

Chapter 135. Planning and Design

ARTICLE 9. REVIEW AND APPROVAL PROCEDURES

135-9.1	GENERAL.....	135-9-2
9.1.1	Intent.....	135-9-2
9.1.2	Applicability	135-9-2
9.1.3	Exemptions.....	135-9-2
9.1.4	Prohibited Relief.....	135-9-3
135-9.2	SITE DESIGN AND DESIGN ALTERNATIVES.....	135-9-3
9.2.1	General Site Design Principles.....	135-9-3
9.2.2	Design Alternatives Generally.....	135-9-4
9.2.3	Type 1 Design Alternatives	135-9-5
9.2.4	Type 2 Design Alternatives	135-9-6
135-9.3	REVIEW PROCESS.....	135-9-7
9.3.1	Review and Decision-Making Authority.....	135-9-7
9.3.2	Pre-Application Meeting.....	135-9-7
9.3.3	Application Submittal.....	135-9-7
9.3.4	Plan Review.....	135-9-8
9.3.5	Effective Date of Approval	135-9-9
9.3.6	Lapse of Approval.....	135-9-9
9.3.7	Permits and Continuing Compliance	135-9-10
9.3.8	Resubmissions and Amendments.....	135-9-10
9.3.9	Request for Review.....	135-9-11

135-9.1 General

9.1.1 INTENT

A. It is the intent and purpose of this article to establish a procedure to ensure timely, competent review of site plans as a means of determining whether such plans comply with the applicable regulations of this chapter, and to enable the city to plan for and review certain proposed improvements of property within specified zoning districts of the city in order to:

1. Implement community policies on physical development;
2. Provide for efficient, rational allocation of scarce facilities and resources;
3. Promote economy and efficiency in the provision and improvement of municipal services through the regulation of development;
4. Ensure the orderliness, quality and character of the development of property in the city, prevent foreclosure of future development opportunities, and facilitate coordination of land usage with planned and available facilities and resources; and
5. Give due consideration to the preservation of canopied areas and mature trees and to provide for the mitigation of canopied areas and mature trees which are removed for development.

B. The site planning review requirements of this chapter are designed to ensure the orderly and harmonious development of property in a manner that shall:

1. Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
2. Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
 - a. The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary

sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;

- b. Zoning restrictions at the time of the proposal;
 - c. The city's comprehensive plan;
 - d. The city's plans for future construction and provision for public facilities and services; and
 - e. The facilities and services already available to the area which will be affected by the proposed site use;
3. Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
 4. Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
 5. Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
 6. Consider the smart planning principles set forth in Iowa Code Chapter 18B.

9.1.2 APPLICABILITY

The construction, reconstruction, extension, or alteration of any building, structure, site, change of use, use subcategory or specific use type, use of land, resumption of use following a six-month vacancy, or any amendment to an existing site plan, is subject to the site plan review procedures of this section except as otherwise expressly stated.

9.1.3 EXEMPTIONS

A. The following are exempt from submitting a formal site plan in accordance with this article:

1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
2. Interior alterations that do not alter the footprint, height, exterior or use of a building, except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds

50% of the value of the structure at the date of adoption of this chapter, conformance with the landscape requirements is required and, therefore, a new site plan would be needed;

3. Routine maintenance and minor repairs, such as painting, replacing roof shingles or lining to match existing, replacement of gutters to match existing, to any part of a building when there is no change in appearance;
 4. One and two household detached houses;
 5. Refuse and recycling enclosures being added to an existing site;
 6. Replacement or addition of mechanical equipment and screening;
 7. Changes to approved plant species;
 8. Sheds 120 square feet and under in N districts;
 9. Parking lot restriping; and
 10. Modification, not elimination, of pedestrian route.
 11. Other projects expressly exempted by this chapter.
- B.** Activities exempt from submitting a formal site plan may be subject to provision of alternate design documentation when required by, and in a form acceptable to, the community development director. When alternate design documentation is required for exempt activities, such documentation shall be reviewed pursuant to the site plan review processes as set forth in section [135-9.3 of this article](#).
- C.** Activities exempt from submitting a formal site plan shall comply with the design regulations of this chapter. Variations from applicable design regulations for exempt activities are subject to consideration as either Type 1 or Type 2 design alternatives, as applicable, in accordance with sections [135-9.2](#) and [135-9.3 of this article](#).

9.1.4 PROHIBITED RELIEF

No relief may be granted by any authorized decision-maker for any of the following:

- A.** Waiver, modification, variation or action to preempt a condition of approval or requirement imposed by plan and zoning commission or city council, unless expressly authorized by this chapter; and
- B.** Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter; and
- C.** Waiver, modification or variation of the applicability and approval process for large-scale development

review and approval set forth in section 135-5.1 of this chapter.

