

- iv. *A statement that the responsible party may appear and present evidence on their behalf and has the right to be represented by legal counsel.*
8. **Residential Dwellings Exempted.** A Certificate of Occupancy is not required for the change of ownership or tenancy of an existing residential dwelling unit.

Section 15.04 Site Plan Review

1. **Purpose.** This section sets forth the requirements for the application, review, approval, and enforcement of site plans in the City of Madison Heights. Site plans may be reviewed and acted upon by the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission.
2. **Developments Subject to Minor (Planning and Zoning Administrator) or Major (Technical Review Committee or Planning Commission) Site Plan Review.** Site Plans may be deemed 'Minor' or 'Major' based upon the criteria listed in this Section. Minor Site Plans may be reviewed and acted upon by the Planning and Zoning Administrator. Major Site Plans shall be acted upon by the Technical Review Committee or the Planning Commission, as determined by [Article 14](#) Engineering Plan approval may be required following site plan approval for projects with significant impacts on stormwater, transportation, and utility systems, per [Section 15.04\(3\)\(E\)](#).
3. **Site Plan Review Process.** An applicant may initiate the site plan review process by submitting for Minor or Major Site Plan approval. All materials shall be submitted to the Community and Economic Development Department for processing.
 - A. **Pre-Application Conference (optional).** At the option of the applicant, prior to the submittal of a formal site plan review application, the applicant may submit a conceptual plan to the Community and Economic Development Department to be reviewed by the Planning and Zoning Administrator. The purpose of the pre-application conference is to discuss the review procedures, design elements, and ordinance requirements. At this conference, the Planning and Zoning Administrator may provide the applicant with an advisory opinion as to whether the site plan qualifies as a minor or major site plan, and whether the conceptual plan meets the standards of this Ordinance with respect to use, location, character, and zoning district requirements. The City's comments during a pre-application conference shall be advisory in nature only, and shall not constitute approval of a site plan. An applicant may request that the pre-application conference take place at a meeting of the Technical Review Committee, upon payment of a fee established by City Council.
 - B. **Site Plan Review Not Required.** Formal Site Plan review shall not be required for:
 - (1) Detached single-family and duplex housing and related parking.
 - (2) Accessory Dwelling Units and Residential Accessory Structures
 - (3) Minor alterations to an approved site not listed under minor or major site plan review, as determined by the Planning and Zoning Administrator
 - C. **Minor Site Plans.**
 - (1) A Minor Site Plan shall be submitted to the Planning and Zoning Administrator for review and approval for any of the following activities, uses, or developments, except for those uses/projects exempted from Site Plan Review above.
 - (a) Remodeling or altering an existing structure that does not modify the building footprint.
 - (b) Addition/expansion of existing structure that does not increase the gross interior or leasable floor area by more than 2,000 square feet and does not increase the total by more than 20% of the existing gross floor area and does not impact site grading, circulation, or utilities. In cases of multi-family residential development, the application shall not increase the number of dwelling units.
 - (c) Individual Multiplex and Townhome developments (3-4 units).
 - (d) Addition, modification, or relocation of non-residential accessory structures or structures such as dumpster enclosures.
 - (e) Change in building height that does not create new floor area.

- (f) Decrease in building size that does not impact site grading, circulation, or utilities.
- (g) Minor changes to building or site to accommodate barrier-free regulations.
- (h) Additions, modifications or substitutions of approved or existing landscaping or site lighting.
- (i) Internal rearrangement of parking lot that does not significantly change site circulation, create new parking spaces, or require the installation of new pavement or re-grading.

The Planning and Zoning Administrator may refer site plans for any of the above to the Technical Review Committee and/or Planning Commission for review and approval. The Planning and Zoning Administrator may also require Engineering Approval in accordance with [Section 15.04\(3\)\(E\)](#) after consultation with the City Engineer.

