

EXHIBIT A

1 Sec. 1005. - Plan Review

2 E. ADMINISTRATIVE APPROVAL OF SITE PLANS

3 1. *ADMINISTRATIVE REVIEW AND APPROVAL.* EXCEPT AS OTHERWISE EXPRESSLY
4 PROVIDED IN THIS ARTICLE THE CITY PLANNER SHALL HAVE THE AUTHORITY TO
APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION SEEKING THE
APPROVAL OF A SITE PLAN OR AN AMENDED SITE PLAN.

5 2. *APPLICABILITY.* A SITE PLAN APPLICATION MUST BE SUBMITTED FOR ALL NEW AND
6 EXISTING DEVELOPMENTS THAT PROPOSE QUALIFYING BUILDING ADDITIONS,
ALTERATIONS, OR SITE IMPROVEMENTS AND AMENDMENTS TO SITE PLANS.

7 3. *APPLICATION REQUIREMENTS.* APPLICATIONS FOR INITIAL SITE PLANS AND AMENDED
8 SITE PLANS SHALL BE FILED WITH THE DEVELOPMENT SERVICES DEPARTMENT ON
9 FORM(S) PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE ALL THE INFORMATION
10 IDENTIFIED IN THE APPLICATION FORM(S) AND OTHER DATA THAT MAY BE REQUIRED
11 BY THE CITY PLANNER TO ENSURE COMPLIANCE WITH THE REQUIREMENTS. SITE PLAN
12 APPLICATIONS MUST BE SIGNED BY THE PROPERTY OWNER(S) OR AN AUTHORIZED
13 AGENT OF THE PROPERTY OWNER(S) AND ALL APPLICABLE FEES SHALL BE PAID WHEN
14 THE APPLICATION IS SUBMITTED.

11 4. *APPROVAL CRITERIA.*

12 a) THE DEVELOPMENT SERVICES DEPARTMENT SHALL REVIEW SITE PLAN
13 APPLICATIONS IN ACCORDANCE WITH APPLICABLE ZONING ORDINANCE
14 REGULATIONS, SUBDIVISION REGULATIONS, ENGINEERING STANDARDS, FLOOD
15 PREVENTION AND CONTROL REGULATIONS, DEVELOPMENT AGREEMENT,
16 DEVELOPMENT MASTER PLAN, AND ALL OTHER APPLICABLE FEDERAL, STATE,
AND LOCAL LAWS, ORDINANCES, CODES, RULES, REGULATIONS, POLICIES
AND/OR GUIDELINES.

17 b) APPROVAL OF A SITE PLAN APPLICATION SHALL BE GIVEN ONLY WHEN IN THE
18 JUDGEMENT OF THE CITY, SUCH AN APPROVAL IS CONSISTENT WITH THE INTENT
AND PURPOSE OF THIS ARTICLE, AND IT IS DETERMINED THAT THE PROPOSED
APPLICATION IS:

- 19 1. CONSISTENT WITH THE HEALTH, SAFETY, AND WELFARE OF THE
20 COMMUNITY;
21 2. CONSISTENT WITH PURPOSES AND INTENT OF THIS ARTICLE, THE
GENERAL PLAN, AND ANY ADOPTED PLAN FOR THE AREA;
22 3. WILL NOT CAUSE TRAFFIC RELATED CONCERNS THAT CANNOT BE
MITIGATED AS DETERMINED BY THE CITY ENGINEER; AND
23 4. FAILURE TO COMPLY WITH PROVISIONS OF THE CODES, STANDARDS, AND
PROCEDURES OF THE CITY SHALL BE THE SOLE BASIS FOR DENIAL.

24 5. *NOTICE OF DECISION.*

25 a) THE DEVELOPMENT SERVICES DEPARTMENT SHALL NOTIFY THE APPLICANT, IN
WRITING, OF THE DECISION TO APPROVE OR DENY THE APPLICATION, AND SHALL
STATE ANY CONDITIONS FOR APPROVAL OR REASONS FOR DENIAL IN SAID
LETTER.