135-9.2 Site Design and Design Alternatives

9.2.1 GENERAL SITE DESIGN PRINCIPLES

The general site design principles of this section are necessary to ensure the orderly and harmonious development of property in such a manner as will safeguard the public health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. The decision to approve, approve subject to conditions or deny a proposed site plan, or alternate design documentation provided for exempt activities under section [135-9.1.3.B of this article](#), or any Type 1 or Type 2 design alternative associated therewith, must be based in part on whether the site plan or documentation for design, as applicable, complies with the following general site design regulations:

- A.** The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a stormwater runoff control plan in compliance with section 106-136 of this code, for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those expressly set forth in this article.
- B.** The proposed development shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effects on such adjoining properties from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For purposes of this subsection, the term "use and enjoyment of adjoining property" shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted

Site Design and Design Alternatives

under the zoning district in which such adjoining property is located.

- C. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.
- D. To such end as may be necessary and proper to accomplish the standards in paragraphs A., B. and C. of this section, the proposed development shall provide water, sewer, stormwater, street, erosion control or other improvements.
- E. All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.
- F. The proposed development shall conform to all applicable provisions of federal and state law and all applicable sections of the municipal code.
- G. If the private property is connected to the existing skywalk system, as shown on the official skywalk map, or the applicant intends to connect to the planned skywalk system, as shown on the skywalk system plan map, the proposed development shall have such connections to the existing and planned skywalk system and such internal skywalk system pattern as will best permit the optimal expansion of the skywalk system to serve the greatest number of properties possible and best provide for the expected skywalk system traffic through the property. If the private property is not connected to the existing skywalk system, as shown on the official skywalk map, and the applicant does not intend to connect to the planned skywalk system, as shown on the skywalk system plan map, this design standard shall not apply to the proposed site plan.
- H. The proposed development shall provide landscaping, including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies and any adopted streetscape plans.
- I. The proposed development shall comply with the requirements of the tree removal and mitigation ordinance codified in chapter 42, article X of this code.
- J. The stormwater runoff control facilities installed in compliance with the stormwater runoff control plan

shall be maintained in compliance with section 106-136 of this code.

- K. Direct light trespass beyond property lines is prohibited. Lighting is intended to enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass, excess site brightness or excess sky glow. Lighting shall not be allowed to create a nuisance or a hazard.

9.2.2 DESIGN ALTERNATIVES GENERALLY

- A. **General.** This section acknowledges that there may be requests for design alternatives to the regulations of this chapter. These design alternative regulations are divided into two categories:
 1. Type 1 design alternatives reviewed and approved by the community development director pursuant to section [135-9.2.3 of this chapter](#); and
 2. Type 2 design alternatives, reviewed and approved by the plan and zoning commission pursuant to section [135-9.2.4 of this chapter](#).
- B. **Intent.** The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- C. **Burden of Proof or Persuasion.** The burden is on the applicant to demonstrate that the requested design alternative meets the criteria for approval or demonstrate that the result of the design alternative would equal or exceed the results of strict compliance with the subject regulation.
- D. **Notice of Request for Design Alternatives.** Requested design alternatives must be noted on the required application for site plan or alternate design documentation review, as applicable. The application must include a written statement explaining why the design alternative is necessary and all efforts that will be employed to mitigate adverse impacts resulting from approval of the design alternative request.

E. Zoning Relief Not Authorized. Design alternatives may not be used to grant relief from the zoning regulations of chapter 134 of this code. Relief from zoning regulations may be granted only in accordance with the applicable zoning procedures of [article 6 of chapter 134 of this code](#).

F. Cumulative Measurement. All design alternatives shall be measured cumulatively from the effective date of this chapter, using all building permits issued by the city's permit and development center, county assessor records, and other documentation determined necessary by the community development director.

9.2.3 TYPE 1 DESIGN ALTERNATIVES

During the site plan or alternate design documentation review process, as applicable, the community development director is authorized to approve the Type 1 design alternatives of this section [135-9.2.3 of this chapter](#) and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section [135-9.2.2.B of this article](#):

A. Specific Building Type Design Alternatives. The following design alternatives apply to the regulations in [article 2 of this chapter](#):