- (2) Applicant initiates the Minor Site Plan process by submitting the following materials to the Community and Economic Development Department:
 - (a) One copy of the completed minor site plan application form.
 - (b) Two 11" x 17" copies of the site plan containing all of the information set forth in [Section 15.04\(4\)](#) below.
 - (c) One copy of the site plan in digital (PDF) format.
 - (d) All applicable fees as established by City Council.
- (3) The Planning and Zoning Administrator reviews the Minor Site Plan application materials for completeness and for compliance with the standards contained within this Ordinance.
- (4) The Planning and Zoning Administrator shall approve, approve subject to conditions, deny, or postpone action on the Minor Site Plan:
 - (a) *Approval:* Upon determination that a minor site plan is in compliance with the requirements of this Ordinance, and other applicable ordinances and laws, the Planning and Zoning Administrator shall approve the minor site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
 - (b) *Approval subject to Conditions:* The Planning and Zoning Administrator may approve a minor site plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the Zoning Administrator shall approve the minor site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
 - (c) *Postponement:* Upon determination by the Planning and Zoning Administrator that a minor site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Planning and Zoning Administrator may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal. The Planning and Zoning Administrator, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.
 - (d) *Denial:* Upon determination by the Planning and Zoning Administrator that a minor site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.

D. **Major Site Plans.** A Major Site Plan shall be forwarded to either the Technical Review Committee or the Planning Commission for review and action, based upon the criteria listed below:

- (1) **Technical Review Committee:** A Major Site Plan shall be reviewed and acted upon by the Technical Review Committee for any of the following activities, uses, or developments, except for those uses/projects exempted from Site Plan Review in Section 15.04(3)(B) above.

- (a) All new construction, structural alterations, or substantial changes in use that do not qualify for Minor Site Plan review.
- (b) Remodeling or altering an existing structure that increases the building footprint or gross floor area by more than twenty percent (20%) or 2,000 square feet.
- (c) Grading, filling, or excavation of a site.
- (d) Any use, or change of use, that requires a change in traffic circulation patterns that impacts ingress/egress, parking layout or pedestrian circulation.
- (e) Outdoor storage areas, unless otherwise determined by the Planning and Zoning Administrator.
- (f) The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility, utility lines, or easements.
- (g) The establishment, addition or modification of a building or use which results in the need for additional parking.

At the committee's discretion, any site plan may be referred to the Planning Commission for review and approval.