- b) THE DEVELOPMENT SERVICES DEPARTMENT SHALL PROVIDE NOTICE OF THE DECISION TO THOSE PROPERTY OWNERS WITHIN 300 FEET OF THE PROPOSED SITE PLAN.
- c) IF NO APPEAL IS FILED WITHIN THE TIMEFRAME SPECIFIED IN HEREIN, THEN THE DECISION OF THE DEVELOPMENT SERVICES DEPARTMENT SHALL BE FINAL.

6. *APPEAL CRITERIA AND PROCEDURE.*

- a) THE NOTICE OF DECISION MAY BE APPEALED BY THE APPLICANT, ANY CITY PROPERTY OWNER, AND PROPERTY OWNERS WITHIN 300 FEET OF THE PROPOSED SITE PLAN.
- b) BASIS FOR APPEAL.
 - 1. THE PURPOSE OF THE APPEAL CRITERIA PROVIDED HEREIN IS TO FAIRLY ACCOMMODATE THE APPEAL RIGHT OF A PARTY AGGRIEVED BY A CITY DECISION, WHILE ALSO ENSURING THE APPEAL IS CONDUCTED FAIRLY AND EXPEDITIOUSLY AND ENSURING FINALITY IN LAND USE DECISIONS AND DEVELOPMENT PERMITTING.
 - 2. THE INTERPRETATION, APPLICATION, OR ENFORCEMENT OF A SPECIFIC ZONING ORDINANCE OR REGULATORY REQUIREMENT. DISAGREEMENT WITH POLICY JUDGEMENT OR DESIGN PREFERENCE SHALL NOT, BY ITSELF, CONSTITUTE GROUNDS FOR AN APPEAL.
- c) TO INITIATE AN APPEAL REGARDING A SITE PLAN APPLICATION:
 - 1. A WRITTEN NOTICE OF APPEAL MUST BE SUBMITTED ON A FORM PRESCRIBED BY THE DEPARTMENT AND MUST INCLUDE CITATIONS TO THE SPECIFIC ZONING ORDINANCE OR OTHER REGULATORY REQUIREMENT THE APPELLANT BELIEVES THE SITE PLAN DOES NOT COMPLY WITH; AND
 - 2. THE WRITTEN NOTICE OF APPEAL AND THE APPLICABLE FEE MUST BE RECEIVED BY THE CITY MANAGER NOT LATER THAN TEN (10) CALENDAR DAYS AFTER THE CITY ISSUES THE NOTICE OF DECISION. THE DEADLINE SHALL BE EXTENDED TO THE END OF THE NEXT BUSINESS DAY WHEN THE DEADLINE OCCURS ON A NON-BUSINESS DAY.

7. *APPEAL; DEPARTMENT DIRECTOR.*

- a) UPON RECEIPT OF A VALID APPEAL, THE DEPARTMENT DIRECTOR, OR DESIGNEE SHALL DETERMINE THE NATURE OF THE APPEAL AND THE APPROPRIATE TYPE OF REVIEW.
- b) APPEALS OF A TECHNICAL NATURE (SUCH AS BUT NOT LIMITED TO UTILITY LOCATIONS, GRADING AND DRAINAGE, OR TRAFFIC MITIGATION MEASURES) SHALL BE REVIEWED BY THE CITY ENGINEER OR DESIGNEE.
- c) ALL OTHER TYPES OF APPEALS, INCLUDING BUT NOT LIMITED TO EXACTIONS OR DEDICATIONS ASSOCIATED WITH THE SITE PLAN, SHALL BE HEARD IN ACCORDANCE WITH SECTION 1605.

