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SITE PLAN APPROVAL REQUIREMENTS

Following is a draft of certain changes to the zoning ordinance regarding the length of time that any approved site plan is valid:

A new subsection F. would be added to Section 3.1 of the Comprehensive Zoning Ordinance as follows:

F. Effect of Site Plan Approval

1. If development of a lot or tract with an approved site plan has not been completed within 3 years of its final approval the site plan shall be deemed to have expired, and a new review and approval of a site plan for development of the property shall be undertaken by the Planning and Zoning Commission and City Council upon application by the owner, and such new approval shall be required before a building permit may be issued for development. Said review and approval shall be evaluated according to the standards of this ordinance, taking into account all changes to the ordinance which have occurred subsequent to the prior site plan approval.
2. If the site plan is submitted in conjunction with an approved phasing plan for development of the lot or tract, the site plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. No site plan phase may be planned to exceed three years unless specifically authorized by the Planning and Zoning Commission and City Council when demonstrated that due to the size or complexity of the development the three year time period would create a hardship. If any phase is not completed within the time period approved the entire remaining uncompleted site plan shall be deemed to have expired and the provisions of Sec. A.1. above shall be followed.
3. Extension of an approved site plan may be granted by the Planning and Zoning Commission and City Council upon submission of a request for such extension by the property owner at least 90 days prior to the expiration of the plan. The Planning and Zoning Commission and City Council shall take into consideration any changes that have occurred in this ordinance subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval but in no case shall the period for extension exceed 3 years.
4. All site plans submitted and approved prior to adoption of this ordinance shall be deemed to have expired if development has not been completed within 3 years of the final approval of this ordinance.

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LANDSCAPE PLAN APPROVAL REQUIREMENTS

Following is a draft of certain changes to the current landscape plan requirements regarding the length of time that any such approved plan is valid:

LANDSCAPE PLAN

A new section 20-26 would be added as follows:

SEC. 20-26. EFFECT OF LANDSCAPE PLAN APPROVAL

- A. If development of a lot or tract with an approved landscape plan has not been completed within 3 years of its final approval the landscape plan shall be deemed to have expired, and a new review and approval of a landscape plan for development of the property shall be undertaken by the Planning and Zoning Commission and City Council upon application by the owner, and such new approval shall be required before a building permit may be issued for development. Said review and approval shall be evaluated according to the standards of this ordinance, taking into account all changes to the ordinance which have occurred subsequent to the prior landscape plan approval.
- B. If the landscape plan is submitted in conjunction with an approved phasing plan for development of the lot or tract, the landscape plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. **No landscape plan phase may be planned to exceed 3 years. (ALTERNATIVE -No landscape plan phase may be planned to exceed three years unless specifically authorized by the Planning and Zoning Commission and City Council when demonstrated that due to the size or complexity of the development the three year time period would create a hardship.)** If any phase is not completed within the time period approved the entire remaining uncompleted landscape plan shall be deemed to have expired and the provisions of Sec. 20-26. A. (standard landscape plan process) shall be followed.
- C. Extension of an approved landscape plan may be granted by the Planning and Zoning Commission and City Council upon submission of a request for such extension by the property owner at least 90 days prior to the expiration of the plan. The Planning and Zoning Commission and City Council shall take into consideration any changes that have occurred in this ordinance subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval but in no case shall the period for extension exceed 3 years.
- D. All landscape plans submitted and approved prior to adoption of this ordinance shall be deemed to have expired if development has not been completed within 3 years of the final approval of this ordinance.

Draft of Amendment to Planned Development District

Amendment to Section 2.17 to add Subsection E.k.

k) Effect of Development Plan Approval on Certain Uses

Any development plan that is approved for multifamily or non-residential development shall be approved under the following conditions:

