

**ARTICLE III – APPLICATIONS AND PROCEDURES**  
**SEC. 26-070 Common Procedures for All Applications**

**A. Applications and Fees**

1. *Forms.* Applications required under this Code shall be submitted to the Director of Public Services. The Director of Public Services is authorized to modify the application forms and submittal requirements as deemed necessary in the Director of Public Services' discretion.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the Board of Aldermen. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the Staff, Planning Commission, or Board of Aldermen.
3. *Eligible Applicants.* The following are eligible for each particular application under this code:
  - a. *Owner.* The record owner of property impacted by the application, that owner's authorized agent, or owner under contract. In the case of an application requiring a public hearing, and for the purposes of the right to appeal or protest, all those receiving mailed notice shall be considered owners impacted by the application.
  - b. *Planning Commission.* The Planning Commission, acting on its own initiative according to its bylaws and rules of procedure.
  - c. *Board of Aldermen.* The Board of Aldermen acting on its own initiative according to its bylaws and rules of procedure.

**B. Application Processing Cycles.** The Director of Public Services shall establish a more specific processing cycle for each type of application, which includes:

1. Dates of regular meetings of review bodies and decision makers that comply with all legal requirements for notice and public meeting deadlines;
2. Deadlines for receipt of a complete application for consideration at a particular meeting;
3. The scheduling of staff reviews, agency reviews, and staff reports on complete applications; and
4. The steps and benchmarks in the application process (including required notice requirements, public meetings, public hearings, decision meetings and review by other bodies).

**C. Pre-application Meeting.** Pre-application meetings may be requested by the Director of Public Services or the City Planner for any application and shall be required when indicated in subsections below. Where required, the applicant shall confer with the Director of Public Services, the City Planner, and other City officials designated by the Director of Public Services. The purpose of the pre-application meeting is to discuss the general nature of the proposal, including:

1. Classification of the application.
2. Procedure and submittal requirements for the application.
3. Criteria for processing and decisions on the application.

4. Notification requirements, timing and other procedural pre-requisites, or whether any special community outreach may be important.
5. Planning and infrastructure impacts, including the need for any additional technical studies or outside agency coordination and review.
6. The relationship to the Comprehensive Plan, and whether any specific plans, policies or other design, development or economic development initiatives impact the application.
7. Zoning requirements for the property in question and adjacent property.
8. Opportunities to improve any preliminary design concepts and better relate project benefits or mitigate impacts to other public or private investments in the area.

A required pre-application meeting may be waived at the Director of Public Services' discretion and upon the applicant's request for any application that is routine in nature and where the above topics can be addressed by general correspondence.

**D. Staff Review.** Upon receipt of an application, the Director of Public Services shall take the following steps:

1. *Notification of Incomplete Application.* If the Director of Public Services determines that an application is incomplete within, the Director of Public Services shall notify the applicant of the specific ways in which the application is deficient within fifteen (15) days of submittal, and no further processing of the application shall occur until the deficiencies are corrected. If the application is not completed within thirty (30) days of the notice, the incomplete application is deemed rejected.
2. *Scheduling.* The Director of Public Services shall schedule complete applications for further review according to these regulations.
  - a. Applications that require a public hearing shall be scheduled for initial review within sixty (60) days of a determination of a complete application.
  - b. Applications that do not require a hearing but an official public meeting shall be scheduled for review within thirty (30) days of a determination of a complete application or the recommendation from another required review body.

In the event that the next regular meeting of the review body is beyond these time periods, or the required notice cannot be given within these time periods, the application shall be scheduled for the closest available meeting.

3. *Staff Report.* The Director of Public Services shall prepare a staff report in light of the appropriate policies, plans and regulations. The Director of Public Services shall provide a copy of the report to the review body and to the applicant before the scheduled meeting.

**E. Notice.** Notice shall be provided for each application, as necessary, which shall provide the time, place and general nature and location of the application. Required notice shall be based on the following requirements:

1. *Published.* Where published notice is required, at least fifteen (15) days, but not more than thirty (30) days prior to the public review notice shall be published in a newspaper in general circulation in the City.
2. *Posted.* Where posted notice is required, The City shall post notice on property that is the subject of the application within public view at least fifteen (15) days before the scheduled review. The City will furnish the sign(s) for posting.
3. *Mailed.* Where mailed notice is required, the applicant shall provide names and addresses of all owners of record within three hundred (300) feet of the boundaries of the property. At the expense of the applicant, the Director of Public Services shall mail notice of the time, place and nature of the hearing by mail at least fifteen (15) days prior to the public review. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.

**F. Public Hearings.** Where a public hearing is required, the following procedures apply:

1. The hearing shall be conducted and a record of the proceedings shall be preserved, as the specific review body may prescribe by rule.
2. Any interested person or party may appear and be heard in person, by agent, or by attorney.
3. The review body may request a report on the application from any government official or agency, or any other person, firm or corporation with information pertinent to the application. A copy of any requested report shall be made available to the applicant and interested parties, and shall be available for review in the office of the City Planner.
4. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter provided that the continuance is set for a specific date, time and location announced at the original public hearing.

**G. Action by Review Bodies.** Review bodies shall take actions. A review body may take any action on the application consistent with notice given or criteria in **this Chapter**, regardless of the presence of the applicant, including the following (or recommend the following when the review body is a recommending body):

1. Approve the application.
2. Approve the application with conditions or modifications.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than sixty (60) days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

**H. Appeals.** Where a review body is designated as the appellate body, the following appeal procedures apply:

1. Appeals shall be filed with the Director of Public Services within fifteen (15) days of the decision by the decision-making review body.

2. The following persons and entities shall have standing to appeal the action of the review body:
  - a. The applicant;
  - b. The Director of Public Services, on behalf of any public official, department or agency;
  - c. Any owner of land that is the subject of the action or proposed action; and
  - d. Any person given the right of appeal by law.
3. The review body designated as the appellate body shall consider the application as a new matter, and within sixty (60) days of the date that the appeal was filed may take any action authorized by the decision-making review body. The procedure and required notice shall be the same as required of the original application.

