by the legislative body involved shall be recorded as an encumbrance in the County Court Clerk's office.

2.) Conflicts Between Binding Elements and Zoning Regulations:

No binding element of a development plan approved by the Planning commission or legislative body shall permit the development or use of

land in a manner otherwise prohibited by the Zoning Regulations. To the extent a binding element of a development plan may purport to grant such permission, it shall be deemed in conflict with the Zoning Regulations and be void and of no effect.