

ARTICLE 10. PLANNING COMMISSION¹

Section 2. Site development plan approval.

2.1 *Required.* Site development plan approval shall be required for the erection or enlargement of all structures and the establishment of any use for which site development plan approval is required by this ordinance. Site development plan shall be required according to the following criteria:

2.11 *Planning commission site plan review.* Site development plans shall be subject to review and approval by the planning commission if they meet the following thresholds:

- (A) *New structures.* Site plans for new structures of 5,000 square feet or greater in floor area; or
- (B) *Additions to existing structures.* Site plans for additions to existing structures that (1) constitute 15 percent or more of the existing floor area, and (2) new floor area is greater than 5,000 square feet; or
- (C) *Additions of impervious surface.* Site plans that propose new or additional impervious surfaces that (1) constitute 15% or more of the existing impervious surface area and (2) are equal to or greater than 5,000 square feet of impervious surface; or
- (D) *Adjacent to residential.* Nonresidential site plans with site disturbance greater than 2,500 square feet and adjacent to residential uses or residential zones.

2.12 *Site development master plan.* Site development master plans shall be subject to review and approval by the planning commission in accordance with subsection 2.44.

2.13 *Zoning review.* For site development plans involving construction of a single-family detached, single-family attached, or single-family semidetached dwelling; an accessory structure; or a nonresidential change of use for which no building addition or increase in impervious surface is proposed, the city planner or his designee may approve the site development plan in conjunction with building permit review.

2.14 *Administrative site plan.* All site development plans that do not meet the thresholds for zoning review in accordance with subsection 2.13 or planning commission site plan review in accordance with subsection 2.11 shall be reviewed as administrative site development plans.

2.2 *Objectives.* In considering and acting upon site development plans, the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular shall be taken into consideration and appropriate conditions and safeguards may be prescribed as

¹Editor's note(s)—Ord. No. 2011-14, adopted Aug. 8, 2011, amended art. 10 in its entirety and enacted similar provisions as set out herein. The former art. 10 derived from Ord. of 2-28-1977; Ord. of 4-23-1979; Ord. of 4-28-1980; Ord. of 11-24-1980; Ord. of 7-12-1982, §§ 2, 3; Ord. of 5-11-1987; Ord. of 12-12-1988; Ord. of 6-12-1989; Ord. of 6-24-1991; Ord. of 10-13-1992; Ord. of 7-12-1992; Ord. of 12-14-1992; Ord. of 7-12-1993, § 6; Ord. of 6-13-1994; Ord. of 3-27-1995; Ord. of 1-10-1996; Ord. of 5-22-2000; Ord. of 9-25-2000; Ord. of 7-12-2004(2); Ord. of 11-13-2007; Ord. of 4-28-2008(2); and Ord. No. 2009-09, adopted June 22, 2009.

may be required that the results of approval may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

- 2.21 Maximum safety and convenience of vehicular, transit, bicycle, and pedestrian traffic by ensuring that all proposed and impacted streets, driveways and walkways are adequate, but not excessive in number, adequate in width, grade, alignment, capacity, and visibility, and suitably located, particularly with respect to their connections with public streets.
- 2.22 The provision of adequate access to all proposed structures, equipment, or material on the site for fire, ambulance, police, and other emergency services.
- 2.23 The provision of adequate off-street parking to accommodate the vehicles of persons connected with or visiting the use and to obviate the parking of such vehicles in public streets.
- 2.24 A site layout (including the location, power, direction, and time of any outdoor lighting of the site) which would have no adverse effect upon adjacent properties.
- 2.25 Landscaping of the site in a manner which is in character with that generally prevailing in the neighborhood and which provides reasonable screening, at all seasons of the year, of all playgrounds, parking areas, and service areas from the view of adjacent residential properties and streets.
- 2.26 In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.
- 2.27 Ensure that large scale development projects involving extended construction periods are planned and implemented in accordance with an approved site development master plan.
- 2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.
 - (A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.
 - (B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.
 - (C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

2.3 *Effect of site development plan approval.* No building permit will be issued for any structure covered by this section until an approved site development plan or approved amendment of any such plan has been secured by the applicant. No certificate of occupancy will be issued for any structure or use of land covered by this section unless the structure is completed or the land is developed or used in accordance with an approved site development plan or approved amendment of any such plan.

2.4 *Application procedure.*

- 2.41 *Preapplication meeting.* Prior to the submission of a site development plan, the applicant or his representative shall meet in person with the city planner or his designee with a sketch plan. The purpose of this meeting shall be to discuss proposed uses or developments in order to determine, first, whether the site development plan application shall be submitted to the city planner for consideration

and review as an administrative site plan or shall be referred to the planning commission. If the application is to be referred to the planning commission, the applicant shall be informed at the preapplication meeting which elements listed in subsection 2.5 below will be required in determination of conformity with the provisions and intent of this section, along with any other comments and suggestions intended to bring about conformity with the provisions and intent of this section.