**I. Technical Studies.** The Director of Public Services, on behalf of any public official, department, or agency, the City Planner, the Planning Commission or the Board of Aldermen may require applicants for development or permit approval to submit technical studies as may be necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impacts. The persons or firms preparing the studies shall be subject to the approval of the Director of Public Services. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

**J. Successive Applications.** In the event that the review body takes final action to deny an application, the same or a similar application shall not be refiled for one (1) year from the advertised review date. The Director of Public Services, upon petition by the applicant, may permit a refile of the application no sooner than one hundred eighty (180) days after the scheduled review date when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity or a significant Development Code text amendment has been adopted. There shall be no time limitation on a substantially different application. A decision by the Director of Public Service denying a request to re-file an application within may be appealed to the Board of Aldermen as set forth in Section 2-31 of this Code.

**K. Power of Review**

1. Where this Chapter provides that the Planning Commission sits as a decision-making review body, or as an appellate body, and where no provision is expressly provided for review by the Board of Aldermen, the Board of Aldermen shall have the power to review the Planning Commission's decision.
2. Within five days after a decision by the Planning Commission, any member of the Board of Aldermen or the Mayor may request to exercise power of review of any Planning Commission decision by notifying the City Planner in writing. If the City Planner receives a timely request to exercise power of review, the request shall be added to the agenda for the next meeting of the Board of Aldermen. At this meeting, the Board of Aldermen, upon motion adopted by a majority of those members of the Board of Aldermen who are present, may exercise the power of review of such decision. If a timely request is not received by the City Planner, or if, after a timely

request, a majority of those members of the Board of Aldermen who are present do not approve a request for power of review, the decision of the Planning Commission shall be final. The City Planner shall notify an applicant if a Board member or the Mayor has requested to exercise power of review.

3. Upon adoption of the motion to exercise the power of review and before acting on the application, the Board of Aldermen shall set the matter for hearing at its next regular hearing. The Board of Aldermen shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in reference to the application before the Planning Commission.
4. Board of Aldermen's Decision. Following the hearing by the Board of Aldermen on an application, the Board of Aldermen may, by an affirmative vote of a majority of the authorized membership of the Board of Aldermen, affirm, reverse or modify, in whole or in part, any determination of the Planning Commission.

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**SEC. 26-080 Zoning Map and Text Amendments**

- A. Applicability.** Zoning map and text amendments may be necessary to account for changed conditions in the general area, a change in public policies with respect to future development, or a desire to enable certain types of development that were not contemplated under the provisions of **this Chapter**. The Board of Aldermen shall have the authority to amend, supplement, change, modify, or repeal, by ordinance, the text or map of this Chapter as provided for in **this Article (III) and Article IV** in accordance with the provisions of this division.
- B. Application and Submission Requirements.** In addition to the requirements of **Section 26-070 (A)**, applications shall be made in a form acceptable by the City Clerk.
1. *Forms.* The application shall be signed by the applicant and shall state name and address, as well as:
    - a. *Text amendments.* An application for an amendment to Articles I-VIII and Article XII of this Chapter shall set forth the new text to be added and existing text to be deleted.
    - b. *Rezoning.* An application for a zoning map change shall include:
      - (1) A legal description of the property.
      - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
      - (3) The name, address, and phone number of the petitioner.
      - (4) The petitioner's interest in the property, and if the petitioner is not the owner, the name, address, and phone number of the owner(s).
      - (5) Date of filing with City Clerk.
      - (6) Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
      - (7) The present and proposed zoning.
  2. *Fee.* Fees shall be applied according to **Section 26-070(A)(2)**.
  5. *Applicants.*
    - a. *Text amendments.* An application for an amendment to the written text Articles I-VIII and Article XII of this Chapter may be filed by any person in the office of the City Clerk for consideration by the Planning Commission and the Board of Aldermen.
    - b. *Zoning Map Amendments (Rezoning).* An application for a change in the zoning district designation as described by the official zoning map may be filed in the office of the City Clerk, for consideration by the Planning Commission and the Board of Aldermen. Such application may be filed by any entity listed in **Section 26-070(A)(3)** or by the mayor, or the Director of Public Services, or by any other appointed or elected official of the City.
- C. Pre-Application Meeting.** Zoning Map Amendments (Rezoning) are subject to the requirements of **Section 26-070(C)**.
- D. Review Process.** Applications in **this Section** will be reviewed in accordance with **Section 26-070 (D)**. Once the review is complete, notice of a public hearing will be provided accordingly:

1. *Text Amendments.* According to **Section 26-070(E)(1)**.
2. *Zoning Map Amendments (Rezoning).* According to **Section 26-070(E)**.

**E. Review Bodies.**

1. *Planning Commission.* Each application shall be presented to the Planning Commission for its report and recommendations. The Planning Commission shall consider an application not later than the second regular monthly meeting of the Planning Commission after all required documents are filed. The Planning Commission shall hold a hearing in compliance with **Section 26-070(F)**. The Planning Commission shall recommend approval, conditional approval, or denial of the application and shall file its report and recommendation with the Board of Aldermen.
  - a. The Planning Commission may recommend that a petition for a change of zoning district classification be approved or denied for all or part of the property described in the petition. The Board of Aldermen may enact, by ordinance, such a partial granting of a petition for a change in zoning district classification.
  - b. The Planning Commission may recommend and the Board of Aldermen may enact, by ordinance, a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner. District classification of the same type as referred to in this section shall include the “PD” planned district when a petitioner proposes a particular use and presents plans at or prior to the public hearing which are substantially similar to those required by the “PD” rezoning procedures respectively.
2. *Review Criteria.* A zoning map or text amendment shall be reviewed by the Planning Commission and the Board of Aldermen, and consideration shall be given to the following criteria:
  - a. The application is consistent with the Comprehensive Plan and any official plan or program developed under the guidance of the Comprehensive Plan, and in particular the relationship of land uses within the proposed district and the relationship with uses existing or anticipated in surrounding districts.
  - b. The character of the neighborhood, including the design of streets, civic spaces, and other open spaces; the scale, pattern, and design of buildings; the zoning of property and compatibility of potential future uses; and the operation and uses of land and buildings.
  - c. The application furthers the intent of the proposed zoning district and supports that of any abutting zoning districts, and in particular the building form, site design, and other development patterns and urban design aspects of the proposed project in furthering the intent.
  - d. Compliance of any proposed development with the requirements of the development code, and the intent or design objectives associated with any specific standards as established by this Chapter.
  - e. The ability of the City or other government agencies to provide any services, facilities, or programs that might be required if the application were approved.

