Article 16
Site Plan Review and Appearance Code Approval

Sec. 16.1. Purpose

Before a building permit is issued for any use identified as requiring a building permit, a site plan shall be submitted to the Zoning Administrator for review and approval. In addition, all new commercial, industrial, institutional, multiple-dwelling and multiple-family developments and substantial modifications to such development (25% or more of the existing floor area or front wall surface area) require a site plan be submitted and approved by the Planning Commission.. Appearance Code Standards and Landscape Standards must be adhered to (see Sections 11.7 and 22.3 through 22.5). Before granting approval, the Planning Commission shall determine that all applicable provisions of this Article are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

Sec. 16.2. Scope

(1) Except as set forth below, the Zoning Administrator or Building Administrator shall not issue a zoning permit for construction of any buildings, structures, or uses until a site plan, submitted in accordance with this zoning ordinance, shall have been reviewed and approved and signed by the Planning Commission.

(2) The following buildings, structures, or uses shall be exempt from site plan review and procedures.

(a) Single or two-family homes under separate ownership on an individual and separate lot for each home, and including Accessory Uses.

(b) Interior, accessory, and subordinate buildings that require no new or additional means of access from adjoining public roads or highways and that comply with all zoning ordinance requirements.

(c) Projects involving the expansion, remodeling, or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access from adjoining public roads or highways, or additional off-street parking, except for appearance standards defined in Section 11.7 for all new, expanded, remodeled, or enlarged buildings exceeding twenty-five (25) percent of the existing floor area or building facade surface.

(d) Additional buildings or structures similar to those previously existing upon an individual site complying with all zoning ordinance requirements and requiring no new or additional means of access from adjoining public roads or highways for such purposes, and which do not

require any additional parking area to comply with the requirements of Article 20. Appearance standards in Section 11.7 must be adhered to.

(e) On-premises advertising signs.

Sec. 16.3. Optional Sketch Plan Review

(1) Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of this procedure is to allow discussion between an owner and the Planning Commission to better inform the owner of the acceptability of the owner's proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. The sketch plan shall include, as a minimum, the following information:

(a) The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.

(b) A legal description of the property.

(c) Sketch drawings showing tentative site and development plans.

(2) The Planning Commission shall not be bound by a tentative approval given at this time.

Sec. 16.4 Application Procedure

Requests for final site plan review shall be made by filing with the Zoning Administrator the following items:

(1) A review fee as determined by resolution of the City Council based upon the cost of processing the review. The resolution setting the fee shall be on file with the City Clerk for public information.

(2) Seven (7) copies of the completed application form for site plan review which shall contain, as a minimum, the following information:

(a) The name and address of the applicant.

(b) The legal description of the subject parcel of land.

(c) The area of the subject parcel of land stated in acres, or if less than one acre, in square feet.

(d) The present zoning classification of the subject parcel.

(e) A general description of the proposed development.

(3) Seven (7) copies of the proposed site plan which shall include, as a minimum, the following information:

(a) The plan shall be drawn to an appropriate scale not smaller in size than one (1) inch equals twenty (20) feet for a development of not more than three acres, and a scale smaller in size than one (1) inch equals one hundred (100) feet for a development in excess of three (3) acres.

(b) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.

(c) The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property.

(d) The topography of the site (if over one acre in size) with at least two (2) foot contour intervals and all natural features such as wood lots, streams, rivers, wetlands, unstable soils, and similar features shall be shown.

(e) Existing man-made features upon the site and within one hundred (100) feet of the ownership site boundary shall be identified and located.

(f) The location, proposed finished floor and grade line elevations, the size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, and the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple-family residential development shall also include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit by type or size (i.e. 1, 2 or 3 bedroom).

(g) All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in off-street parking areas, associated service lanes and service parking and delivery or loading areas. The requirements of Article 20 shall be met. Sidewalks are required which meet ADA access, for inter site access, as well as public access across the property along all road frontage.

