

Division 5. Site Plan.

Section 4-10-226. Purpose and Applicability.

- (a) *Purpose.* The purpose of a site plan is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. The site plan review and approval process is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, and landscaping.
- (b) *Applicability.* Approval of a site plan is required for the following:
- (1) Prior to the development of any use or structure other than single-family detached (excluding Manufactured Home Parks), single-family attached, or duplex residential development within the City limits.
 - (2) A site plan approved as part of a Planned Development District or Specific Use Permit shall be considered a site plan approval.
- (c) *Exemptions.* Accessory use which is considered incidental to an established development and which results in:
- (1) No change in use, and
 - (2) No increase in traffic or is used only for storage and/or warehousing,
- (d) *Extent of Area To Be Included In a Site Plan.* When the overall development project is to be developed in phases, the Site Plan area shall include only the portion of the overall property that is to be developed/constructed. However, any excluded area must be separately developable as a stand-alone site in the future.

This provision shall not be interpreted to allow portions of a property to be excluded so as to avoid development standards, other requirements, or otherwise required improvements to the site.

(e) *Submittal and Timing.* A Site Plan shall be submitted prior to or in conjunction with a building permit application. No building permit shall be issued until a Site Plan, if required, and all other required engineering/construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.

Section 4-10-227. Site Plan Submission; Content Requirements.

Prior to the submission of an application for site plan approval, applicants are encouraged to schedule and attend an optional preapplication conference with City staff. To ensure the submittal of adequate information, the City will maintain and provide a Site Plan application along with a separate checklist of specific requirements needed for Site Plan review and approval. All applications and related contents submitted shall be consistent with this article.

Section 4-10-228. Review, Approval, Appeal & Revisions.

(a) *Responsible Official & Approval Body.* The Planning Director shall be responsible for processing a Site Plan. A Development Review Committee (DRC) consisting of appropriate City staff shall be the responsible body for reviewing and providing comments on a Site Plan. The Planning Director shall be the initial decision-maker regarding a Site Plan.

(b) *Review & Approval of a Site Plan.*

- (1) Initial Filing: The applicant shall file with the City one (1) hard copy and one (1) digital copy of the Site Plan.
- (2) The Development Review Committee (DRC) shall meet within ten (10) working days after submission of a Site Plan application to review such application for compliance with this article.
- (3) The DRC may postpone review of a Site Plan until adequate information for its Review is provided by the applicant. Resubmission of a Site Plan, in this instance, shall not require an additional application fee.
- (4) After completing its review of a Site Plan and determining that a recommendation for approval is the appropriate action, the DRC shall return the Site Plan and all pertinent data, together with a written list of conditions that the Site Plan shall meet as part of such recommendation (if applicable), to the Planning Director or his designee.
- (5) The applicant shall then submit to the Planning Director, one (1) hard copy and one (1) digital copy of the revised Site Plan with all conditions and modifications shown or attached.
- (6) Before the Site Plan is officially approved, the Planning Director, or designee, shall review the Site Plan to ensure compliance with the conditions imposed by the DRC to ensure compliance with City regulations. If the Planning Director approves the Site Plan, the Site Plan shall then be dated for recording by the Director of Planning.

(7) The Director of Planning may approve issuance of permits following Site Plan approval when it is deemed that the required corrections to the Site Plan are minor in nature.

(d) *Appeal.* The applicant may appeal the decision of the Planning Director to the Planning and Zoning Commission by filing a written notice of appeal in the office of the Planning Director no later than ten (10) calendar days after the date upon which the Planning Director denied the application.

(1) The notice of appeal shall set forth in clear and concise fashion the basis for the appeal.

(2) The Planning and Zoning Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the notice of appeal was filed.

(3) The Planning and Zoning Commission shall determine final approval or denial of a Site Plan application that is appealed.

(e) *Revisions to the Approved Site Plan.*

(1) *Minor Revisions/Amendments.* It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the Director of Planning, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan. Such minor modifications shall be shown on an amended Site Plan. For a revision/amendment to be considered minor, the changes shall not cause any of the following circumstances to occur:

a. A change in the character of the development;

- b. An increase in the ratio of the gross floor areas in structures to the area of any lot;
- c. An increase in the intensity of use;
- d. A reduction in the originally approved separations between buildings;
- e. An increase in the problems of circulation, safety, and utilities;
- f. An increase in the external effects on adjacent property;
- g. A reduction in the originally approved setbacks from property lines;
- h. An increase in ground coverage by structures;
- i. A reduction in the ratio of off-street parking and loading space to gross floor area in the structures; and
- j. A change in the subject, size, lighting, flashing animation or orientation of originally approved signs.

(2) *Major Revisions/Amendments.* In the event of revisions that are more extensive in nature requiring DRC review, a new Site Plan must be submitted, reviewed, and approved by the DRC.

(f) *Standards for Site Plan Review & Evaluation:* The Planning Director and DRC shall review the Site Plan for compliance with all applicable City ordinances with respect to the following:

- (1) The plan's compliance with applicable provisions of the Zoning Ordinance and other applicable ordinances.
- (2) The relationship of the development to adjacent uses in terms of compatibility, access, setbacks, and any other possible negative impacts.

- (3) The provision of a safe and efficient vehicular and pedestrian circulation system (driveways, etc.).
- (4) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (5) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- (6) The coordination and alignment of streets so as to arrange a safe transportation system based on applicable transportation related codes, sound engineering principals and consistent with the City's Functional Classification Transportation Plan, as amended.
- (7) The use of landscaping and fencing to provide adequate screening to shield lights, noise, movement, or activities from adjacent properties where required.
- (8) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- (9) Protection and conservation of water courses and areas that are subject to flooding.
- (10) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (11) The discharge of pollutants off-site by water, air, or other means.
- (12) Obtaining a Certificate of Appropriateness when required by the Downtown Urban Design Overlay District.

(g) *Effect of Review/Approval:* Approval of a Site Plan shall be considered authorization to continue to proceed with application for a building permit for the site.

Section 4-10-228. Expiration & Extension.

(a) *Validity & Lapse of Site Plan Approval.* The approved Site Plan shall be valid for a period of two (2) years. An application for a building permit must be submitted within the two (2)-year period for the Site Plan to remain valid. Construction codes in effect at the time of Site Plan approval shall apply to the Site Plan regardless of any intervening amendments to construction codes, except as provided by law.

(b) *Extension & Reinstatement Procedure.* Prior to the lapse of approval for a Site Plan, the applicant may petition the Planning Director (in writing) to extend the Site Plan approval. If no petition for extension of Site Plan approval is submitted and granted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Division.

Section 4-10-229. Compliance.

(a) *Duties and Responsible Parties.*

(1) It shall be incumbent upon the Building Official to make all inspections and certifications necessary to ensure that a structure is built in accordance with the approved Site Plan.

(2) In the event that the Building Official finds that a condition of the approved Site Plan has not been met, a stop work order may be issued.

- a. The contractor or developer to correct those items that are in violation of the Site Plan before construction may resume.
 - b. In the event that the structure has been completed, a Certificate of Occupancy may not be issued by the Building Official until the conditions of the approved Site Plan, have been substantially fulfilled.
 - c. All action required in order to bring a structure into substantial compliance with the approved Site Plan shall be at the builder's or contractor's expense.
- (3) Following issuance of the Certificate of Occupancy, it shall be the continuing duty of the owner and occupant of the site or their successors or assigns in interest to maintain compliance with the approved Site Plan and amendments thereto. Failure to maintain compliance shall constitute a violation of the Zoning Ordinance.

Secs. 4-10-230 - 4-10-245. Reserved.