- f. The effect of approval on the condition or value of property in the City or in the vicinity, including the likelihood of surrounding areas to be developed in accordance with the Comprehensive Plan.
  - g. The consistency of the application with other adopted policies of the City, including any other relevant implications of the change beyond any specific proposed project.
  - h. The recommendations of the Director of Public Services, the City Planner, other City professional staff, or other technical reviews associated with the application.
- F. Protest Petition.** If a written protest against a proposed zoning map duly signed, notarized, and acknowledged by the owners of more than thirty (30) percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district or area proposed to be changed or to be affected by a text change is filed in the office of the City Clerk within fifteen (15) days of the date of the conclusion of the Planning Commission public hearing, such revision or amendment shall not become effective except by the favorable vote of two-thirds of all of the members of the Board of Aldermen.
- G. Board of Aldermen Review and Action.** Before acting upon any application for a text or map amendment, the Board of Aldermen shall publish in a newspaper of general circulation within the City notice of the meeting at least fifteen (15) days but not more than thirty (30) days. The Board of Aldermen may refer the application back to the Planning Commission for additional study before making its final decision. No additional public notice is required to be given. The Board may take any action outlined in **Section 26-070(G)**. All text amendments and amendments to the zoning map, as described herein, shall require a majority vote by the Board of Aldermen.
- H. Withdrawal.** Any text or map amendment request, regardless of its source of initiation, may be withdrawn from consideration upon receipt of written notice from the applicant by the Director of Public Services at any point in the approval process, prior to final action on the request by the Board of Aldermen.
- I. Effect of Decision.** Amendments to the text of this Chapter or official Zoning Map (rezoning) shall be approved by the Board of Aldermen in the form of an ordinance. Approved changes to the official Zoning Map shall be indicated on said Map by the Director of Public Services within thirty (30) days following such action.

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## SEC. 26-090 Planned Development

- A. Applicability.** The planned development process is intended for development concepts that require a higher degree of specific planning.
1. *General factors for evaluation.* The City Staff and Planning Commission evaluation process will consider the basis for designation of a planned development zoning on one or more of the following factors:
    - a. Complexity of the project;
    - b. Relationship of the site to its surroundings;
    - c. Challenges presented by site conditions (topography, property configuration, preservation or protection of environmental elements, etc.);
    - d. Ability of the development plan to meet or exceed the purpose, intent and objectives of this code through more flexible application of the standards.
  2. *Intention.* In addition, the planned development process is intended to:
    - a. Encourage more imaginative and innovative site and building design;
    - b. Promote a more desirable community environment;
    - c. Allow the City to retain maximum control over the use, the appearance of site and building features, and future operation of the development.
- B. A Type of Zoning.** A planned development application is a type of zoning map amendment which, if approved by the Board of Aldermen, creates a planned development district. A planned development district is applied to a specific tract of land or may comprise an assemblage of properties under common ownership or legal sale option contract to a single developer in situations where the specific property (properties) involved warrants greater flexibility, control, and density of development than is afforded under the general regulations of the standard zoning districts of **Article IV, Section 26-130 (Zoning Districts and Use Standards, Zoning Districts Established)** of **this Chapter**. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood and must meet all of the procedures and requirements of that process, but it also accommodates specific development plan uses and design elements. In the PD District, uses shall conform to the standards and regulations of the base-zoning district to which it is most similar. The base zoning district shall be stated on the Preliminary and Final Development Plans.
- C. Objectives and Standards for Approval.** The Board of Aldermen may, upon proper application and review by the Director of Public Services and review and approval by the Planning Commission, approve a planned development for a site of at least two and one-half (2.5) acres to facilitate the use of flexible techniques of land development and site design, by providing relief from existing zoning district requirements designed for conventional developments subject to meeting at least two (2) or more of the following standards and objectives:

1. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
2. Diversification in the uses permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects.
3. Functional and beneficial uses of open space areas.
4. Preservation of natural features of a development site.
5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
6. Rational and economic development in relation to public services.
7. Efficient and effective traffic circulation, both within and adjacent to the development site.

**D. Types of Planned Development.** Existing tracts of land or property assemblies within the City may be designated as one of the types of Planned Development Districts as set forth in **Article IV, Section 26-130 (Zoning Districts and Use Standards, Zoning Districts Established)** complying with the provisions of **this Section** and subject to the procedures of **Article III, Sections 26-070 through 28-080 (Applications and Procedures)** and other applicable standards and requirements of **this Chapter**. The following types of Planned Development Districts may be created based on the use descriptions as outlined in **Article II, Section 26-060 (Definitions, Description of Uses)**:

1. Planned Development-Residential (PD-R): Planned developments involving residential uses only.
2. Planned Development-Commercial (PD-C): Planned developments involving commercial uses only.
3. Planned development-manufacturing (PD-M): Planned developments involving manufacturing uses only.
4. Planned Development-Mixed Use (PD-MxD): Planned developments involving a mixture of residential and nonresidential uses.

**E. Process.** The planned development process involves at least two steps – the Preliminary Development Plan, and the Final Development Plan. In many cases, land will need to be subdivided in order to carry out a development plan. The subdivision process is a separate process and may run concurrently with or following the planned development process. Planned development applications may be initiated by the owners or authorized agents of any property affected. In addition to the general requirements in **Section 26-070**, the following requirements are specific to planned development applications.

1. *Preliminary Development Plan process.* A Preliminary Development Plan is a generalized development plan for the entire area proposed to be included within a planned development. The purpose of a Preliminary Development Plan is to allow preliminary review of a proposed planned development before substantial technical work has been undertaken. A Preliminary Development Plan shall include a minimum of two and one-half (2.5) acres. However, as part of the review and approval process for the Preliminary Development Plan, this minimum site size may be waived by the Board of Aldermen upon recommendation by the Planning Commission if the parcel in

question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wetlands, floodplain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the Board of Aldermen should determine such waiver to be in general public interest. Additions to previously approved Preliminary Development Plans may be considered an amendment to that plan and do not require a minimum size.