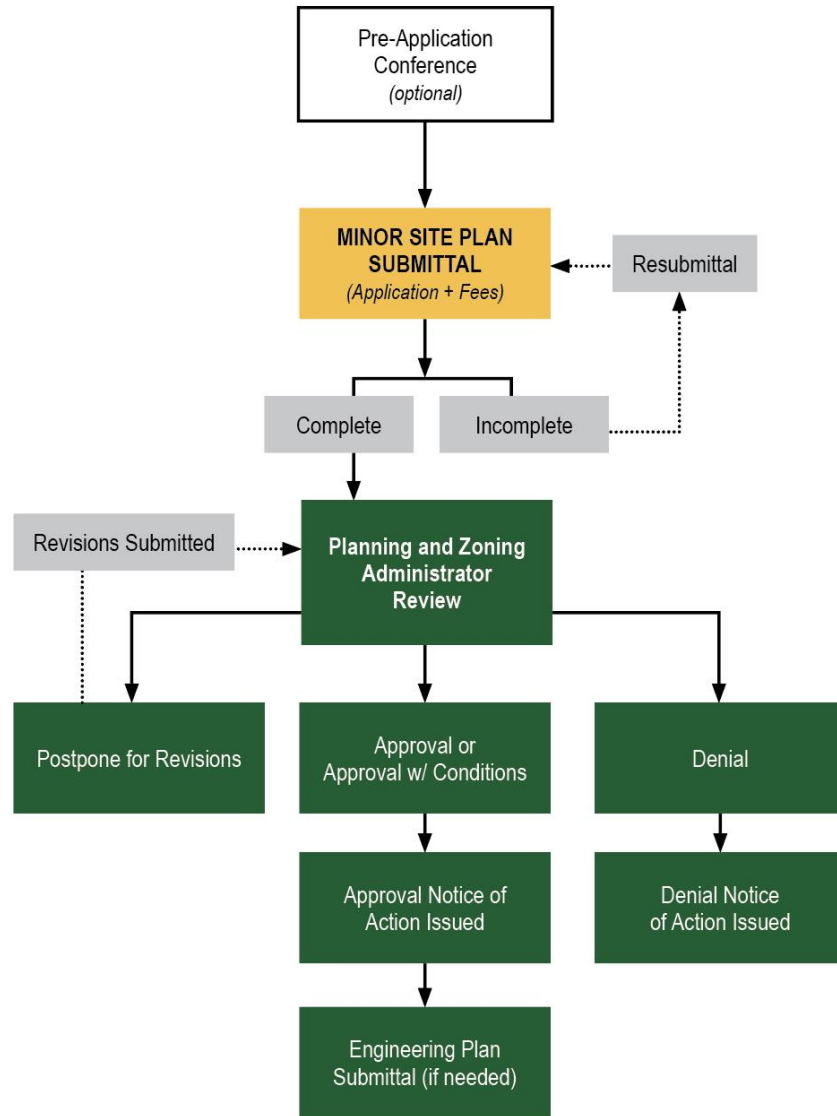
- (2) **Planning Commission:** A Major Site Plan shall be forwarded to the Planning Commission for any of the following activities, uses or developments, except those uses/projects exempted from Site Plan Review in Section 15.04(3)(B) above.
 - (a) Site condominium projects.
 - (b) Any residential development with more than fifty (50) units.
 - (c) Site plans associated with an approved PUD.
 - (d) When abutting single-family residential zoned or used property, any non-residential or mixed-use development that involves the construction of a new structure exceeding 7,500 gross square feet of space dedicated to non-residential uses, or expansion of an existing structure by more than 5,000 gross square feet.
 - (e) Any site plan forwarded to the Planning Commission by the Planning and Zoning Administrator or Technical Review Committee
- (3) Applicant initiates the Major Site Plan process by submitting the following materials to the Community and Economic Development Department:
 - (a) One copy of the completed major site plan application form.
 - (b) One 24" x 36" copy of the site plan containing all of the information set forth in [Section 15.04\(4\)](#) below.
 - (c) Two 11" x 17" copies of the site plan containing all of the information set forth in [Section 15.04\(4\)](#) below.
 - (d) One copy of the "Hazardous Substance Reporting Form" and "EGLE Permit Information" checklist.
 - (e) One copy of the site plan in digital (PDF) format.
 - (f) All applicable fees as established by City Council.
- (4) The Planning and Zoning Administrator reviews the Major Site Plan application and materials for completeness. If complete, the Planning and Zoning Administrator places the site plan on the agenda for an upcoming Technical Review Committee meeting. If incomplete, the Planning and Zoning Administrator may request all necessary items prior to placing the item on the Technical Review Committee agenda.
- (5) The Technical Review Committee reviews and, when authorized, acts upon the site plan application. If Planning Commission action is required, the Technical Review Committee provides advisory comments to the Planning Commission. If a site plan is referred to the Planning Commission for action, the Planning and Zoning Administrator will place the site plan on the agenda for an upcoming Planning Commission meeting and notify the applicant of the date, time, and place of the meeting.

