

# Site Plan



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# Article 23-6A: Purpose and Applicability

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## 23-6A-1010 Purpose

- (A) The purpose of this Chapter is to provide the powers, duties, and procedures for review and approval of a Site Plan.
- (B) Review of a Site Plan for new development ensures that all approved site and structural development:
  - (1) Promotes the orderly development of the City in compliance with the goals and policies of the Comprehensive Plan, other applicable plans, the standards specified in this Title, and other adopted rules/criteria;
  - (2) Protects the environmental characteristics of the site;
  - (3) Contributes to and preserves the character of the City;
  - (4) Supports the economic vitality of the community by ensuring that new development is compatible with existing development;
  - (5) Ensures the proper placement, extension, and sizing of infrastructure to provide reliable service and minimize customer outages during maintenance and repair; and
  - (6) Ensures public health, safety, and welfare.

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## 23-6A-1020 Applicability

A Site Development Permit must be approved and released to authorize the development of a property, a change of use of a property, and before a Building Permit is issued under Division 23-7B-3 (Permit Expiration Extension). Exemptions to Site Plan review are described in Division 23-6A-2 (Exemptions).

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# Division 23-6A-2: Exemptions

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## 23-6A-2010 Exemptions from Site Plan Review

The Development Services Director shall determine whether a development is exempt from Site Plan review in compliance with this Division if the development does not increase the extent to which the development is nonconforming under Section 23-2G-1020 (Nonconforming Status) or require a Variance under Section 23-4B-4020 (Variances) or other approval from a City board or commission. The Development Services Director may require an applicant to submit the information necessary to make this determination. Table 23-6A-2010(A) (Site Plan Exemptions) describes the developments and activities that are exempt from Site Plan review.

Table 23-6A-2010 (A) Site Plan Exemptions	
Allowed Site Plan Exemptions	Standards for Grant of Exemption
Antenna placement by a provider of personal wireless services, as defined by United States Code Title 47, Section 332(c)(7)(C)	See Subsection 23-6B-1020 (E) for noticing requirements
Change of use to a permitted use, unless Adult Entertainment	Provided the new use complies with the off-street parking and the travel demand management (TDM) requirements of this Title.
Clearing an area max. 15 feet wide for surveying and testing	Provided the clearing does not result in the removal of a tree regulated under Article 23-3C (Tree and Natural Area Protection).
Commercial portable building on existing impervious cover	Provided the following conditions apply:  (1) The building does not impede or divert drainage; and  (2) The site complies with the landscaping requirements of this Title.

Table 23-6A-2010 (A) Site Plan Exemptions	
Allowed Site Plan Exemptions	Standards for Grant of Exemption
Docks and bulkheads repair, maintenance, replacement, or modification	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> <li>(1) The dock or bulkhead was legally constructed;</li> <li>(2) The work does not increase the existing footprint of the dock or shoreline access;</li> <li>(3) The work does not add, change, or replace structural components, including walls, load bearing beams, piers, or pilings; and</li> <li>(4) For a bulkhead, the repair does not exceed 25 percent of the bulkhead or the portion of the bulkhead on a lot or tract; and no repair to the bulkhead was done without a Site Plan in the previous three years.</li> </ul>
Fence construction	Provided the fence does not obstruct the flow of water.
Interior alteration of an existing building	Provided the alteration does not increase the floor area, lot coverage, or height of the building.
Construction and change less than 1,000 square feet and the limits of construction is less than 3,000 square feet, if no previous exemption has been granted	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> <li>(1) Construction is not for a new drive-in service or additional lanes for an existing drive-in service, unless the Development Services Director determines that it will have an insignificant effect on traffic circulation and surrounding land uses;</li> <li>(2) Construction does not result in the removal of a tree regulated under Article 23-3C (Tree and Natural Area Protection); and</li> <li>(3) Construction is not located in the 100-year floodplain, unless the Watershed Director determines that it would have an insignificant effect on the waterway.</li> </ul>
Relocation or demolition of a structure or foundation	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> <li>(1) The foundation or structure does not cover more than 10,000 square feet of site area in compliance with a Demolition Permit;</li> <li>(2) The relocation or demolition does not result in the removal of a tree regulated under Article 23-3C (Tree and Natural Area Protection) and impacts to the Critical Root Zone; and</li> <li>(3) The site is not cleared.</li> </ul>

