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## Sec. 94-35. - Site plan review.

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- a. *Intent.* The intent of these site plan review provisions is to establish site improvement standards for development and to provide review procedures which ensure compliance with these standards and other regulations of this chapter.
- b. *Scope and exemptions for site plan review.* Site plan review and approval shall be required for the construction of all new structures or additions to existing structures, with the exception of the following:
  1. Any modification of an existing structure that does not increase the total size of the structure or change the building footprint;
  2. One-, two-, and three-family structures in single-family residential zoning districts;
  3. Addition of awnings, canopies, or ornamental structures;
  4. Redesign and relocation of existing surface parking facilities, drives, and driveways;
  5. Pools, including redesign and relocation;
  6. Other minor structural additions or alterations, including stairs, porches, terraces, fencing, etc.;
  7. Garages and accessory structures in single-family residential districts;
  8. New and accessory structures of fewer than 1,000 gross square feet in commercial and industrial zoning districts;
  9. Attached or detached additions of fewer than 1,000 square feet to existing residential and nonresidential structures;
  10. Additions to existing parking facilities not exceeding 25 percent of the existing number of spaces or 20 spaces, whichever is less;
  11. All replacements of minor nonconforming structures of 1,000 gross square feet or less;
  12. Occupancy of an existing structure; and
  13. Expansion of an existing legal nonconforming use within an existing building.
- c. *Site design qualitative development standards.*
  1. *Harmonious and efficient organization.* All elements of a plan shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character of adjoining property, and the type and size of buildings. The site will be developed in a manner that will not impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
  2. *Preservation of natural conditions.* The landscape shall be preserved in its natural state, to the degree practical, by minimizing tree and soil removal and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to increase significantly either wind or water erosion within or adjacent to a development site.
  3. *Screening and buffering.* Fences, walls, or vegetative screening shall be provided where needed to protect residents and users from undesirable views, lighting, noise or other adverse off-site effects and to protect residents and users of off-site development from on-site adverse effects.
  4. *Enhancement of residential privacy.* The site plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walks, barriers and vegetation shall be arranged to protect and enhance the property and to enhance the privacy of occupants.
  5. *Emergency access.* Structures and other site features shall be arranged to permit access by emergency vehicle to all buildings.
  6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to public rights-of-way and/or other areas dedicated to common use.
  7. *Pedestrian circulation.* When residential uses are included, a pedestrian circulation system shall be provided that is separated to the extent possible from the vehicular circulation system and that at a minimum shall conform to sidewalk standards of the city.
  8. *Design of access and egress drives.* The location, size, and numbers of access drives to a site will be arranged to minimize any negative impacts on public and private ways and on adjacent private property.

Traffic improvements shall be provided where they will significantly improve safety for vehicles and pedestrians.

9. *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
10. *Design of public rights-of-way.* Public streets and rights-of-way within a site shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall provide a road network with local streets which provide direct access to individual parcels and other streets which provide no or limited direct access to individual parcels.
11. *Stormwater control.* Appropriate measures shall be taken to ensure that removal of stormwater will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of facilities, including grading, gutters, piping and the treatment of turf, to accommodate stormwater and to prevent erosion and the formation of silt.
12. *Exterior lighting.* Exterior lighting shall not interfere with the quiet enjoyment of adjacent properties or the safety of public rights-of-way.
13. *Protection of property values.* All elements of a site plan shall be arranged to have minimal negative impact on the property values of adjoining property.
14. *Consideration of future development.* Site plan reviews performed pursuant to this section shall consider existing and likely future development adjacent to the site.

d. *Procedures.*

1. *Planning and zoning administrator determination if site plan review required.* The planning and zoning administrator shall determine whether or not site plan review is required pursuant to the provision of this section. If site plan review is required, the applicant or applicant's agent may withdraw the request at any time. A request for withdrawal shall be provided in writing and shall be submitted to the planning and zoning administrator.
2. *Application.* An application for site plan review shall be made on forms provided for such purpose and shall be accompanied by such documentation as is necessary to determine compliance with this section. An environmental assessment shall be included as part of the site plan submittal, where appropriate, as determined by the planning and zoning administrator. For each site plan review application, a fee shall be charged, pursuant to section 94-41.
3. *Application sufficiency.* The planning and zoning administrator shall review the application to determine whether or not it contains sufficient information to commence processing.
4. *Categories of site plan review applications.* The following categories of site plans are established:
  - a. Level I: Subject to informal site plan review; and
  - b. Level II: Subject to formal site plan review.
5. *Level I site plans.* Level I site plans shall include all of the following:
  - a. All multifamily residential dwelling units (four or more units);
  - b. New commercial and industrial structures of 1,001 or more gross square feet;
  - c. Accessory structures of more than 1,000 gross square feet in commercial and industrial zoning districts;
  - d. Attached or detached additions of 1,000 or more gross square feet to an existing residential and nonresidential structures;
  - e. All new surface parking facilities with 21 spaces or more;
  - f. All additions greater than 25 percent to existing surface parking facilities with more than 21 spaces;
  - g. All class B special use applications;
  - h. All "permitted uses with extra conditions";
  - i. All replacements of nonconforming structures in excess of 1,001 gross square feet;
  - j. Community gardens and urban market gardens; and
  - k. Other similar activities as determined by the planning and zoning administrator.
6. *Level II site plans.* Level II site plans shall include all of the following:
  - a. All applications for planned unit development;

