

THE NEW
MIDWAY
COMMERCE DISTRICT

DEVELOPMENT REVIEW PROCEDURE

THE MIDWAY COMMERCE DISTRICT DEVELOPMENT REVIEW PROCEDURE

Because the *District* is being designed as a complete site, with siting and design standards unlike those of conventional industrial parks, a Development Review Procedure will be created to assist builders and Owners in their design process and ensure compliance with the *District's* governing standards. Builders and designers are encouraged to meet with the EDA before beginning design work to avoid wasting time and money on efforts inappropriate to the *District*. Owners interested in modifications or additions to existing buildings should also ask the EDA for design guidance.

The EDA is hereby given authority to review and approve any and all plans for the construction of all structures in accordance with the procedure outlined below. Per the applicable Covenants and County regulations, no clearing or construction activity or improvement of any kind shall commence, or permits be applied for, until certification of approval is received from the EDA. Should something not consistent with the County regulations and private covenants be constructed or designed, the EDA reserves the right to enjoin the owner and/or builder to cease, remove, and/or alter any part or configuration that does not comply with the standards established by the EDA. EDA approval does not relieve an Owner of the responsibility to receive any necessary government approvals.

SUMMARY OF PROCESS

Every new building, addition, renovation or alteration of existing buildings, accessory buildings, and landscaping must be approved by the EDA via the Development Review Procedure.

The Development Review Procedure is generally as follows:

STEP ONE: Pre-Design Meeting

A representative of the EDA will explain the *District* Code and Covenants and discuss how the goals of the Code and Covenants and the builder might correspond his or her plans.

STEP TWO: Sketch Design Review

Five (5) copies of the initial site plans, building plans and elevations are submitted to the EDA for review. The EDA will comment in writing within 15 days of its scheduled meeting.

STEP THREE: Second Design Review

Five (5) copies of schematic (scaled & measured drawings, to at least 1/8th inch) site plans, building plans and elevations are submitted to the EDA for review. The EDA will comment in writing within 15 days of its scheduled meeting.

STEP FOUR: Construction Document Review

Five (5) copies of the construction documents including site plans, building plans and elevations are submitted to the EDA for review. The EDA will comment in writing within 15 days of its scheduled meeting.

The four steps are accompanied by the following forms, which are included at this end of this section:

Form A: Sketch Design Review

Form B: Second Design Review

Form C: Construction Document Review

EXCEPTIONS TO THE DESIGN CODE AND COVENANTS

The EDA may grant *exceptions* to the Architectural Standards, Landscape Standards and Other Requirements in these Covenants based on unique topographical and site configurations. The request for any such *exceptions* must be submitted in writing. The granting of an *exception* does not constitute a precedent for other applications, and such requests may be arbitrarily denied.

REGULATORY COMPLIANCE

Owners and builders are responsible for making sure that permitted construction conforms to all applicable governmental regulations and building codes. If the EDA notes noncompliance, the owner will be required to make the necessary changes. However, the EDA is not responsible for enforcing compliance with governmental requirements.

COMMENCEMENT OF CONSTRUCTION

Once final approval is given by the EDA, an applicant may submit for building permit approval from the County. No construction or clearing of lot may commence until Construction Plan Approval is granted by the EDA (Form C) and permitted by the County. All construction must comply with the submitted plans. All lot Owners shall start construction within one year from the date the EDA deeds the lot to the Owner. Once started, construction shall proceed diligently until completed. The approval granted to plans and specifications shall be valid and effective only if construction is commenced within one year.

MODIFICATION OF DESIGN AFTER APPROVAL

During construction or later on, the Owner or tenant may decide to modify the approved plans or specifications. Any change to the approved plans and specifications requires prior review and written approval. Minor changes, where clearly within the Code and covenants, may be approved in writing by the EDA. More significant changes require approval by the EDA. The EDA shall determine whether a change is clearly within the Code and Covenants.

INSPECTION BY THE EDA

Buildings may be inspected during construction by the EDA's staff to assure that construction is in accordance with the plans and specifications approved by the EDA. These inspections are solely for the benefit of the EDA and are separate from any inspections that the City of Midway may require.

COUNTY PERMITTING

Upon approval by the EDA, the Owner shall secure a building permit from the County prior to proceeding with clearing and construction activities.

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AMENDMENTS TO THE MIDWAY COMMERCE DISTRICT CODE AND COVENANTS

Amendments to the *District* Code and Covenants shall be approved by the EDA or the County in accordance with the following procedures:

1. Amendments to the *Architectural Standards, Landscape Standards, and Development Review Procedure* shall be reviewed and approved administratively by the EDA.
2. Amendments to the *Regulating Plan and Building Placement Standards* shall be reviewed and approved as an amended Master Plan in accordance with the Versailles-Midway-Woodford County Zoning Ordinance.

In order to amend the Master Plan, the EDA shall submit an application and other such information as required by the Zoning Ordinance regulations. The application shall include evidence that the proposed amendment conforms to traditional neighborhood or urban design principles as found in the *Charter for the New Urbanism* published by the Congress for the New Urbanism (CNU), or such other reference works generally recognized by CNU-affiliated design professionals to be authoritative. Such evidence shall be certified by a qualified individual having experience in traditional urban design.