- a. *Pre-application procedure.* Preliminary Development Plans applications are subject to the requirements of **Section 26-070(C)**. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request the City planning staff shall promptly schedule such a conference.
- b. *Application and Submission Requirements.* In addition to the requirements of **Section 26-070(A)**, applications shall be made in a form acceptable by the City Clerk.
  - (1) *Forms.* The application shall be signed by the applicant and shall state name and address. An application for a Planned Development District may be filed in the office of the City Clerk, for consideration by the Planning Commission and the Board of Aldermen. Such application may be filed any entity listed in **Section 26-070(A)(3)**. An application together with a complete Preliminary Development Plan, including information outlined below, shall be considered not later than the second regular monthly meeting of the Planning Commission after all required documents are filed.
  - (2) *Fee.* Fees shall be applied according to **Section 26-070(A)(2)**.
  - (3) *Preliminary Development Plan.* A Preliminary Development Plan shall be submitted with the application for a planned development. The Preliminary Development Plan shall contain the information as set forth below. The scale of the drawing or drawings indicating the information required below shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than one (1) inch equals fifty (50) feet. The applicant may be required to provide, at applicant's expense, additional clarification and/or further detail of the site plan, as deemed necessary by the Planning Commission. All drawings shall indicate a project name, the names of adjoining streets, the applicant's name, a scale, a north arrow, the date drawn, and title of submission. The plan shall provide the following information and data:
    - (a) *Site and landscape plan.* One (1) or a series of maps shall be submitted indicating:
      - (i) An out-boundary survey plat and legal description of the property;
      - (ii) The location, size, and height of all existing and proposed structures on the site;
      - (iii) The location and general design (dimensions and materials) of all driveways, curb cuts, and sidewalks including connections to building entrances;
      - (iv) The location, area, and number of proposed parking spaces;

- (v) Existing and proposed grades at an interval of two (2) feet or less, extended beyond the project site to include adjacent properties and structures;
  - (vi) The location and general type of all existing trees over six-inch caliper and, in addition, an indication of those to be preserved;
  - (vii) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas, and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, etc.);
  - (viii) A landscaping plan meeting the standards and requirements of **Article V** of this Chapter;
  - (ix) The location and details of all retaining walls, fences (including privacy fences, etc.), and earth berms;
  - (x) The description and location of all refuse collection facilities including screening to be provided;
  - (xi) Provisions for both on- and off-site stormwater drainage and detention related to the proposed development.
  - (xii) Proposed sign locations.
- (b) *Site and Building sections.* Schematic or illustrative sections shall be drawn to a scale of one (1) inch equals eight (8) feet or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and site line relations to adjacent structures.
- (c) *Typical elevations.* Typical elevations of proposed buildings shall be drawn to a scale of one (1) inch equals eight (8) feet or larger or at a reasonable scale.
- (d) *Project data.*
- (i) Site area (square feet and acres);
  - (ii) Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas, and others;
  - (iii) Total dwelling units and floor area distributed by general type (one-bedroom, two-bedroom, etc.); and total floor area ratio and residential density distribution;
  - (iv) Floor area in nonresidential use by category and total floor area ratio;
  - (v) Calculations of parking spaces and area in relation to dwelling units and commercial floor area.

- (vi) Base Zoning District
  - (e) Signature Blocks
  - (f) *Project report.* A brief project report shall be provided to include an explanation of the character of the proposed development, any modifications requested to the base zoning district along with reasoning for request, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the Planning Commission and/or Board of Aldermen, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc., of the proposed development.
  - (g) *Phased development.* If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
    - (i) The approximate dates when construction of the phases can be expected to begin and end;
    - (ii) The order in which the phases of the project will be built;
    - (iii) The minimum area and the approximate location of common open space and public improvements that will be required at each stage;
    - (iv) If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units, or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided;
    - (v) Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.
- c. *Review procedure.*
- (1) *Staff Review.* Preliminary Development Plans will be reviewed in accordance with **Section 26-070(D)**. The Director of Public Services shall coordinate a review of the application by appropriate City departments. Once the review is complete, notice of a public hearing will be provided in accordance with **Section 26-070(E)**.
  - (2) *Planning Commission Review.* After consideration of the application and staff report, the Planning Commission, shall hold a public hearing in accordance with **Section 26-070(F)**. The Planning Commission shall make a report to the Board of Aldermen considering the criteria of **Subsection 26-090(C) (Objectives and Standards for Approval)** of **this Article** and considering the impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general public health, safety, and welfare of the City. The findings and recommendation of the Planning Commission shall be transmitted to the

Board of Aldermen. If the Planning Commission's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the Planning Commission with respect to the Preliminary Development Plan.

- d. *Protest Petition.* If a written protest against a proposed zoning map or text change duly signed, notarized, and acknowledged by the owners of more than thirty (30) percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district or area proposed to be changed or to be affected by a text change is filed in the office of the City Clerk within fifteen (15) days of the date of the conclusion of the Board of Aldermen public hearing, such revision or amendment shall not become effective except by the favorable vote of two-thirds of all of the members of the Board of Aldermen.
- e. *Board of Aldermen Review and Action.*
  - (1) Before acting upon any application for a Planned Development the Board of Aldermen shall publish in a newspaper of general circulation within the City notice of the meeting at least fifteen (15) days but not more than thirty (30) days. The Board of Aldermen may refer the application back to the Planning Commission for additional study before making its final decision. No additional public notice is required to be given. The Board may take any action outlined in Section 26-070(G). Planned Developments shall require a majority vote by the Board of Aldermen.
  - (2) If the Preliminary Development Plan is approved by the Board of Aldermen, it shall adopt a resolution approving the Preliminary Development Plan with conditions as specified therein and authorizing the preparation of the Final Development Plan. Simultaneously, with approval of the preliminary plan, the Board of Aldermen shall adopt an ordinance rezoning the site. Such ordinance shall become effective upon approval of the Final Development Plan.
2. *Final Development Plan.* Within nine (9) months following approval of the Preliminary Development Plan, but at least thirty (30) days before the next regularly scheduled meeting of the Planning Commission, the petitioner shall submit a Final Development Plan to the Planning Commission for its review and consideration to determine if the Final Development Plan is in conformance with the approved Preliminary Development Plan and with the imposed conditions of approval. The Final Development Plan shall reflect the entire planned development if it is to be completed in one (1) phase, or a phase of the planned development if it consists of more than one (1) phase. In the event that any proposed Final Development Plan is submitted more than nine (9) months after approval of the Preliminary Development Plan, the matter shall be referred to the Board of Aldermen for reconsideration of the Preliminary Development Plan approval.
  - a. *Final Development Plan requirements*
    - (1) *Site and landscape plan.* One (1) or a series of maps shall be submitted indicating:
      - (a) All matters shown on the Preliminary Development Plan;
      - (b) The existing and proposed contours;