- b. All applications for planned communities;
  - c. All plans affecting public parks and publicly owned lands;
  - d. All applications for Class A special use;
  - e. All applications for building permits in the special impact zone notation on the future land use map not included within level I;
  - f. All applications for building permits in the commercial incentive district land use category;
7. *Review of applications.* Site plan review applications, unless postponed pending submission of additional information, shall be acted upon within 45 days following the receipt of completed applications. Failure to review a complete application within this period shall result in automatic approval.
  8. *Informal site plan review (level I).* Level I site plans shall be reviewed on an informal basis. Within ten days after receipt of a complete level I site plan review application, the planning and zoning administrator shall circulate a copy of the site plan to all plans and plats review committee members. Within ten days after receipt, the committee members shall submit their comments to the planning and zoning administrator. The comments of each member including those of the planning department shall be compiled into a report by the planning and zoning administrator. Based upon this report, the planning and zoning administrator may approve, approve with conditions, disapprove, or postpone consideration of an application. The report shall include information to substantiate the planning and zoning administrator's decision. The report shall include information to substantiate the planning and zoning administrator's decision. The report of the planning and zoning administrator shall be transmitted to the applicant. In the event the planning and zoning administrator or two or more members of the plans and plats review committee request a formal meeting, the planning and zoning administrator shall convene a meeting within ten days. The applicant shall be provided written notice pursuant to subsection 94-39(h).
  9. *Formal site plan review (level II).* Level II site plans shall be reviewed on a formal basis at a regularly scheduled meeting of the plans and plats review committee. The plans and plats review committee shall hold regularly scheduled monthly meetings. Applications for site plan review shall be circulated to all committee members at least ten days prior to a scheduled meeting. At a meeting, the committee may approve, approve with conditions, disapprove or postpone consideration of an application. The planning and zoning administrator shall prepare an individual report on each application, indicating action taken and information to substantiate the committee's decision. The report of the planning and zoning administrator may be transmitted to the applicant.
  10. *Appeals.* Appeals from the decisions of the plans and plats review committee or planning and zoning administrator shall be submitted pursuant to section 94-37.
  11. *Review by individual committee members.* Committee members shall review those aspects of the application significant to the responsibilities of their respective departments of city government.
  12. *Rules of procedure.* The plans and plats review committee shall conduct its procedures in compliance with administrative rules of procedures which the committee shall adopt.
- e. *Status of site plan review applications.*
1. *Status if approved.* Unless the decision of the plans and plats review committee or planning and zoning administrator is appealed, a zoning permit, zoning clearance permit or certificate of occupancy may be issued providing all other applicable requirements of the zoning code are fulfilled.
  2. *Status if denied.* Unless the decision of the plans and plats review committee or the planning and zoning administrator is appealed, the application is denied. When an application is denied, zoning clearance or certificate of occupancy shall not be issued.
- f. *Review of special use of planned development district site plans.* The recommendations of the plans and plats review committee or the planning and zoning administrator, concerning site plan applications for special use or planned development, shall be advisory.
  - g. *Compliance required.* When site plan review is required, review and approval are necessary prior to any of the following: issuance of a building permit, all construction, any use of land or water, or any change in use.
  - h. *Site plan approval, expiration, and extension.* Site plan approval shall terminate 12 months following the date of approval unless significant construction activity, as evidenced by the pouring and completion of footings, has occurred. A reasonable extension of time may be granted by the planning and zoning administrator provided there is no change to the approved site plan.

- i. *Violations.* Failure to complete and maintain all approved elements of an approved site plan, including landscape, appearance, and other site development features, shall be a violation of this chapter subject to enforcement and penalty procedures of this zoning code.

(Code 1979, § 33-15; Ord. No. 3767-04, § 1, 6-21-2004; Ord. No. 3958-06, § 1, 6-5-2006; Ord. No. 4309-10, § 3, 12-13-2010; Ord. No. 4449-13, § 4, 3-19-2013; Ord. No. 4714-17, § 4, 9-14-2017)