

ARTICLE 28

SITE PLANS

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SECTION 28-1 INTENT

28-101. The intent of requiring a site plan review is to be able to consider the impact that a particular use may have on adjacent or surrounding property. Such impact may be caused by type of operation, noise factors, traffic flow, off-street parking or other impacting features of operation. It is further intended that such site plan review will encourage compatible arrangement of structures, off-street parking, storage areas, traffic patterns, trash facilities, landscaping, buffering, drainage and other outdoor facilities to promote the preservation of property values.

SECTION 28-2 SITE PLAN REVIEW COMMITTEE

28-201. A site plan review committee is hereby created for the purpose of reviewing all site plans which are required by this section to obtain site plan approval prior to issuance of any construction or building permit. The site plan review committee shall be the City Engineer, Fire Chief, Police Chief, Director of Public Works and the Zoning Administrator or their designated representatives. The committee shall have a majority of the committee present to constitute an official meeting and to conduct business. The committee shall elect a chair and vice chair. Any action must be by majority vote of the entire committee.

SECTION 28-3 WHEN SITE PLAN REQUIRED

28-301. Site plan review procedures will be required in the following instances:

- a. All commercial uses and industrial uses when such property is within one hundred (100) feet of a residential zoned area or is adjacent to a more restrictive zoning category.
- b. All uses which have a drive-up, drive-through or exterior vehicular service or waiting area.
- c. All uses which employ the outdoor use of the lot for storage of materials or goods.

Provided, however, that no site plan shall be required unless the proposed modification consists of a new use, exterior remodeling in excess of twenty thousand dollars (\$20,000.00) or additions to structures exceeding five hundred (500) square feet.

SECTION 28-4 SITE PLAN REVIEW PROCEDURE

28-401. a. Procedure. Any proposed use which requires a site plan review shall submit three (3) copies of a site plan to the office of the planning and zoning coordinator not less than eight (8) days before the next regularly scheduled meeting of the site plan review committee. The committee shall review the plan, approve it with or without amendments, deny it or defer it for further study.

b. Site plan contents. The application for a site plan review shall include the following:

1. Name and mailing address of applicant and owner of record if not the applicant.
2. Legal description of the property.
3. Site plan (5 copies) showing:
 - (a) Date, scale, north arrow, title, owner's name, name of individual preparing such.
 - (b) Location, dimensions of property lines, easements, structures, parking areas, drives, loading areas, trash receptacles, height of structures, fences, screening, signs, lighting and landscaping both existing and proposed.
 - (c) Use of each proposed structure.
 - (d) Approximate location of structures on adjoining property.
 - (e) The zoning classification, zoning district boundaries and present use of the property.
 - (f) A vicinity map indicating the zoning classification and current uses of properties within two hundred fifty (250) feet of the property.
 - (g) Topographic survey, showing the elevation of streets, alleys, building, structures, water courses and their names. Additionally:
 - (1) Significant topographical or physical features of the site, including existing trees.
 - (2) The elevation of the curb (if existing or proposed) in front of each

lot.

- (h) The proposed nature and manner of grading of the site, including proposed treatment of slopes in excess of ten percent (10) to prevent soil erosion and excessive runoff.

c. Action by site plan review committee. The site plan review committee shall review the plan according to the procedures and using criteria established by paragraphs (1) and (2) of this section to make a determination. The committee shall notify the applicant by mail within five (5) days of action taken by the committee and such action shall be binding unless an appeal is submitted as provided herein.

d. Appeal to the governing body. A decision of the site plan review committee to approve or deny a site plan may be appealed to the governing body by the applicant or owners of property within one hundred (100) feet of the property considered in the site plan review. Such appeal must be made in writing to the office of the city clerk within ten (10) days of the action by the site plan review committee, specifying the particular items which are being appealed.

e. No more than thirty-one (31) days after receiving an appeal, the governing body shall act on the appeal in accordance with the provisions of paragraphs a and b of this section. The governing body shall give notice by mail to the applicant for the site plan review and to the appellant specifying the reasons for the appeal and the date the governing body shall hear the appeal. Action taken by the governing body shall be binding on all parties.

f. Lapse of approval. Unless a longer time was specifically granted when a site plan was given final approval, a site plan approval shall become null and void one year from the date of approval unless a building permit has been issued and construction commenced and is being diligently pursued toward completion. Any site plan which has been voided may only be reinstated by a re-submission of a new site plan application.

SECTION 28-5 OCCUPANCY OR USE

28-501. No occupancy of new construction will be permitted until all conditions of the site plan approval have been complied with, and businesses doing exterior remodeling must comply with all provisions at the time of completion of remodeling. Provided, that consideration will be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans, but further provided that such required landscaping must be completed within six (6) months following occupancy under such consideration.

SECTION 28-6 CHANGE OF USE

28-601. A site plan approved pursuant with the provisions of this article shall run with the land and apply to the type of business or activity which was originally applied for. A subsequent change of use to another type of use requiring site plan approval will require approval of a new site plan.