- (c) A landscaping plan meeting the standards and requirements of Article V (Site and Landscaping Design Standards) of this Chapter;
  - (d) Nature of use, including conditional uses permitted;
  - (e) All structures, present and future, specifying location, size, and architectural elevation, none of which may deviate substantially from the approved Preliminary Development Plan;
  - (f) Sidewalks;
  - (g) Parking spaces, including underground parking and traffic aisles;
  - (h) Method of disposal of trash and garbage;
  - (i) Ingress and egress facilities;
  - (j) Parking facilities for visitors;
  - (k) Plan for the provision of water and sanitary and stormwater drainage facilities;
  - (l) All easements and dedications;
  - (m) Proposed locations of any signs and their type
  - (n) A lighting plan meeting the standards and requirements of **Section 26-220 (Site Lighting)** of this Chapter;
  - (o) All other information which the Planning Commission and the Board of Aldermen may designate.
- b. *Final Development Plan Review procedure.*
- (1) An application in compliance with **Section 26-070(A)(1) and Section 26-070(A)(2)** by an applicant qualified under **Section 26-070(A)(3)(a)**, along with a complete Final Development Plan, conforming to the requirements of **Subsection 26-090(E)(2)** of **this Article**, shall be considered at the first regularly scheduled Planning Commission meeting, but no sooner than thirty (30) days from the filing of the completed application.
  - (2) *Staff review.* The Final Development Plan shall be reviewed in accordance with **Section 26-070 (D)**. The Director of Public Services shall also coordinate a review of the application by appropriate City departments. The Final Development Plan shall conform to the Preliminary Development Plan. If the Final Development Plan does not conform to the Preliminary Development Plan, or if the conditions of the Preliminary Development Plan approval are not adequately met, the Final Development Plan shall not be approved by Staff.
  - (3) Following approval of the Final Development Plan, it shall be recorded at the applicant's expense with the St. Louis County Recorder of Deeds, and a reproducible Mylar of such recorded plan furnished to the Director of Public Services. Any bonds,

escrows, or letters of credit required to insure completion of required improvements or open space indicated on the Final Development Plan shall be filed with the City prior to the issuance of any building permits.

- c. *Appeal.* Appeal of Staff’s decision can be made to the Planning, Zoning, and Architectural Review Commission in accordance with the procedures outlined in **Section 26-070(H)**. Appeal of Planning, Zoning, and Architectural Review Commission’s decision can be made to the Board of Aldermen in accordance with the procedures outlined in Section 26-070(H).

**F. Permitted Uses.** The listing of permitted uses within each PD district shall be as follows:

District	Requirement
Planned Development - Residential	See Article IV, Sec. 26-140 for the PD-R district.
Planned Development - Commercial	See Article IV, Sec. 26-140 for the PD-C district.
Planned Development - Manufacturing	See Article IV, Sec. 26-140 for the PD-M district.
Planned Development - Mixed Uses	See Article IV, Sec. 26-140 for the PD-MxD district.

**G. Area Regulations and Performance Standards.** The area regulations and performance standards applicable to each planned development by designated district classification shall be as follows:

District	Requirement
Planned Development - Residential	Sections 26-150 and 26-160
Planned Development - Commercial	Sections 26-150 and 26-160
Planned Development - Manufacturing	Sections 26-150 and 26-160
Planned Development - Mixed Use	The above-referenced sections as applicable to the individual uses contemplated by the plan.

Other requirements and standards of this Chapter applicable to site and landscape design, access and parking, sign regulations, environmental performance standards, floodway/floodplain management, and subdivisions may also apply as contained in the following Articles, depending on the Planned Development District being proposed:

- Article V, Site and Landscape Design Standards
- Article VI, Access and Parking
- Article VII, Sign Regulations
- Article VIII, Supplemental Standards
- Article IX, Subdivision Standards
- Article X, Floodway/Floodplain Management

**H. Modifications.** Subject to the application and review process for the Preliminary Development Plan as previously specified in **Subsection (E)**, above, the approval of the Preliminary Development Plan may provide for such exceptions from the above-referenced regulations and such additional requirements as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in **this Section** and have been specifically requested in the application for a planned development; and



further, that no modification of the above-referenced regulations shall be allowed when such proposed modification would result in:

1. Inadequate or unsafe access to the planned development;
2. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
3. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
4. A development which will be incompatible with the purposes of this Article and this Section;
5. Detrimental impact on surrounding area including, but not limited to visual pollution.

The burden of proof that the criteria above are not being violated shall rest with the developer and not City staff or the Planning Commission.

**I. Period of Validity.** A Preliminary Development Plan shall generally include a period of validity of approval of a Final Development Plan as follows:

1. No approval of a Final Development Plan shall be valid for a period longer than twelve (12) months from the date of approval unless within such period a building permit is obtained and construction is commenced.
2. The Board of Aldermen may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application. However, the Board of Aldermen has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved Final Development Plan lapses, the Final Development Plan and all uses, terms, and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the procedural requirements of this section, whereby it shall be considered an entirely new application.
3. Should a request for extension of an approved Final Development Plan contain substantial changes, as determined by the Director of Public Services, the Director of Public Services shall require the applicant to refile his application subject to the requirements of this section as if it were an entirely new application.

**J. Power of Review.** The Board of Aldermen may utilize their Power of Review authority outlined in **26-070(K)** for applications in **this Section**.

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## SEC. 26-100 Conditional Use Permit

**A. Applicability.** A conditional use permit provides an ability for the Board of Aldermen upon review by the Director of Public Services and review and recommendation of the Planning Commission to permit additional uses in addition to those permitted by right within a zoning district. Permitted uses and those requiring a conditional use permit are listed in **Article IV, Section 26-140, Table 26-140 (Table Permitted Uses)** and are subject to the general requirements of **Article III, Section 26-070 (Common Procedures for All Applications)**. Conditional uses may be desirable, necessary, or convenient to the community, but which by the varying design and operational characteristics of the use or due to conditions in the area where the use is proposed may represent one or more of the following factors:

1. Tendency to generate excessive traffic;
2. Detrimental effect upon the value or potential development of other properties in the neighborhood resulting from noise, odors, lighting, or other environmental conditions;
3. Extraordinary potential for accidents or danger to public health or safety;
4. Require a case-specific review to determine the compatibility in a specific context and location within a particular district.

**B. Application and Procedures.** Procedures for application, review, and approval of a conditional use permit shall be as provided for in **Article III, Section 26-070 (Common Procedures for All Applications)** and the following requirements specific to conditional use applications. A conditional use permit may be initiated by an eligible applicant as defined in **Section 26-070(A)(3)**.

