

23-6A-2010 Site Plan Exemptions

(A) Determination

(1) Approval Procedure. The director shall determine whether a development is exempt from site plan review under 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 director may require an applicant to submit the information necessary to make this determination. Table (A) (Site Plan Exemptions) describes the developments and activities that are exempt from site plan review.

(2) Effect of Determination. A determination by the director that a proposed development is exempt from site plan review does not exempt the development from regulations of this Title, except where specifically provided by this Title.

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 (C) for noticing requirements.
Change of use to a permitted use, unless Adult Entertainment	Provided the new use complies with the off-street parking 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 (Urban Forest Protection and Replenishment).
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.
Docks and bulkheads repair, maintenance, replacement, or modification	Provided the following conditions apply: (1) The dock or bulkhead was legally constructed; (2) The work does not increase the existing footprint of the dock or shoreline access; (3) The work does not add, change, or replace structural components, including, but not limited to, walls, load bearing beams, piers, or pilings; and (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.
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.

Allowed Site Plan Exemptions	Standards for Grant of Exemption
Construction and change less than 1,000 square feet and the limits of construction is less than 3,000 square feet.	<p>Provided the following conditions apply:</p> <p>(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;</p> <p>(2) Construction does not result in the removal of a tree regulated under Article 23-3C (Urban Forest Protection and Replenishment); and</p> <p>(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.</p> <p>(4) The limits of construction for driveway closings and sidewalk modification do not count toward these square footage limits.</p>
Impervious cover or building modification up to 3,000 square feet. This may be combined with the 1,000 construction exemption above, and is not in addition to it.	<p>Provided the following conditions apply:</p> <p>(1) The site is developed; and</p> <p>(2) The modification provides accessible facilities for persons with disabilities.</p>
Relocation or demolition of a structure or foundation	<p>Provided the following conditions apply:</p> <p>(1) The foundation or structure does not cover more than 10,000 square feet of site area under a demolition permit;</p> <p>(2) The relocation or demolition does not result in the removal of a tree regulated under Article 23-3C (Urban Forest Protection and Replenishment) and damages to the critical root zone; and</p> <p>(3) The site is not cleared.</p>
Restoration of a damaged building	<p>Provided the following conditions apply:</p> <p>(1) The damage is caused by fire, explosion, flood, tornado, riot, act of the public enemy, a natural weather event, or accident of any kind; and</p> <p>(2) Restoration begins within one year of the date of the damage.</p>
Construction or alteration of a single-family residential structure, single-family attached, duplex residential structure, accessory dwelling unit, or an accessory structure	<p>Provided the following conditions apply:</p> <p>(1) No more than two residential structures are constructed on a legal lot or tract;</p> <p>(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; and</p> <p>(3) Complies with the requirements of Division 23-2A-3 (Residential Development Regulations).</p>
Residential construction of three to six units	<p>Provided the project complies with the requirements of Division 23-2A-3 (Residential Development Regulations).</p>
Subdivision infrastructure	<p>Provided the infrastructure is constructed under approved construction plans.</p>
Tree removal	<p>Provided that the tree removal complies with Article 23-3C (Urban Forest Protection and Replenishment).</p>

Minor site development or construction that the director determines are similar to the other exemptions described in this section.