**Table 23-6A-2010 (A) Site Plan Exemptions**

Allowed Site Plan Exemptions	Standards for Grant of Exemption
Restoration of a damaged building	Provided: <ol style="list-style-type: none"> <li data-bbox="751 401 1468 457">(1) The damage is caused by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind; and</li> <li data-bbox="751 495 1468 552">(2) Restoration commences within one year of the date of the damage.</li> </ol>
Construction or alteration of a single-family residential structure, duplex residential structure, or an accessory structure	Provided the following conditions apply: <ol style="list-style-type: none"> <li data-bbox="751 632 1468 688">(1) Not more than two residential structures are constructed on a legal lot or tract; and</li> <li data-bbox="751 726 1468 846">(2) A proposed improvement is not located in the 100-year flood plain, or the Director determines that the proposed improvement will have an insignificant effect on the waterway.</li> </ol>
Subdivision infrastructure	Provided the infrastructure is constructed in compliance with approved construction plans.
Tree removal	Provided that the tree removal is in compliance with Article 23-3C (Tree and Natural Area Protection).
Minor site development or construction that the Development Services Director determines are similar to the other exemptions described in this Section.	

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# Article 23-6B: Site Plan Review and Filing Requirements

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## 23-6B-1010 Application Requirements

- (A) An application for a Site Plan review shall be filed with the Development Services Director. The application shall include the information and materials specified in the most current department publication for the review of Site Plan applications.
- (B) A Site Plan application shall be reviewed in compliance with Article 23-2B (Application Review and Fees). During the review process, the Review Authority may require the submittal of additional information or revised plans, in which case the applicant shall be notified in writing of any revisions or required additional information.
- (C) Prior to submitting a Site Plan application for review, an applicant may request a Site Plan Assessment (see also Section 23-2B-2050 (Development Assessment)) so that a general assessment of a proposed development’s compliance with this Title and other applicable policies and standards can be made. The purpose of a Site Plan Assessment is to:
  - (1) Familiarize the Development Services Director, and staff from other city departments, as may be applicable, with the development proposal;
  - (2) Determine application requirements and familiarize the applicant with the review process and procedures;
  - (3) Identify any potential problems as early in the process as possible; and
  - (4) Identify land use and development policies which may affect the development proposal.

- (D) An application for Site Plan review has the following two parts:
- (1) A Planning Element that includes information necessary to ensure that the Site Plan application complies with goals and policies of the Comprehensive Plan and that the proposed use and general site layout complies with this Title and the applicable development standards for the Zone.
  - (2) A Construction Element that provides detailed information and construction documents on, for example, the building structure, grading, water quality, air quality, drainage, and water quality aspects of the site design. When reviewing the Construction Element, the Development Services Director will, at a minimum, consider the extent to which the application addresses nuisances to properties and structures adjacent to the development site, pedestrian and vehicular safety both on- and off-site, drainage, and water quality, conflicts with existing and future utilities, *street trees*, easements, construction and maintenance considerations, and applicable City and State regulations.

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## 23-6B-1020 Notice of Application

- (A) The Development Services Director will give notice in compliance with Section 23-2C-5010 (Notice of Application) of the filing of an application for Site Plan review, unless it is exempt from Site Plan review under Division 23-6A-2 (Exemptions) or as otherwise prescribed in this Section.
- (B) No notice is required for Small Projects described in Section 23-6B-2010 (Small Projects) and Residential Heavy Site Plans described in Section 23-6B-2020 (Residential Heavy Site Plans).
- (C) For an application to construct a telecommunication tower described in Section 23-4E-6370 (Telecommunications):
  - (1) The Development Services Director shall send notice of the application to each registered neighborhood organization in whose boundaries the proposed tower is located and to each property owner within *500 feet* of the centerline of the proposed tower. The notice must include the tower location, the name and telephone number of the tower owner, and the telephone number of the Development Services Director.
  - (2) The applicant shall post a sign in compliance with Section 23-2C-3040 (Notification Signs) at the street right-of-way nearest the proposed tower location. The sign must state that an application to construct a telecommunication tower at that location has been filed and include the name and telephone number of the tower owner.