1. *Application.* Application for a conditional use permit for a specific tract of land shall be addressed to the Planning Commission and shall be filed with the Director of Public Services. The application shall be filed on forms prescribed for that purpose and be accompanied by the following:
  - a. Filing fee in an amount established by the Board of Aldermen;
  - b. Legal description of the property;
  - c. A written description of the proposed use;
  - d. Additional items may be required, such as:
    - i. Outboundary plat of the property;
    - ii. A site plan in conformance with the requirements of **Article III, Sections 26-110 and/or Section 26-120 (Major Site Plan and Design Review and/or Minor Site Plan)**, or where in conjunction with a proposed Planned Development as provided for in **Article III, Section 26-090 (Planned Development)**, a development plan complying with the requirements of that section;
    - iii. Floor plan

2. *Burden of proof.* In presenting any application for a conditional use permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following criteria:
  - a. The proposed conditional use complies with all applicable provisions of these applicable district regulations.
  - b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
  - c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
  - d. The location and size of the conditional use, the nature and intensity of the operation involved in, or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
    - i. The location, nature and height of buildings, structures, walls, and fences on the site, and
    - ii. The nature and extent of proposed landscaping and screening on the site.
  - e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
  - f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
  - g. The proposed uses are deemed consistent with good planning practice and are not inconsistent with the goals, objectives, and policies of the Comprehensive Plan; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City.

**C. Pre-Application Meeting.** Conditional Use Permits applications are subject to the requirements of **Section 26-070(C)**.

**D. Review procedures.**

1. *Staff Review.* Upon receipt of a completed application, either for a site-specific conditional use request, or one submitted in conjunction with a proposed planned development submitted in conjunction with the provisions of **Article III, Section 26-090 (Planned Development)**, or a change of zoning request in conjunction with the provisions of **Article III, Section 26-080 (Zoning Map and Text Amendments)**, the Director of Public Services shall institute an administrative review of the application supporting documents by all affected City departments in compliance with **Section 26-070(D)**. The results of this review shall be reported to the Planning Commission for its consideration.

2. *Planning Commission Review.* The Commission shall consider an application at a public hearing, subject to the requirements in **Section 26-070(F)** not later than the second regular monthly meeting of the commission after all required documents are filed. Notice of the public hearing shall be in compliance with **Section 26-070(E)**. The Commission shall recommend approval with specified conditions or denial of the application and shall file its report and recommendation with the Board of Aldermen.

**E. Board of Aldermen Public hearing.** Before acting upon any application for a conditional use permit, the Board of Aldermen shall also hold a hearing thereon after at least fifteen (15) days public notice of such hearing is published in a newspaper of general circulation within the City. The Board of Aldermen may refer the application back to the Commission for additional study before making its final decision. No additional public notice is required to be given for subsequent or continued hearings before the Board of Aldermen. The hearing before the Board of Aldermen shall proceed in the manner provided for contested cases under Missouri law and, specifically, shall comply with the following requirements:

1. A hearing on an application for a conditional use permit shall be commenced by the City Administrator, or his/her designee, filing a writing describing the application, the relief sought, and the reasons for granting such relief. The applicant, or any intervening party, may file responsive writings or motions.
2. The City Clerk shall mail notice of the hearing to the applicant, to all property owners within the City limits whose property lies within three hundred (300) feet of that which has been requested for a conditional use permit, and additional necessary parties, if any as determined by the City Clerk, and shall keep a record of all parties receiving notice. The notice shall consist of the caption and number of the case, shall state that an application for a conditional use permit has been filed, the date of filing, a brief statement of the matter, and the date of the hearing on such application.
3. Discovery shall be permitted to the extent provided by 536.063, RSMo, et seq., and reasonable time shall be provided for the parties to conduct discovery. Subpoenas may be issued in the manner provided by 536.077, RSMo.
4. At the hearing, the rules of evidence described in section 536.070, RSMo shall apply. Evidence shall be taken only on oath or affirmation and all proceedings shall be recorded electronically or transcribed. A copy of the transcript of such a proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.
5. The City Administrator, or his/her designee, shall present evidence to the Board of Aldermen on behalf of the City regarding the application. The applicant and any intervening party may be represented by counsel, if desired. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not the subject of the direct examination, to impeach any witness regardless of which party first called him or her to testify, and to rebut the evidence against him or her. Affidavits may be submitted in the manner provided by section 536.070, RSMo. The mayor shall serve as presiding officer at all hearings and shall make any ruling required during the course of such hearing, but shall not vote except in case of a tie.
6. After the hearing, the Board of Aldermen shall render a decision and direct the City Attorney to prepare a written order which shall be accompanied by findings of fact and conclusions of law.

The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the Board of Aldermen bases its order. Immediately upon deciding upon an application, the City Clerk shall give written notice of the decision of the Board of Aldermen by delivering or mailing such notice to each party, or his attorney of record, and shall, upon request, furnish him with a copy of the decision, order, and findings of fact and conclusions of law.

7. With the exception of the requirements that the hearing be recorded or transcribed, and for the issuance of findings of fact and conclusions of law, the City, the applicant, and intervening parties, if any, may waive any or all procedural formalities set forth above in **this Subsection** by mutual consent.
8. Any person who is aggrieved by a final decision regarding an application for a conditional use permit shall be entitled to judicial review thereof, as provided in sections 536.100 to 536.140, RSMo.

**F. Review criteria.** The Board of Aldermen shall not approve any conditional use permit application, or any amendment to an existing conditional use permit, unless the proposed conditional use is consistent with the standards herein, and unless the board determines that the proposed conditional use will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the visual coherence, predominant usage, or development character of surrounding or adjacent neighborhoods;
3. Substantially increase fire, health, or any other public safety hazards, or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community;
5. Overtax public utilities, services, or other municipal facilities;
6. Be developed and operated in a manner that is physically and/or visually incompatible with the permitted uses in the surrounding areas;
7. Substantially increase stormwater drainage onto other lots;
8. Create a nuisance.

**G. Aldermanic decision.** The applicant shall file with the Director of Public Services two (2) copies thereof containing all revisions required as the result of the approval process. Conditional use permits shall be approved by ordinance, with any conditions for approval set forth therein. If the Board of Aldermen does not approve an application for a conditional use permit, the City Attorney shall, after the public hearing has been concluded, prepare written findings of fact and conclusions of law, which shall be submitted to the Board of Aldermen for approval by resolution at a subsequent meeting.