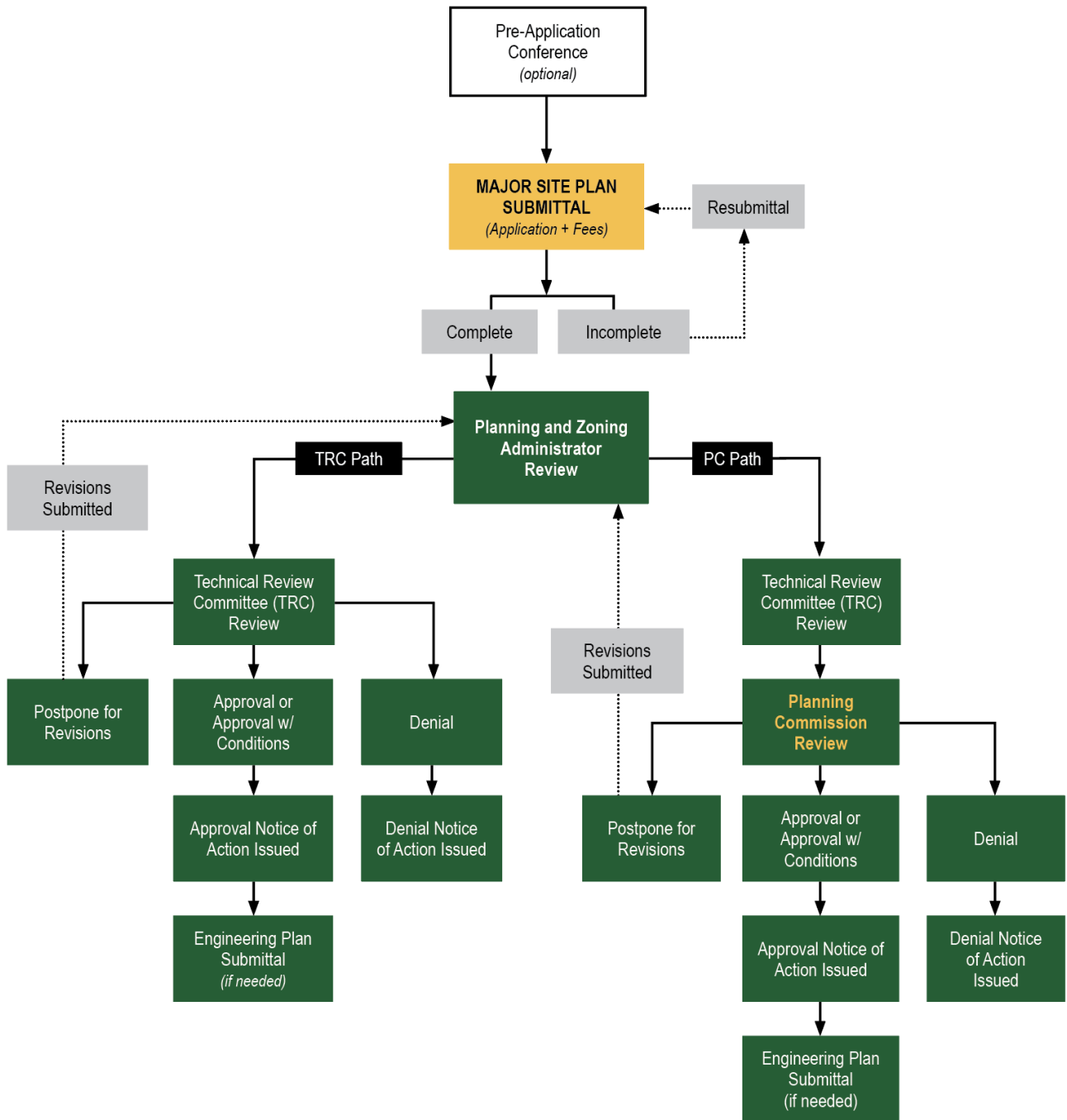
- (6) The Technical Review Committee or Planning Commission, when authorized to act upon a major site plan shall approve, approve subject to conditions, deny, or postpone action on the site plan:
 - (a) *Approval:* Upon determination that a major site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the Technical Review Committee or Planning Commission shall approve the major site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant shall apply for Engineering Plan approval per Section 15.049(3)(E), unless waived by the Technical Review Committee.
 - (b) *Approval subject to Conditions:* The Technical Review Committee or Planning Commission, when authorized per [Section 15.04\(3\)\(D\)](#) may approve a major site plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the site plan which satisfies the condition(s), the Planning and Zoning Administrator shall approve the major site plan. A Notice of Action and a stamped copy of the approved site plan shall be sent to the applicant. The applicant may apply for Engineering Plan approval, if required.
 - (c) *Postponement:* Upon determination by the Technical Review Committee or Planning Commission that a major site plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the Technical Review Committee or Planning Commission may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal and be reviewed at the next available Technical Review Committee or Planning Commission meeting. The Technical Review Committee or Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the compliance of the site plan.
 - (d) *Denial:* Upon determination by the Technical Review Committee or Planning Commission that a major site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.