1. Build-to Zone
 - a. Increase the maximum primary frontage build-to-zone or setback requirement by 30% or one foot, whichever is greater.
 - b. Increase the maximum non-primary frontage build-to-zone or setback requirement by 30% or 2.5 feet, whichever is greater.
2. Primary Frontage Lot Line Coverage. Decrease the minimum primary frontage lot line coverage requirement by 30% or three feet, whichever is greater.
3. Building Setbacks.
 - a. Decrease the minimum interior side setback by up to 30% or one foot, whichever is greater.
 - b. Decrease the minimum rear by up to 30% or one foot, whichever is greater.
4. Building Coverage. Increase the maximum total impervious coverage allowance by up to 30% , provided that such increase does not result in impervious coverage that exceeds the total permitted impervious plus semi-pervious coverage.
5. Height.
 - a. Increase or decrease the ground story minimum or maximum height for House A, B, C and D building types by up to 1.5 feet.
 - b. Increase or decrease the non-ground floor stories minimum or maximum height for House A, B, C and D building types by up to one foot.
 - c. Decrease the ground story minimum height up to 10% for all Building Types other than House A, B, C and D building types.
 - d. Decrease the non-ground story minimum height by up to 10% for all Building Types other than House A, B, C and D building types.
6. Transparency. Reduce minimum transparency requirements by up to 30%.
7. Roof Type. Allow any roof type on a building.
8. Reduce applicable minimum square footage requirement for House Types A, B, C or D by up to 15%.

B. Other Type 1 Design Alternatives

1. Except as noted above in this section, reduce by up to 30% any minimum requirements of the building type regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) that are expressed as a dimension or distance.
2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included in the building type regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) that are expressed as a dimension or distance.
3. Modify building type regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) that are expressly identified as eligible Type 1 design alternatives within the text of this chapter.
4. Allow the owner of an existing, lawfully established single-household use to carry outbuilding expansions and renovations following the House type regulations that most closely match the existing building, regardless of whether that House type, or the most closely matching House type, is permitted within the subject district.

Site Design and Design Alternatives

5. Allow an addition to a pre-existing building design or off-street parking area or lot to extend along the same building line or off-street parking area or lot as the pre-existing building or surface parking lot.
 6. Waive or modify applicable building type regulations of [article 2 of this chapter](#) related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
 7. Waive or modify applicable building type regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) when the community development director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design alternative would be the minimum design alternative necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.
 8. Design alternatives to the accessory utility structure regulations for electric vehicle charging stations in section [135-2.22.4.B of this chapter](#) and for building-mounted solar regulations in section [135-2.22.4.E of this chapter](#) and freestanding solar regulations in section [135-2.22.4.F of this chapter](#).
 9. Design alternatives to minimum bicycle parking ratios and to bicycle parking location and design regulations.
 10. Design alternatives to minimum or maximum motor vehicle off-street parking ratio pursuant to section 135-6.1 of this chapter.
 11. Design alternatives to parking lot geometrics not to exceed 30% of a numerical standard subject to review by the community development director and city engineer.
 12. Design alternatives to the landscape regulations of [article 7 of this chapter](#).
 13. Any other design alternatives identified in this chapter as a Type 1 design alternative.
- regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) that are expressed as a dimension or distance.
 2. Except as noted in subsection [135-9.2.3.A of this article](#), an increase by more than 30% of any maximum requirements included in the building type regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) that are expressed as a dimension or distance.
 3. Design alternatives to allow required parking spaces for residential uses to be provided off-site.
 4. Design alternatives to allow off-site parking on a lot where non-accessory parking and the use to be served by the off-site parking are not allowed, as expressly stated in section [135-6.6 of this chapter](#).
 5. Design alternatives to any numerical regulation established in the building type regulations of [article 2 of this chapter](#) when the proposed construction is not subject to site plan review under chapter 135 of this code and when the design alternative does not exceed 50% of the applicable numerical regulation.
 6. Non-compliant street configuration, subject to concurrence by the community development director, fire chief, and city traffic engineer, unless otherwise approved by city council resolution.
 7. Reduction in depth of or elimination of the required occupied space.
 8. Reduction in size of garage or waiver of garage requirement for House types A, B, C and D.
 9. Any other design alternatives identified in this chapter as a Type 2 design alternative and any other variations from the regulations of this chapter, unless explicitly prohibited herein, that are not expressly identified as a Type 1 alternative.
 10. Reduce applicable minimum square footage requirement for House Types A, B, C or D by more than 15%.

9.2.4 TYPE 2 DESIGN ALTERNATIVES

- A.** Unless otherwise allowed in this chapter, only the following may be approved as Type 2 design alternatives:
1. Except as noted in subsection [135-9.2.3.A of this article](#), a reduction by more than 30% of any minimum requirements of the building type
- B.** As part of the public hearing site plan review process, the plan and zoning commission is authorized to approve requests for relief from strict compliance with the building type regulations of [article 2 of this chapter](#) and design regulations of [article 4 of this chapter](#) that are not expressly authorized for processing as Type 1 design alternatives, and to hear and decide reviews of

the community development director's decision on any Type 1 design alternative. The plan and zoning commission is also authorized to approve those Type 2 design alternatives that are expressly authorized in this chapter.