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**23-6B-1030 Review and Appeals**

- (A) The Development Services Director shall review and approve or reject the applicant's filing of an update to the Site Plan in compliance with Subsection (B), or deny the Site Plan if the time period for filing an update in compliance with Subsection (B) has expired.
- (B) An applicant may file an update to a Site Plan not later than one year after the date the application is filed.
- (C) The Development Services Director shall give written notification of the determination to each interested party not later than the deadline established by the Development Services Director under Section 23-2B-1040 (Update and Expiration). If the Development Services Director rejects a Site Plan, the notice must include the reasons that the Site Plan does not comply with the requirements of this Title. With permission of the interested party, this notice may be provided electronically.
- (D) If the Development Services Director rejects a Site Plan application, the applicant may appeal the Development Services Director's interpretation or application of a standard of this Title to the Board of Adjustment by filing a written objection with the Development Services Director.

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**23-6B-1040 Phasing Authorization**

- (A) Phasing authorization allows a new development for which Site Plan review is requested to be constructed in designated development phases. Any applicant submitting a Site Plan application for review may apply for phasing authorization.
- (B) The Development Services Director may allow the applicant to defer the submittal of detailed engineering and drainage plans for future phases if the initial Site Plan application contains sufficient preliminary engineering and drainage information to determine whether the development complies with the requirements of this Title.
- (C) If the date proposed for beginning construction on the final phase is not more than three years after the Site Development Permit application is submitted, the Development Services Director will review the application to determine if the additional time may be approved. If the date proposed for beginning construction on the final phase is not more than three years after the Site Development Permit application is submitted, the Land Use Commission will review the application to determine if the additional time may be approved.
- (D) The Review Authority will approve a request for phasing authorization if the following requirements are met:
  - (1) The entire development is conducive to phasing, and each proposed phase is a discrete and substantial part of the entire development;
  - (2) Each development phase independently and cumulatively complies with all applicable requirements of this Title and the standards established in applicable City and Technical Codes; and
  - (3) Each development phase independently satisfies the requirements of Section 23-6B-3010 (Release of Site Plan).

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## **23-6B-1050    Advanced Site Preparation Plan**

- (A) Authorization for an Advanced Site Preparation Plan allows the applicant to begin site development while an application for a Site Plan is under review.
- (B) Prior to applying for Advanced Site Preparation Plan authorization, an applicant must receive Advanced Site Preparation Plan certification from the Development Services Director. The Development Services Director will adopt rules for a Advanced Site Preparation Plan certification that include standards for certification, the amount and type of training required, and rules for the suspension and revocation of certification, including the provision of graduated sanctions.
- (C) The Development Services Director will authorize a request for an Advanced Site Preparation Plan if the following requirements are met:
  - (1) The Preconstruction Conference required in compliance with Section 23-2H-1020 (Preconstruction Conference) is not waived;
  - (2) The Site Plan is located within the boundaries of an urban or suburban watershed;
  - (3) The Site Plan requires a Certificate of Compliance or Occupancy;
  - (4) The Site Plan does not require consideration by a Board or Commission at a public hearing;
  - (5) The authorization for an Advanced Site Preparation Plan does not jeopardize the environment and the public health, safety, and welfare of the City;
  - (6) The applicant has posted a cash fiscal surety for the required erosion and sedimentation controls and revegetation for the development;
  - (7) If the Advanced Site Preparation Plan authorization expires or is revoked, the applicant has authorized the City to draw on the cash fiscal security, enter the development site, and restore the development site to its original condition;
  - (8) If required, other government entities have approved the Advanced Site Preparation Plan authorization; and
  - (9) Preparation of the site will not negatively impact location and spacing requirements of utility infrastructure.
- (D) An approved Advanced Site Preparation Plan authorization will be revoked if a corresponding Site Plan application is denied or the Development Services Director determines that the site development does not comply with the requirements of the Advanced Site Preparation Plan authorization.
- (E) If an Advanced Site Preparation Plan certification is suspended or revoked, the applicant may appeal the decision in compliance with Article 23-2I (Appeals).

# Division 23-6B-2: Submittal Waivers

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The Development Services Director may waive the a submittal requirement for Site Plan review for applications if it is determined that the information is not essential to demonstrate compliance with this Title or is not needed to reach a decision on the application. A record of submittal requirements that are waived in compliance with this Division must be kept by the Development Services Director.