E. **Engineering Plan.** At the time of minor or major site plan review, the Planning and Zoning Administrator or Technical Review Committee shall determine if the proposed site plan requires the submittal of an Engineering Plan. Unless waived by the Technical Review Committee, all Major Site Plans shall require engineering approval. Applicants shall only be eligible to apply for Engineering Plan approval following site plan approval. Projects that require Engineering Plan approval shall be subject to the following process:

- (1) Applicant initiates engineering plan review process by submitting the following required materials to the Community and Economic Development Department:
 - (a) One copy of the completed Engineering Plan application form.
 - (b) One legible 24" x 36" copy of the engineering plan containing the information required in [Section 15.04\(4\)\(C\)](#) below.
 - (c) Two 11" x 17" copies of the site plan.
 - (d) One copy of the site plan in full size in digital (PDF) format.
 - (e) All applicable fees.
- (2) The Planning and Zoning Administrator reviews the Engineering Plan for consistency with the approved minor or major site plan. The Planning and Zoning Administrator may request revisions to the Engineering Plan prior to forwarding onto the City Engineer. Upon finding that the Engineering Plan is consistent with the approved site plan, the Planning and Zoning Administrator forwards the Engineering Plan onto the City Engineer for review and action.
- (3) The City Engineer reviews the Engineering Plan for compliance with the following:
 - (a) All local, county and state requirements, as may apply to the proposed use, are met.
 - (b) All applicable engineering requirements are met.

- (c) The Engineering Plan remains substantially consistent with the approved site plan.
- (4) The City Engineer shall approve, approve with conditions, deny, or postpone action on the Engineering Plan:
 - (a) *Approval:* Upon determination that an Engineering Plan is in compliance with the requirements of this Ordinance, and other applicable ordinances and laws, the City Engineer shall approve the Engineering Plan. A Notice of Action and a stamped copy of the Engineering Plan shall be sent to the applicant.
 - (b) *Approval subject to Conditions:* The City Engineer may approve an Engineering Plan subject to one (1) or more conditions necessary to address minor modifications to the plan. Such conditions may include the need to obtain variances or approvals from other agencies. Upon resubmittal of the Engineering Plan which satisfies the conditions, the City Engineer shall approve the Engineering Plan. A Notice of Action and a stamped copy of the approved Engineering Plan shall be sent to the applicant.
 - (c) *Postponement:* Upon determination by the City Engineer that an Engineering Plan is not sufficiently complete for action, or needs to be revised to meet Ordinance standards, the City Engineer may postpone action until such time that revised materials can be submitted. Revised plans shall be submitted to the Community and Economic Development Department in the same manner as the original submittal, and be forwarded to the City Engineer for re-review.
 - (d) *Denial:* Upon determination by the City Engineer that an Engineering Plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the Engineering Plan shall be denied. A Notice of Action shall be sent to the applicant listing the reasons for such denial.





4. **Submittal Requirements.** Applications for minor and major site plan review and engineering plan review shall be made on forms available at the Community and Economic Development Department.

A. **Minor Site Plan Submittal.** The following information shall be required on all minor site plans:

- (1) Project address, names, north arrow, zoning designation
- (2) Property lines and dimensions
- (3) All existing and proposed:
 - (a) Buildings/Building Additions (including setback and area dimensions)
 - (b) Parking areas and drive aisles (including dimensions)
 - (c) Driveways
 - (d) Loading areas
 - (e) Sidewalks
 - (f) Rights-of-way/easements
 - (g) Bicycle rack(s)
 - (h) Trash receptacles/enclosures
 - (i) Landscaping
 - (j) Walls/fences
 - (k) Exterior lighting
 - (l) Stormwater facilities
 - (m) Ground signage
- (4) Any other items deemed necessary by the Planning and Zoning Administrator to illustrate compliance with the standards of this Zoning Ordinance.