8. *BUILDING PERMITS BASED UPON APPROVED SITE PLAN.*

- a) FOR ALL DEVELOPMENTS SUBJECT TO SITE PLAN REVIEW, AN APPROVED SITE PLAN AND PROPER ZONING ARE REQUIRED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR DEVELOPMENT ON THE SITE.
- b) THE APPLICANT SHALL OBTAIN THE NECESSARY BUILDING AND/OR CONSTRUCTION PERMITS WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF

1 APPROVAL OF THE SITE PLAN APPLICATION, IF NOT OBTAINED WITHIN THE
2 EIGHTEEN (18) MONTH TIME FRAME, THE APPLICANT MAY, PRIOR TO THE DATE
3 OF EXPIRATION, FILE A REQUEST FOR AN EXTENSION, WHEREUPON THE CITY
4 PLANNER MAY AUTHORIZE A ONE-TIME, SIX (6) MONTH EXTENSION. IF THE TIME
5 FRAME HAS EXPIRED, THE APPLICANT SHALL SUBMIT A NEW SITE PLAN,
6 TOGETHER WITH THE APPLICABLE DOCUMENTS AND FEES AS STIPULATED IN THE
7 ABOVE PROVISIONS.

8 ~~Sec. 514. (DR) Design Review Overlay Zone.~~

9 ~~514.1 Purpose. The Design Review District is intended to protect and enhance the distinctive character~~
10 ~~and natural attractiveness of the City of Douglas in areas that may not otherwise be deemed to be historic.~~
11 ~~It is also the intent of this district to enhance the aesthetic and visual environment, to assurance appropriate~~
12 ~~architectural design and to protect the unique architecture and items of historical significance from the~~
13 ~~effects of inharmonious, bizarre, and out of scale development. Enrichment of civic beauty is also a~~
14 ~~significant factor contribution to the social welfare of its inhabitants, and the creation of this district is~~
15 ~~therefore considered to be in furtherance of health, safety, and general welfare.~~

16 ~~The (DR) Design Review Overlay Zone is a supplemental special district which, when superimposed over~~
17 ~~any other zoning district, requires the review of the exterior design and site plans for all buildings,~~
18 ~~structures, or appurtenances thereto, to be erected, constructed, converted, established, altered or enlarged~~
19 ~~within the district.~~

20 ~~514.2 Review Requirements and Procedure.~~

21 ~~A. Prior to the preparation of final architectural or engineering drawings for any buildings within and area~~
22 ~~containing the supplemental (DR) Design Review Zoning, the property owner or his representative shall~~
23 ~~submit the following for the Design Review Board consideration:~~

24 ~~1. An application for Design Review approval. Said application to be furnished by the City Development~~
25 ~~Services Office and to include applicant's name, mailing address, location of property, legal description of~~
26 ~~property and such other information as deemed necessary by the Building Inspector and the Design Review~~
27 ~~Board.~~

28 ~~2. Rendered evaluations of the front, sides, and rear of the building, to scale, adequately illustrating the~~
29 ~~building's character and treatment.~~

30 ~~3. A site plan, to scale, showing area covered by building, parking areas and landscaping treatment.~~

31 ~~4. A list of exterior materials, colors and their application.~~

32 ~~B. Prior to the issuance of a building permit within any area containing the supplemental (DR) zoning, the~~
33 ~~City Planner or designee thereof shall ascertain that the Design Review Board has approved plans which~~
34 ~~are in substantial conformance to those presented with the Building Permit application and that the time~~
35 ~~limitations imposed by this ordinance or the Design Review Board have not elapsed. If the Inspector of~~
36 ~~Building has any questions as to whether the plans are in substantial conformance with the plans approved~~
37 ~~by the Design Review Board for the consideration.~~

38 ~~C. Prior to the change of any building's exterior character, by remodeling or alteration, the property owner,~~
39 ~~or his designated agent, shall secure the approval of the Design Review Board.~~

40 ~~D. The Design Review Board shall impose such conditions as it may deem necessary in order to fully carry~~
41 ~~out the provisions and intent of this ordinance. A notation of the Design Review Board's action shall be~~
42 ~~indelibly imprinted on each sheet of two set plans. One set shall be retained in the Building Inspection file~~
43 ~~and one set shall be returned to the owner or his representative.~~

44 ~~E. The City Planner or designee thereof ensure that all matters approved by the Design Review Board are~~
45 ~~undertaken and completed according to the approval of the Design Review Board and shall cause any~~
46 ~~violation to be prosecuted.~~