**H. Effect of Decision.** A conditional use permit becomes effective and is subject to other requirements and actions as follows:

1. *When effective.* The permit shall become effective upon approval by the Board of Aldermen. In the event that a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
2. *Time limit of conditional use permits.* Conditional use permits shall be valid for an unlimited period, unless a lesser period shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the Board of Aldermen, which may extend it for an unlimited period or for a specified additional period of years. If a use permitted by a conditional use permit ceases for a period of six (6) months such conditional use permit shall expire, unless a different period is specified in a particular permit.
3. *Failure to commence construction or operation.* Unless otherwise stated in the conditions of a particular conditional use permit, substantial work, construction, or operation of the conditional use where construction is not required, shall commence within six (6) months of the effective date of the permit unless such time period is extended through appeal to and approval by the Board of Aldermen. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six-month period.
4. *Revocation of conditional use permit.* Upon a finding that an approved conditional use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the Board of Aldermen shall have the authority to revoke the permit after affording the holder of the permit the right to be heard.
5. *Transferability.* All conditional use permits shall be approved for the originating applicant for a specific location, and may not be transferred to any other location by that applicant, or be transferred to any other person, unless an amendment to such conditional use permit is approved of the Board of Aldermen as set forth in **Section 26-100(G)(7)**, below. Notwithstanding the foregoing, in instances in which the originating applicant has made substantial investments in reliance upon the conditional use permit, the City Planner may approve transfer of a permit if the transferee agrees in writing on a form to be provided to the City to be bound by all terms of the original permit.
6. *Procedure to amend approved conditional use permit.* In order to amend an existing conditional use permit, the application procedures, required materials, and approval process shall be the same as for a new permit.
7. *Reapplication.* In the event that a conditional use permit is denied by the Board of Aldermen, a reapplication for the purpose of review of the same request on the same property, or part thereof, shall not be accepted by the City until six (6) months following the date of final action on the original application, unless it can be shown to the satisfaction of the Planning Commission that substantial new evidence, not available during review of the original application, will be presented.

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**SEC. 26-110 Major Site Plan and Design Review**

**A. Purpose.** It is recognized by this Chapter that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further, there are benefits to the public in conserving natural resources. Toward these ends, this section requires site plan review and approval by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future urban development.

The site plan is intended to demonstrate character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the property.

**B. Applicability.** The Director of Public Services shall not issue a building permit for the construction of the following buildings, structures, and exterior modifications unless a detailed site plan has been reviewed and approved and such approval is in effect:

1. All permitted and conditional uses as described in **Article IV, Sections 26-130 (Zoning Districts Established)** and as provided for in **Article IV, 26-140 (Districts and Uses)**, designated “C-1”, and “M-1.”
2. All types of planned development districts provided for in **Article III, Section 26-090 (Planned Development)** and permitted and conditional uses as described in **Article IV, Sections 26-130 (Zoning Districts Established)** and as provided for in **Article IV, 26-140 (Districts and Uses)**. Site plan review for planned development districts shall be conducted in accordance with the process, requirements, and provisions specified in **Article III, Section 26-090**.
3. An application for site plan approval may be filed by an eligible applicant as defined in **Section 26-070(A)(3)(a)** and payment of the filing fee as required by **Section 26-070(A)(2)**.

**C. Required Data.** Every site plan submitted for consideration shall be in accordance with the requirements of this section as follows:

1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the plan can be readily interpreted, and shall include more than one (1) drawing or specific details where required for clarity.
2. The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of the property. The site plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer, or land surveyor or landscape arch. It shall also include the name and address of the property owner(s), developer(s), and designer(s).
3. It shall show the scale, north point, boundary dimensions, natural features such as wooded areas, streams, lakes, storm drains, existing manmade features such as buildings, structures, easements, high tension towers, pipe lines, excavations, bridges and culverts, and shall identify adjacent properties within one hundred (300) feet, their respective zoning, and their existing uses.

4. It shall show the existing topography and finished grade line elevations at two-foot (2) contour intervals as well as the proposed finished floor elevation for all structures.
5. It shall show the dimensions of the proposed main and accessory buildings, their relation to each other and to any existing structures to remain on the site, the height of all buildings and structures and the distance from all proposed buildings and structures to the nearest adjacent property line.
6. It shall show the existing and proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lands, service parking, and loading zones in conformance with the requirements set forth in **Article VI (Access and Parking) of this Chapter**.
7. It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. All necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.
8. A landscape plan which meets the standards and requirements of **Article V, Sections 26-190 (Site and Landscape Design Standards, Scope, Purpose, Applicability and Conflicts)** and **Section 26-200 (Site and Landscape Design Standards, Landscape Design Standards)** of this **Chapter** shall be included as a part of the site plan submitted.
9. It shall show architectural elevations of all proposed buildings and structures, identifying all materials proposed.
10. A lighting plan which meets the standards and requirements of **Article V, Section 26-220 (Site and Landscape Design Standards, Site Lighting)** shall be included as part of the site plan submitted.
11. The location, type, and nature of screening proposed for all trash collection areas.
12. Any other information deemed necessary by the commission.
13. All plans, architectural drawings, renderings or other materials or visual aids either submitted with the application or presented thereafter shall become the property of the City and part of the permanent record of any approval.
14. Proposed sign types and locations
15. Building setback lines
16. Signature Blocks
17. Additional materials as requested by Staff, including but not limited to, floor plans.

**D. Pre-Application Meeting.** Major Site Plans are subject to the requirements of **Section 26-070(C)**.



**E. Review Procedures.**

1. Staff Review. The site plan shall be submitted with the application for site plan approval to the Director of Public Services shall institute an administrative review of the application supporting documents by all affected City departments in compliance with **Section 26-070(D)**. The results of this review shall be reported to the Planning Commission for its consideration.
2. Upon receiving the site plan application, and associated documents, the Planning Commission shall review same at its next regularly scheduled meeting. Written notice of the review shall be completed in conformance with **Section 26-070(E)(3)**.