- 1) If development of a lot or tract with an approved development plan has not been completed within 3 years of its final approval the development plan shall be deemed to have expired, and a new review and approval of a development plan for development of the property shall be undertaken by the Planning and Zoning Commission and City Council upon application by the owner, and such new approval shall be required before a building permit may be issued for development. Said review and approval shall be evaluated according to the standards of this ordinance, taking into account all changes to the ordinance which have occurred subsequent to the prior development plan approval.
- 2) If the development plan is submitted in conjunction with an approved phasing plan for development of the lot or tract, the development plan shall be deemed to have expired if any phase is not completed within the time period approved for such phase. No development plan phase may be planned to exceed three years unless specifically authorized by the Planning and Zoning Commission and City Council when demonstrated that due to the size or complexity of the development the three year time period would create a hardship. If any phase is not completed within the time period approved the entire remaining uncompleted development plan shall be deemed to have expired and the provisions of Sec. k) 1) above shall be followed.
- 3) Extension of an approved development plan may be granted by the Planning and Zoning Commission and City Council upon submission of a request for such extension by the property owner at least 90 days prior to the expiration of the plan. The Planning and Zoning Commission and City Council shall take into consideration any changes that have occurred in this ordinance subsequent to original approval of the plan and the property owner may be required to bring such plan into compliance with the current requirements. The period of time approved for any such extension shall be indicated in any approval but in no case shall the period for extension exceed 3 years.
- 4) All development plans submitted and approved prior to adoption of this ordinance shall be deemed to have expired if development has not been completed within 3 years of the final approval of this ordinance.

- B. The decision of the Planning and Zoning Commission to approve or deny a site plan shall be final and binding unless an appeal of said decision is made to the City Council. The applicant will be notified in writing as to the reason said application was approved or denied. The appeal shall be filed in writing with the City Secretary not more than seven (7) days after the date of the action taken by the Planning and Zoning Commission. The appeal shall state all reasons for dissatisfaction with the action of the Planning and Zoning Commission. If the City Council, by majority vote, deems the appeal to be without merit, it may refuse to accept the appeal, and the action of the Planning and Zoning Commission shall stand. If the City Council, by majority vote, accepts the appeal, the decision by the City Council to approve or deny a site plan shall be final and binding. The accepted appeal will be placed on the first possible agenda, to be determined and coordinated by the City Secretary's office. In cases where site plan approval includes provisions which must be approved by the City Council, Planning and Zoning Commission approval of the site plan shall be referred to the City Council for this action.

Section 12-22-16**EXEMPTIONS AND EXCEPTIONS**

- A. Site plan approval shall not be required for any detached one (1) or two (2) dwelling unit buildings or any accessory uses incidental thereto.
- B. The Planning and Zoning Commission may, at the request of the applicant, waive any of the various requirements of maps and submissions set forth in this article.
- C. Site plan approval shall be required for property that has been platted, but for which no building permit has been issued.

Section 12-22-17**EFFECT OF SITE PLAN APPROVAL**

If development of a lot or tract with an approved site plan has not commenced within two (2) years of the date of final approval of the site plan, the site plan shall be deemed to have expired, and a new review and approval of a site plan for development of the property shall be undertaken by the Planning and Zoning Commission upon application by the owner, and such new approval shall be required before a building permit may be issued for development. Said review and approval shall be evaluated according to the standards of this article, taking into account all changes to applicable ordinances which occur subsequent to the prior site plan approval. Final architectural and engineering design requirements may necessitate minor changes in the approved site plan. In such cases, the City Planner shall have authority to approve minor modifications of

an approved site plan, provided that such modifications do not materially change the circulation and building location on the site.

Section 12-22-18 PERIODIC REVIEW

The Planning and Zoning Commission shall periodically review the site plan requirements of this article to ensure that said requirements are in conformance to City standards of development. The first periodic review shall be not less than one (1) year from the effective date of this section, and shall be undertaken by the Planning and Zoning Commission thereafter on an annual basis. If changes are to be considered by the Commission in the site plan requirements of this article, a public hearing shall be called and notice given as required in any zoning change case under the provisions of the Comprehensive Zoning Ordinance.

Section 12-22-19 SPECIAL AREA REGULATIONS AND EXCEPTIONS

A. VISION CLEARANCE

On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view and when topography prevents a clear view, this bank shall be removed.

B. BUILDING LINES

1. The front building line of the main dwelling hereafter constructed in residential districts, or altered in such manner as to change the position of such front building line, shall be located the distance required from the front lot line as may be required in the residential district in which such dwellings are located.
2. Open porches of dwellings may extend into the front yard a distance of ten feet (10') from the main line of the building. Cornices and eaves of the main building may project not more than four feet (4') into the front yard.

C. LOT AREA

On any lot separately owned on the date this Ordinance becomes effective, a single-family dwelling may be erected even though such lot has less area than required by these regulations.