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## 23-6B-2010 Small Projects

- (A) The following are considered Small Projects:
  - (1) Construction of a building or parking area less than 10,000 square feet in area, including areas for construction; clearing; grading; construction equipment access; driveway reconstruction; landscaping; temporary installations such as portable buildings, construction trailers, storage areas for building materials, spoil disposal areas, erosion and sedimentation controls or construction entrances; and other areas the Development Services Director determines are part of a construction site; provided that the project does not require a Variance (see Division 23-3D-2 (Exceptions and Variances)) from any water quality standards established in Article 23-3D (Water Quality) and is less than 5,000 square feet of new or redeveloped impervious cover.
  - (2) Construction of a storm sewer not more than 30 inches in diameter that is entirely in a public right-of-way or an easement;
  - (3) A development that has existing utilities available to serve a structure (i.e. an existing water stub and/or cleanout already in use or available) and the Water Utility Director has determined that the size of the service meets City standards;
  - (4) Construction of a left turn lane on a divided street;
  - (5) Construction of street intersection improvements;
  - (6) Widening a public street to provide a deceleration lane if additional right-of-way is not required;
  - (7) Depositing less than two feet of earth fill, if the site is not in a 100-year floodplain or other environmental setback and the fill is not to be deposited within the dripline of a protected tree;
  - (8) Construction of a boat dock as an accessory use to a single-family residential use, two-family residential use, or secondary apartment special use if shoreline modification, including bulkheads, or dredging of no more than 25 cubic yards is required;

- (9) Construction of a retaining wall, if the wall is less than 100 feet in length and less than eight feet in height, and the back fill does not reclaim a substantial amount of land except land that has eroded because of the failure of an existing retaining wall;
- (10) The replacement of buildings and structures removed because of right-of-way condemnation;
- (11) The construction of a telecommunications tower described in Section 23-4E-6370 (Telecommunications); and
- (12) Construction of shoreline access that is less than 50 feet in length and is constructed on slopes with a gradient of less than 35 percent; and
- (13) Minor development that the Development Services Director determines is similar to that described in Subsection (A)(1)-(12).

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**23-6B-2020 Residential Heavy Site Plan**

- (A) The Development Services Director may waive Site Plan submittal requirements for residential applications of three to nine units located within an Urban Watershed, that meet the following:
  - (1) Dwelling units must be contained within a maximum of two buildings on a single lot, or up to six building on a cottage court lot.

## Division 23-6B-3: Release

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### 23-6B-3010 Release of Site Plan

- (A) The Development Services Director will release a Site Development Permit after:
  - (1) The Site Plan has been approved;
  - (2) The applicant has posted the required fiscal security with the Development Services Director;
  - (3) The time period for filing an appeal of the approval has expired, or each interested party has signed and submitted a written waiver of the right to appeal to the Development Services Director; and
  - (4) If applicable, tenant notification has been provided for the period required under Division 23-3E-3 (Tenant Notification and Relocation).
- (B) The Development Services Director's release of a Site Development Permit authorizes the applicant to develop the site in compliance with the Site Plan as approved by the Review Authority. A Building Permit issued any time after the Site Plan's release, but before the Site Plan expires under Division 23-6C-1 (Expiration), is required to construct a building.
- (C) Release of a Site Development Permit voids any previously approved site plan for property included in the released Site Plan.

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### 23-6B-3020 Revisions to Released Site Plans

- (A) An applicant may file a new application for Site Plan approval to revise a released Site Development Permit.
- (B) If the Land Use Commission considers a request to revise a Planning Commission approved Site Plan and imposes additional conditions, the applicant may withdraw the request and develop the property in compliance with the previously approved Site Plan.
- (C) The Development Services Director may approve a minor revision to a released Site Plan in response to a written request from an applicant. The Development Services Director's approval of a minor revision shall be in writing. A minor revision to a released Site Plan:
  - (1) Does not have a significant effect on a neighboring property, the public, or a person who will occupy or use the proposed development;
  - (2) Will not cause a change in the character of the development;
  - (3) Does not apply to a new building;
  - (4) Will not result in an increase in significant impacts on utility infrastructure or traffic on roadways adjacent or external to the development;

- (5) Is necessary to relocate approved building floor area or parking areas out of a condemned right-of-way area; or
- (6) Is necessary to comply with the Americans with Disabilities Act.