**F. Review Criteria.** The following factors shall be considered in review of the site plan:

1. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, watercourses, floodplains, soils, air quality, scenic views and historic sites.
2. The provision of safe and efficient vehicular and pedestrian transportation both within the development, and the community.
3. The provision of sufficient open space to meet the needs of the proposed development.
4. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.
5. The compatibility of the overall site design (location of buildings, parking lots, screening, general landscaping) and the land use within the existing area and projected future development of the area.
6. The existence and/or provision of adequate community facilities to serve the proposed development (i.e. water, sewerage, schools, streets, etc.).
7. Conformance of the site plan with the Comprehensive Plan and any other applicable requirements of this Chapter.

**G. Findings and Approval.** In review and approval of a site plan the Planning Commission shall find that the site plan and associated development is consistent with the standards of **Section 26-110(F)**, above and will not:

1. Substantially increase traffic hazards or congestion;
2. Adversely affect the character of surrounding commercial uses or adjacent residential uses or of the neighborhood;
3. Substantially increase fire hazards or make difficult access by fire and emergency vehicles;
4. Adversely affect the general welfare of the community; and
5. Overtax public utilities.

**H. Administrative Adjustments or Revisions.** Upon review and report by the Director of Public Services, the Planning Commission may grant administrative adjustments during the major site plan review process to provide flexibility where it is clear that an alternative design approach or a minor modification will equally or better meet the intent or design objective of the standard of the Review Criteria of **Subsection (F) of this Section** and that the findings of **Subsection (G) of this Section** are not compromised. Specifically, administrative adjustments apply to:

1. Altering a building standard such as the height, setback, or area by 5% or less.
2. Reducing a site design standard such as a landscape requirement, parking requirement, or open space dimension by 10% or less.
3. Deviating from a design standard by proposing an alternative design that equally or better meets the intent of the design standard or any performance criteria associated with the standard.

**I. Effect of Decision.** Approval of a major site plan shall authorize the applicant to apply for a building permit, and other applicable permits subject to the following:

1. The site plan approval shall expire and be of no effect one hundred eighty (180) days after the date of approval thereof, unless, within such time, a building permit for any proposed work authorized under the site plan approval has been issued. The site plan approval shall expire and be of no effect three hundred sixty-five (365) days after the date of its issuance, if construction has not begun and been pursued diligently on the property. Upon recommendation and report of the Director of Public Services, the Planning Commission may grant an extension for up to one (1) additional year and shall report any such extension to the Board of Aldermen.
2. The filing of a site plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the site plan is approved by the Board of Aldermen, and permits issued for the improvement of such property and all activities subsequent thereto shall be in conformance with the approved site plan for the property in question. The approved site plan shall have the full force and effect of the zoning ordinance. Any violations shall be grounds for the Director of Public Services to issue stop-work orders, withhold further permits, and take all actions necessary for the enforcement of the approved site plan.
3. Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the property owner shall record a copy of the approved site plan, legal description of the property, out-boundary survey, and all other plan sheets, along with any subsequent amendments shall be recorded with the county recorder of deeds.

**J. Appeal.** Appeal of the Planning Commission's decision can be made to the Board of Aldermen in accordance with the procedures outlined in **Section 26-070(H)**.

**K. Power of Review.** The Board of Alderman may utilize their Power of Review Authority outlined in **Article III, Section 26-070(K)** for applications in **this Section**.

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## SEC. 26-120 Minor Site Plan

**A. Applicability.** The minor site plan process ensures that routine development projects meet the development and design standards of this Chapter and all other standards applicable to the property, but requires a less extensive review and approval process. An application for a minor site plan may be filed by an eligible applicant as defined in **Section 26-070(A)(3)(a)** and payment of the filing fee as required by **Section 26-070(A)(2)**, and submission of a site plan meeting the requirements of **Section 26-110(C) (Major Site Plan and Design Review, Required Data)** of **this Article** as may be applicable. The minor site plan process does not apply to detached houses or duplexes, but applies to all other buildings and sites, unless the proposal is subject to review under Section 26-110:

1. Structural alterations to an existing building that do not change the footprint.
2. Any expansion of an existing building footprint that is 15% or less.
3. Any site development component, building footprint increase, or change of use which expands the existing impervious surface 25% or less.
4. Any change of permitted use which does not present a significant change in the ability to comply with access and parking requirements of this Chapter and does not significantly impact traffic conditions near the site.
5. Significant exterior design alterations to an existing building that do not change the footprint, but may include things such as re-facing or changing exterior materials, altering the composition of the façade by changing patterns of windows and doors, and/or changing architectural details and ornamentation.

The Director of Public Services may determine that any application meeting these eligibility criteria represents a significant change or potential impact on the area, or presents substantial interpretation questions on the application of development standards, and is not eligible for the minor site plan process. The Director of Public Services may determine that such applications must be reviewed through the full site plan and design review process.

**B. Pre-Application Meeting.** Zoning Map Amendments (Rezoning) are subject to the requirements of **Section 26-070(C)**.

**C. Review Criteria.** A minor site plan shall be reviewed according to the following criteria:

1. In general, any site plan in compliance with all requirements of this code shall be approved.
2. The Director of Public Services shall review the application as provided by Section 26.070(D) and shall make a recommendation regarding the application to the Planning Commission, which shall approve or deny the application. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the Director of Public Services and the Planning Commission shall consider whether:
  - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by this code and will not negatively impact the function and design of rights-of-way or adjacent property.

- b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design, and site engineering principles and practices.
  - c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.
  - d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features, or site design elements.
  - e. Whether any additional site-specific conditions are necessary to meet the intent of the zoning district or the intent and design objectives of any of the applicable development standards.
  - f. The findings of **Section 26-110(G) (Major Site Plan and Design Review, Findings and Approval)** of **this Article** can be made.
3. The application meets the criteria for all other reviews needed to build the project as proposed. The Planning Commission shall review the application and take action as set forth in Section 26-070(G).

**D. Effect of Decision.**

1. Approval of a minor site plan shall authorize the applicant to apply for a building permit, and other applicable permits. An approved minor site plan shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed within one (1) year of the approval. The Director of Public Services may grant an extension for up to one (1) additional year.
2. Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the property owner shall record a copy of the approved site plan, legal description of the property, out-boundary survey, and all other plan sheets, along with any subsequent amendments shall be recorded with the county recorder of deeds.

**E. Appeal.** Appeal of the Planning Commission’s decision can be made to the Board of Aldermen in accordance with the procedures outlined in **Section 26-070(H)**.

**F. Power of Review.** The Board of Alderman may utilize their Power of Review Authority outlined in **Article III, Section 26-070(K)** for applications in **this Section**.

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