2.42 Administrative site plan review.

- (A) *Process for administrative site plan application.* If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that may be approved by the city planner, the applicant shall submit the application for site development plan approval on forms approved for that purpose, to the city planner with the required documentation under the provisions of subsection 2.5, and a fee as provided for in Appendix F—Fees and Fines. The city planner shall coordinate the reviews of the various administrative departments of the City of Dover and outside regulatory agencies and approve the application within 30 days of the date of submission or refer it to the planning commission at their next scheduled meeting.
- (B) *Final plans and working drawings.* Following initial review and comment by the city planner, the applicant shall develop final construction plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside regulatory agencies prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval.
- (C) *Expiration.* Administrative site development plan approval shall expire on the last day of the 24th month after the date of final approval by the planning office if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the city planner. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the city planner.
- (D) *Circumventing zoning requirements.* Administrative site plans shall not be used to circumvent the requirement of planning commission site plan review. If the city planner determines that cumulative administrative site plans on a property are being used to circumvent the requirements of the zoning ordinance or other provisions of the Dover Code of Ordinances, he shall refer the application to the planning commission, subject to the requirements of subsection 2.43.

2.43 Planning commission site plan review.

- (A) *Site development plan.* If, as a result of the preapplication meeting as described in subsection 2.41, it is determined that the proposed uses or development is of a type that would be reviewed by the planning commission and approval or disapproval of the application given by that body, the application for site development plan approval shall be submitted to the city planner on forms approved by the planning commission, at least 30 days prior to the planning commission meeting at which approval is to be requested. The application for site development plan approval shall be accompanied by a fee as provided for in Appendix F—Fees and Fines.
- (B) *Land subdivision.* If a proposed use or development requires planning commission review under the land subdivision regulations of the City of Dover as set forth in appendix A, the application for conditional approval of the preliminary layout, under article IV, section B of that ordinance appendix A, and the application for site development plan approval under this ordinance shall be submitted and reviewed concurrently. The application for site development plan approval shall be revised and all changed elements resubmitted and reviewed concurrently with the application

for plan approval under article IV, section C of the land subdivision regulations set forth in appendix A.

- (C) *Public hearing.* Prior to the review and action on the site plan application, the commission shall hold a public hearing subject to the following public notification procedures:
- (1) The applicant shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
 - (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the site plan property as their names appear on the municipal tax record at least 15 days prior thereto.
 - (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
 - (a) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts including the date of mailing for all letters on or before the meeting date.
 - (4) Said notices shall state the date, time and place of the hearing, the site location, a brief description of the site plan and shall state that a copy of the site plan application and plan is filed with the planning office for public review.
- (D) *City planner report.* For each site plan application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report to the planning commission at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.
- (E) *Planning commission action.* The planning commission shall act to approve or disapprove any application for site development plan received by it either as an original review or as a referral from the city planner under the provisions of subsection 2.42(A) of this article within 45 days or within such additional time as may be consented to by the applicant. Planning commission disapproval shall include written findings upon any site development plan element found contrary to the provisions or intent of the zoning ordinance.
- (F) *Notice of decision.* The planning office shall send the applicant a letter notifying the applicant of the planning commission's action regarding the site plan application. Such letter shall document any conditions and waivers approved or recommended as part of the application approval.
- (G) *Final plans and working drawings.* Following approval by the planning commission, the applicant shall develop final site plans for approval by the planning office. The planning office shall determine that all necessary approvals have been issued by city departments and outside agencies regulating street access and stormwater management, prior to issuing final plan approval. No building permit shall be issued until such time that the planning office has issued final site plan approval
- (H) *Amendments.* Substantial amendments to an approved site development plan shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed

substantial may be referred to the planning commission for consideration at the discretion of the city planner.

(I) *Expiration of planning commission approval.*

- (1) Site development plan approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the planning commission.
- (2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the planning commission.
- (3) In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:
 - (a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
 - (b) Whether the applicant has made substantial progress toward obtaining final approvals.
 - (c) Whether there have been any significant changes in the surrounding neighborhood.
 - (d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.
- (4) Requests for extensions shall be submitted in writing to the planning office.
- (5) Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

2.44 *Site development master plans.* Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:

- (A) *Conceptual master plan.* Conceptual master plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
- (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
 - (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
 - (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.
 - (4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future

construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

- (5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.
- (B) *Phased site plan approval.* Individual phased components of the conceptual master plan are to be reviewed and approved as an administrative site plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsections 2.4 and 2.5.
- (C) *Amendments.* Substantial amendments to an approved site development master plans shall be acted upon in the same manner as the original plan. The city planner shall review proposed amendments to determine if they are substantial in nature. Amendments that are not deemed substantial may be referred to the planning commission for consideration at the discretion of the city planner.
- (D) *Expiration of planning commission approval.* For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

2.5 *Site development plan elements submission requirements accompanying applications for site development plan approval.* The applicant shall cause a site development plan map to be prepared by a civil engineer, surveyor, land planner, or architect. The applicant shall submit copies of the site development plan to the city planner at the time of filing the formal application for site development plan approval under the provisions of subsection 2.42, subsection 2.43, or subsection 2.44. If the application is under the provisions of subsection 2.43 or 2.44, the city planner shall transmit copies of the site development plan map to the planning commission at least seven days prior to the meeting at which approval of the application for site development plan approval is to be requested. Site development plan elements shall include those listed below which are appropriate to the proposed development or use as indicated in the preapplication meeting required by the provisions of subsection 2.41.