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### **23-6B-3030    Extension of a Released Site Plan**

- (A) An applicant may request that the Development Services Director extend a Site Development Permit for a released Site Plan by filing an extension request with the Development Services Director before the Site Development Permit expires.
- (B) The Development Services Director must give notice in compliance with Section 23-2C-5010 (Notice of Application) of a request for an extension in compliance with this Section.
- (C) The Development Services Director may extend the expiration date of a released Site Plan one time for a period of one year if:
  - (1) The Development Services Director determines that:
    - (a) The Site Plan substantially complies with the requirements that apply to a new application for Site Plan approval;
    - (b) The applicant filed the original application for Site Plan approval with the good faith expectation that the Site Plan would be constructed;
    - (c) The applicant constructed at least one structure shown on the original Site Plan that is suitable for permanent occupancy; or
    - (d) The applicant has constructed a significant portion of the infrastructure required for development of the original Site Plan; and
  - (2) The Development Services Director determines that:
    - (a) If a traffic study was submitted with the application for Site Plan approval:
      - (i) The assumptions and conclusions of the traffic study are valid; or
      - (ii) If the assumptions and conclusions are not valid, the applicant has submitted an addendum to the traffic study that demonstrates that traffic impacts as identified by staff will be satisfactorily mitigated; or
    - (b) If a traffic study was not submitted with the application for Site Plan approval, the applicant demonstrates that traffic impacts as identified by staff will be satisfactorily adequately mitigated.
- (D) The Land Use Commission shall hold a public hearing on a request to extend the expiration date of a released Site Plan before it may consider granting subsequent extensions to previously approved site plans following the same guidelines that the Development Services Director used to grant the first one-year extension. The Director shall give notice under Article 23-2C (Notice) of the public hearing.

- (E) A Site Plan associated with a development that has expired as defined in compliance with Division 23-2K-2 (Vested Rights Determinations), the Development Services Director may extend the expiration date of the Site Plan one time for a period of one year in compliance with the requirements of this Subsection:
- (1) If the Site Plan substantially complies with the requirements that would apply to a new application, the Development Services Director may grant an extension provided that the criteria in Subsection (C) are satisfied;
  - (2) If the Site Plan does not substantially comply with the requirements that would apply to a new application, the Development Services Director may grant an extension if there is good cause for the requested extension, such as financial hardship or circumstances beyond the applicant's control, and:
    - (a) The applicant filed the original application for Site Plan approval with the good faith expectation that the Site Plan would be constructed; and
    - (b) The requirements for a traffic study in compliance with Subsection (C)(2) have been met; and
    - (c) One of the following requirements is met:
      - (i) The applicant constructed at least one structure shown on the original Site Plan that is suitable for permanent occupancy; or
      - (ii) The applicant has constructed a significant portion of the infrastructure required for development of the original Site Plan.

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## **23-6B-3040 Construction Management and Certification**

Construction management and the issuance of Certificates of Compliance and Certificates of Occupancy are governed by Article 23-2H (Construction Management and Certificates).

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# Article 23-6C: Expiration

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# Division 23-6C-1: Expiration

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## 23-6C-1010 Expiration of Site Plan

- (A) A Site Plan expires three years after the date of its approval, except as follows:
  - (1) Building Permits have been issued to construct all the buildings shown on the Site Plan, and those Building Permits are in effect until the work is completed and Certificates of Occupancy have been issued;
  - (2) Building permits are not required to finish development of the Site Plan, provided any required site work is begun and diligently pursued to completion, and a Certificate of Compliance or Certificate of Occupancy is issued in compliance with Division 23-2H-3 (Site Construction); or
  - (3) A request for an extension of a released Site Plan is granted in compliance with Section 23-6B-3030 (Extension of Released Site Plan).

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## 23-6C-1020 Expiration of Site Plan Phase

- (A) Any phase of a phased Site Plan expires on the expiration date determined in compliance with Section 23-6B-1040 (Phasing Authorization) unless:
  - (1) Building Permits required to construct all the buildings shown in the phase are issued, and those Building Permits are in effect until the work is completed and certificates of occupancy are issued; or
  - (2) If Building Permits are not required to finish development of the phase, any required site work on the phase is begun and diligently pursued to completion, and a Certificate of Compliance or Certificate of Occupancy is issued in compliance with Division 23-2H-3 (Site Construction).
- (B) If the first phase of a phased Site Plan expires, the entire Site Plan expires.

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## 23-6C-1030 Effect of Site Plan Expiration

If an approved Site Plan required in compliance with this Chapter expires, the Development Services Director must not issue a Building Permit, Certificate of Occupancy, or Certificate of Compliance for the use or development of the land.

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