The Planning and Zoning Administrator may waive particular minor site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.

B. **Major Site Plan Submittal.** The following information shall be required on all major site plans:

- (1) Title block with name of proposed development, and the name, address and phone number of the property owner, developer and architect/engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.
- (2) Location map showing the proposed site location, zoning classifications and major roads.
- (3) The site plan shall be drawn to scale not less than one-inch equals 50 feet.
- (4) Date, north arrow, and scale.
- (5) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- (6) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
- (7) Demolition Plan.
- (8) The percentage of land area devoted to building, paved, and open space.
- (9) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within 50 feet of the subject property lines.

- (10) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted. The dimensions of proposed parking spaces and maneuvering lanes shall also be provided.
- (11) Location and height of all walls, fences, and landscaping, including a landscaping plan.
- (12) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
- (13) Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
- (14) Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures.
- (15) A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
- (16) Density calculations (for multiple family projects).
- (17) Principal and accessory buildings.
- (18) Designation of units by type of buildings.
- (19) Sidewalks and pedestrian or bicycle paths.
- (20) Bicycle rack location(s) and details
- (21) Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with section 10.512.
- (22) Trash receptacle and transformer locations and method of screening, including details
- (23) Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
- (24) All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
- (25) Designation of fire lanes.
- (26) Location, size and types of all proposed signs.
- (27) Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible.
- (28) Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right-of-way.
- (29) Existing and proposed ground contours at intervals of two feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the city's consulting engineer.
- (30) Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
- (31) Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.
- (32) The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by city).
- (33) The city may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
- (34) The site plan shall detail the location of the following:
 - (a) Public or private wells on-site and on adjacent sites.

- (b) Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
 - (c) Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
 - (d) Existing and proposed underground and above-ground storage tanks and the material stored therein.
 - (e) Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - (f) Wetlands, watercourses, and drains.
 - (g) Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service—Soil Survey.
 - (h) Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.
- (35) A receipt of submission to all applicable reviewing jurisdictions, such as county, state, or federal agencies.

The Planning and Zoning Administrator and/or Technical Review Committee may waive particular major site plan submittal items upon a determination that such items are not necessary to deem compliance with Zoning Ordinance standards.

C. Engineering Plan Submittal. The following information shall be required on all Engineering Plans:

- (1) All information required for Major Site Plans, per [Section 15.04\(4\)\(B\)](#), above.
- (2) Boundary survey prepared by a Michigan Professional Surveyor.
- (3) Topographic survey including information 100 feet off-site. All elevations must be measured in relationship to U.S.G.S. datum and one site benchmark is required (two site benchmarks are required for any site larger than one acre).
- (4) Demolition plan showing all structures to be removed and method of disposal.
- (5) Site grading plan showing all proposed elevations with the purpose of containing all stormwater runoff on site. The grading of the subject site must not interfere with natural drainage of adjacent sites.
- (6) Utility plan showing the layout and necessary details for the installation of water, sanitary, and storm systems. Profiles are required for all public utilities.

5. Site Plan Review Criteria. The approving body shall consider and require compliance with the following:

- A. All application and site plan review submittal criteria have been met.
- B. The site plan is in full conformance with all applicable Zoning Ordinance requirements.
- C. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
- D. On-site and off-site circulation of both vehicular, non-motorized and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site, including emergency vehicle access.
- E. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.
- F. Utility service, including proposed water, sanitary sewer and the development and the recommendation of the city's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the department of health, drain commission or road commission, are a prerequisite or condition to approval.

G. Notwithstanding any other provisions of this Ordinance, the city may require as a condition of site plan approval, landscaping, berms, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this Ordinance.