2.51 *Scale dimensions.* Ten, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

2.52 *Legal data.*

- (A) Tax parcel identification number.
- (B) Name and address of the owner of record.
- (C) Name and address of the equitable owner, if any.
- (D) Name and address of the person, firm or organization preparing the map.
- (E) Date, north point and written and graphic scale.

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- (F) Sufficient description of information to define precisely the boundaries of the site, and total acreage of the site. All distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest ten seconds or closer. The error of closure shall not exceed one in 10,000.
 - (G) The locations, names and existing widths of adjacent street rights-of-way and curblines.
 - (H) The locations and owners of record of all adjoining lands.
 - (I) Locations, widths and purposes of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property.
 - (J) A complete outline of existing or proposed deed restrictions or covenants applying to the property and recital of the deed references if they are of record.
 - (K) Existing zoning on the site and adjacent properties.
 - (L) Two location maps, one at a scale of 1,200 feet to the inch, and one at a scale of 400 feet to the inch, showing the distance along all adjacent roads to the nearest intersections.
 - (M) Record of any agreements between the applicant and the city regarding the proposed development.

2.53 *Natural features.*

- (A) Contour lines at vertical intervals of two feet for land with an average existing slope of four percent or less, and at intervals of five feet for land with an average existing slope greater than four percent.
- (B) Location of different soil types, as indicated by the soil survey of Kent County, prepared by the Natural Resources Conservation Service, and including locations of flood hazard areas as identified in the FEMA Flood Insurance Maps. The soils information shall be supplemented by soil boring and percolation test data, if requested by the city.
- (C) Location of significant natural features, including bodies of water, wetlands, and forest areas.

2.54 *Proposed development.*

- (A) Existing buildings and other structures.
- (B) Location and width of all proposed streets and rights-of-way.
- (C) Location of all proposed structures, except one-family detached dwellings, and an indication of the total number of dwelling units.
- (D) Location and dimensions of all lot lines.
- (E) Building setback lines on all lots.
- (F) Location of all uses not requiring structures, including parks, playgrounds and other open space areas.
- (G) Location and plans for any outdoor signs.
- (H) Location, direction, power and time of use for any proposed outdoor lighting.
- (I) The location, size and arrangement of proposed sidewalks, driveways, loading areas, off-street parking areas and other paved areas.
- (J) Indication of the total amount of impervious surfaces and the development coverage.

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- (K) Any proposed changes in elevation of the site and elevations of all streets, parking areas, and building foundations. The datum to which all elevations, including existing contour elevations, refer shall be clearly indicated on the plan.
 - (L) Plans for surface drainage of the site. Such plans shall include stormwater run-off calculations and shall show the proposed method of accommodating the anticipated run-off.
 - (M) Any proposed below-ground or above-ground utilities and any contemplated public improvements, including road improvements, on or adjoining the property. Plans for such utilities and improvements shall indicate whether the developer, the city, or other agency will bear the financial responsibility for the construction, and which improvements are intended to be dedicated to the city.
 - (N) Proposed grading, screening and other landscaping, including types and locations of proposed street trees.
 - (O) Architectural elevation drawings or other graphic representations illustrating exterior building characteristics of proposed buildings and/or building additions that would be visible from the public right-of-way. Elevation drawings shall be drawn to scale and shall reflect major architectural elements such as exterior surface materials, windows, doors, columns, and wall-mounted signage. Elevation plans are intended to provide a general depiction of the physical appearance, massing and scale of the proposed construction.
 - (P) Speed reduction devices on any city or private street, drive, parking lot, fire lane or any other driveable surface, which causes a change in elevation which may result in emergency equipment having to reduce speed during a time of emergency, is prohibited. Speed cushions may be installed on privately owned commercial property, in accordance with Chapter 98—Streets, Sidewalks, Storm Sewers and Other Public Places, Article I.—In General, section 98-10—Speed Reduction Devices.

2.55 *Requested information.* Full and complete information requested by the city planner in accordance with the development information requirements set forth in section 4.

2.56 *Development in stages.* If the site development plan indicates more than one stage of the development, supplementary material shall be included to show compliance with article 5, section 9, Development in stages.

2.57 *Miscellaneous information.* Other information deemed by the planning commission to be necessary to determine conformity with the intent of this ordinance.

(Ord. No. 2011-14, 8-8-2011; Ord. No. 2014-08, 7-14-2014 ; Ord. No. 2014-20, 10-13-2014 ; Ord. No. 2016-09, 6-13-2016)