(h) The location, use, and size of open spaces, together with landscaping, screening, fences, walls, and proposed alterations of topography or other natural features shall be indicated.

(i) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying these demands. For development within the C-1 District, applicable <u>appearance</u> standards must be met.

(j) Any earth-change plans required by state law shall also be submitted with the application.

(k) On-site lighting, curb cuts, surface water drainage for the site, and proposed locations for sanitary sewage disposal and water supply shall be shown on the site plans.

(l) The site plan shall include any other information as may be determined to be necessary by the Planning Commission because of any peculiar features of the proposed development.

(m) In addition to the above, all new buildings and existing buildings (with modifications, expansion or renovations exceeding twenty-five (25) percent of the floor area or front wall surface of the existing building whichever is less) in the C-1 District shall be required to submit the following for determination of conformance with the Appearance Standards in Section 11.7:

1. An adequate number of color photographs are required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

2. Calculations for determining the required number of trees to be placed within the proposed parking area (if any) must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.

3. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included).

4. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number and spacing of all plantings must be illustrated and conform to the requirements of Section 22.3.

5. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.

6. Location of all existing (to remain) and proposed exterior lighting standards, complete with routing of electrical supply and isofootcandle diagram.

7. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information:

   a. Scale;

   b. All signs to be mounted on the elevations;

c. Designation of kind, color, and texture of all primary materials to be used.

8. Material samples are required for all major materials.

Sec. 16.5. Action on Application and Plans

(1) The Zoning Administrator shall record the date of the receipt of the application and plans, and may transmit copies thereof to the Planning Commission, the City Zoning Administrator, the City Engineer, the Police Chief and Fire Chief, and copies to the other affected City Departments. Applications for Appearance Code approval only, related to modification (not expansion) of an existing structure, shall be submitted only to the Chairman of the Planning Commission.

(2) In the case of a Site Plan Review for a Special Use Permit, a hearing shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of the City Engineer, the Zoning Administrator and the Police Chief and Fire Chief. Members of the Planning Commission shall be delivered copies of the application and plans prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than thirty (30) days following the date of the receipt of the plans and application by the Zoning Administrator.

(3) In the case of an Appearance Code application approval related to building modification, the members of the Planning Commission shall receive copies of the application and components identified in Section 16.4.(3)(m) prior to the scheduled hearing. The hearing shall be scheduled within not more than thirty (30) days following the date of the receipt of the plans and application by the Chairman of the Planning Commission.

(4) The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to that date.

(5) Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made within thirty (30) days of receipt of the application by the Zoning Administrator.

(6) Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the

activity authorized shall be consistent with the approved site plan, or building design/appearance, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

Sec. 16.6. Criteria for Review

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to the applicable site requirements in Section 16.3. For Appearance Code approval, the Planning Commission shall be governed by the standards in Section 11.7. For landscape approval the standards of Sections 22.3 through 22.5 shall apply.

(1) There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.

(2) The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.

(3) As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

(4) Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways (see applicable District requirements).

(5) The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

(6) The site plan must comply with all provisions of the zoning ordinance. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

Sec. 16.7. Conformity to Approved Site Plan/Design Appearance Standards

(1) Revocation of site plan/design approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Planning Commission. Buildings and site in conformance in the Appearance Code must be constructed or modified in compliance with the design as approved by the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design appearance shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning

Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan/design appearance approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

(2) Criteria for commencing construction. Approval of the site plan/design appearance shall be valid for a period of one year. If a building permit has not been obtained and on-site development actually commenced within one year, the site plan approval and/or design appearance approval shall become void and a new application for site plan/design appearance approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

Sec. 16.8. Amendment to Site Plan/Design Appearance

A proposed amendment, modification, or alteration to a previously approved site plan/design appearance may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

Sec. 16.9 Performance Bond

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement or a bank letter of credit in a form approved by the Zoning Administrator to ensure the development of the site in accordance with the approved site plan or design appearance, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site.