H. **Groundwater and Surface Water Protection Standards.**

(1) **General.**

- (a) The project shall be designed to protect the natural environment, including wetlands, surface water and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.
- (b) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.
- (c) Floor drains shall be connected to a public sanitary sewer system, an on-site holding tank without an outlet, or a system authorized by a state groundwater discharge permit.
- (d) Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.
- (e) State and federal agency requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to surface water or groundwater, whether direct or indirect, shall be allowed without required permits and approvals.
- (f) In determining compliance with the standards in this Ordinance, the city may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.

(2) **Above-Ground Storage and Use Areas for Hazardous Substances and Polluting Materials.**

- (a) Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (b) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage and vandalism.
- (c) Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
- (d) Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, wetlands, surface water, groundwater or soils.

(3) **Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials.**

- (a) Existing and proposed underground storage tanks shall be registered with the authorized state or federal agency in accordance with applicable state and federal law.
- (b) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met.
- (c) Out-of-service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.

(4) **Sites with Contaminated Soils and/or Groundwater.**

- (a) Site plans shall detail the nature of location and extent of any contaminated soils or groundwater on the site.

- (b) Written verification from authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.

6. Site Plan Validity, Expiration, and Extensions.

- A. **Expiration of Site Plan Approval.** The approval of any minor or major site plan under the provisions of this Ordinance shall expire and be void one year after the date of such approval unless an extension is approved as noted below. A minor or major site plan that has been submitted for Engineering plan review shall not be deemed expired, unless said engineering plan has expired.
- B. **Expiration of Final Engineering Plan Approval Expiration.** Approval of any engineering plan under the provisions of the Ordinance shall expire and be void one year after the date of such approval unless actual physical construction of a substantial nature of the improvements included in the approved site plan has commenced and proceeded meaningfully toward completion during that period , and if a written request for extension of the approval has been submitted by the applicant as noted below. Upon expiration of an engineering plan, all site plan approvals shall expire.
- C. **Extension of Site Plan and Engineering Approval.** The site plan validity time limit set forth in Section 15.046)(A) above, may be extended subject to all of the following:
 - (1) All applicable fees and bonds are paid.
 - (2) The applicant shall request an extension in writing, at least 30 days prior to the expiration of the approval period and shall demonstrate that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.
 - (3) The approved plan to be extended shall comply with all current site plan criteria and current ordinances, laws, codes and regulations.
 - (4) There shall be no pending Zoning Ordinance amendment which would substantially change the requirements of the approved plan; In such instance, the applicant should submit a revised site plan.
 - (5) The Planning and Zoning Administrator may grant the first extension for up to six months. Any subsequent extensions would require approval of the original approving body. No more than a total of three six-month extensions shall be granted.
- D. **Approval and Issuance of Building Permits.**
 - (1) Building permits shall not be issued until site plan approval has been granted by the Technical Review Committee, planning commission (if applicable) and the city engineering consultant has approved the final engineering plans for the site, if required.
- E. **Amendments of Approved Site Plans.** An approved site plan for a project which has not yet been completed may be amended by written application. Where the Planning and Zoning Administrator deems an amendment to be minor in scale, the Planning and Zoning Administrator may review and act upon the proposed amendment. Major changes, as determined by the Planning and Zoning Administrator, shall proceed to the body or board responsible for original site plan approval and shall satisfy all the substantive and procedural requirements for minor or major site plans. For purposes of interpretation, the following shall be considered minor changes:
 - (1) The size of approved principal or accessory structures may be reduced or increased by up to five percent provided the overall density of units, where applicable, does not increase. One accessory structure may be added, provided that it is no greater than 250 sq. ft. in area.
 - (2) Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.
 - (3) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
 - (4) Minor improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

- (5) Changes of building materials to another of similar or higher quality, as determined by the Community and Economic Development Department.
- (6) Changes in floor plans which do not alter the character of the use.
- (7) Slight modification of sign placement or reduction of size.
- (8) Changes required or requested by the city, county, state, or federal agency for safety reasons.
- (9) Situations similar to the above, as determined by the Planning and Zoning Administrator.

- F. **Conformity with Approved Site Plan Required.** Sites shall be built in conformance with approved site plans. Where modified by subsequent amendment or Zoning Board of Appeals action, approved site plans shall be modified to reflect said action. Maintenance of the property in conformance with the approved site and landscaping plan(s) shall be a continuing obligation of the owner.
- G. **Inspections.** The Planning and Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved site plan and all zoning regulations. All other improvements shall be inspected by the appropriate department, inspector, or an agency as needed. The Planning and Zoning Administrator may obtain inspection assistance from other City departments, as needed. Per [Section 15.03](#), Certificates of Occupancy shall not be issued until all open site plan inspections have been completed and approved in accordance with this Section.
- H. **Appeals to Site Plan Decisions.** Any person aggrieved by the decision of the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission relating to their action on a site plan or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals in accordance with [Section 15.06](#).
- I. **Accuracy of Information.** The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.
- J. **Revocation of Site Plan Approval.** The body which approved the original site plan may, upon hearing, revoke approval of a site plan if it is determined that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the reviewing body, shall cease. The reviewing body may direct the Community and Economic Development Department to issue a stop work order to enforce its determination. Upon revocation, the reviewing body may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the reviewing body .

7. **Site Plan Guarantee.**

- A. Prior to the issuance of any building permit for any project or development which requires major site plan review, or any site deemed necessary by the Planning and Zoning Administrator under this Ordinance, the applicant for same shall provide a site plan completion guarantee deposit to the city. Said deposit shall guarantee completion of all site improvements shown on the approved site plan and, if required, engineering plan. For the purpose of this section, completion shall mean inspection by the appropriate city officials and approval for compliance with the approved site plan and, if required, engineering plan, not less than six months after the last occupancy certificate has been issued.
- B. Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
- C. The amount of the guarantee shall be as established from time to time by city council resolution.
- D. In the event the applicant fails to correct any deficiencies within 30 days of written notice from the city, the city shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine months following the issuance of the last Certificate of Occupancy unless good cause can be shown by the applicant for the delay in completion. The city may, at its sole discretion, agree in writing to a specific extension of the nine-month period. The city may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.

- E. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable city standards and specifications. Portions of the guarantee may be released, in not more than three installments, provided:
 - (1) The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
 - (2) The guarantee shall not be reduced below the minimum amount required above.
- F. **Types of Completion Guarantees.** The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the city. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last Certificate of Occupancy for the entire project and, if required, shall be renewed by the applicant not less than 30 days prior to expiration.

Section 15.05 Special Land Use Review

- 1. **Purpose.** The purpose of this section shall be to:
 - A. Require Special Land Use approval for certain uses in all zoning districts that are listed as Special Land Uses.
 - B. Establish review procedures for all Special Land Uses.
 - C. Establish review standards for all Special Land Uses.
 - D. Establish the Planning Commission as the advisory board and City Council as the final review and approval authority for Special Land Uses.
 - E. Establish authority to impose conditions upon Special Land Uses.
- 2. **Submission and Review Process.** All Special Land Uses in all zoning districts shall be reviewed in accordance with the following procedures:
 - A. Applicant may request a preliminary meeting with Community and Economic Development Department staff to discuss the proposal, design elements, ordinance requirements, etc. The applicant may further request a preliminary discussion at the Planning Commission for informal input. The city's comments during a pre-application conference shall be advisory in nature only.
 - B. Applicant submits application, fee, two (2) copies of the proposed conceptual site plan, and a digital version of the conceptual site plan, to the Community and Economic Development Department (site plan must be reduced to 11" x 17"). A separate site plan application is not required at the time of special land use review. A conceptual site plan shall include at a minimum:
 - (1) Location map showing the proposed site location, zoning classifications and major roads.
 - (2) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - (3) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
 - (4) The percentage of land area devoted to building, paved, and open space.
 - (5) All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths.
 - (6) Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.
 - (7) Location and height of all walls, fences, and landscaping, including a conceptual landscaping plan.
 - (8) Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.