- C.** In addition to all other requirements of this article, the plan and zoning commission's decision to approve, approve the conditions, or deny a request for a Type 2 design alternative as part of the public hearing site plan review process must be based on the commission's determination of whether:
1. The requested design alternative is consistent with the general intent statement of section [135-9.2.2.B of this article](#);
 2. The requested design alternative is consistent with the comprehensive plan and any adopted area plan; and
 3. The requested design alternative will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the building type regulations of [Article 11 of this chapter](#) and design regulations of [article 4 of this chapter](#).

135-9.3 Review Process

9.3.1 REVIEW AND DECISION-MAKING AUTHORITY

- A. Administrative Site Plans.** All site plan applications that are not classified as public hearing site plans, including those that include alternate design documentation for activities that are exempt pursuant to section [135-9.1.3 of this article](#) or that include one or more requests for a Type 1 design alternative, pursuant to section [135-9.2.3 of this article](#), are referred to as "administrative site plans" and must follow a one-step approval process: review and final action by the community development director.
- B. Public Hearing Site Plans.** All site plan applications that include one or more requests for a Type 2 design alternative, pursuant to section [135-9.2.4 of this article](#), are referred to as "public hearing site plans" and must follow a two-step approval process:
1. Review by the community development director as an administrative site plan; and
 2. Review and final action by the plan and zoning commission as a public hearing site plan.

9.3.2 PRE-APPLICATION MEETING

- A.** Before submitting an application for site plan review, applicants must schedule and attend a pre-application meeting with community development department staff to discuss applicable procedures and regulations. Pre-application meetings are not required for the following:
1. Activities that are exempt from submitting a formal site plan, pursuant to section [135-9.1.3 of this article](#); and
 2. Residential accessory uses and structures.
- B.** The community development director is authorized, but not required, to allow alternatives to face-to-face pre-application meetings, such as telephone conversations and email correspondence.

9.3.3 APPLICATION SUBMITTAL

- A.** Applications for site plan review may be filed only with the consent of all record titleholders, or with the consent of all record contract purchasers when applicable, of the real property on which the review is requested. For sites owned by more than five individuals owners, applications not containing such consent may be filed subject to alternative documentation acceptable to the community development director.
- B.** Applications for site plan review must be determined to be a complete submittal as indicated by the requirements on the site plan review submittal checklists before the community development department is required to review the application. An application will be considered complete and ready for processing only if it is submitted in the required number and form, is accompanied by the required application filing and notification fees in accordance with the schedule of fees adopted by the city council, and is accompanied by the following information when applicable:
1. Site Plan, or alternate design documentation for exempt activities pursuant to section [135-9.1.3 of this article](#);
 2. Traffic Impact Analysis or Study;
 3. Stormwater Pollution Prevention Plan;
 4. Stormwater Run-off Control Plan;
 5. Grading Plan;
 6. Architectural Building Elevations;
 7. Photometric Analysis;
 8. Utility Plan;

Review Process

9. Landscape Plan;
 10. For properties containing two or more acres or 10 or more combined household, commercial, or other similar units allowed by the zoning district, proposed construction phasing if applicable, including:
 - i. identification of phased areas by mapping and phase number, and
 - ii. commencement and completion dates listed per phase number, which completion dates may not exceed 10 years after original submittal of the site plan or alternate design documentation;
 11. An approval statement and signature block as provided by the community development director; and
 12. Other information as required by the community development director.
- C.** To be considered a complete submittal, a site plan must show all major information, such as dimensions, setbacks, square footage, number of employees, proposed use, contours, detention calculations, and hazardous materials to be stored on site, unless specifically waived by the pre-application conference.
- D.** If board of adjustment review is required pursuant to chapter 134 of this code for a use requiring a site plan, the site plan shall not be processed until all necessary relief has been approved unless authorized by the community development director.
- E.** The community development director must make a determination of application completeness within 10 business days of application filing.
- F.** If a site plan application is determined to be incomplete, the community development director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.

9.3.4 PLAN REVIEW

A. General. Following determination that an application is complete, the community development director must promptly distribute the application for review by any city departments and external agencies who have regulatory responsibility or related interests in the review of the proposed site plan.

B. Administrative Site Plans

1. The community development director shall provide administrative review comments to the applicant within 30 days of acceptance of a complete site plan submittal package, or within 15 days of acceptance of a complete submittal package for activities exempt under section [135-9.1.3 of this article](#) for which alternate design documentation is required.
2. If an administrative site plan requires revisions for approval, including revisions that eliminate the Type 1 or Type 2 design alternatives, the applicant may revise the site plan in accordance with administrative review comments. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed no later than 60 days after the written administrative comments are issued.
3. Within 15 days after receipt of a complete site plan resubmittal package, or within 10 days of receipt of a complete resubmittal package for activities exempt under section [135-9.1.3 of this article](#) for which alternate design documentation is required, the community development director must provide any written administrative review comments that require further revision or provide acknowledgment that all administrative review comments have been satisfied.
4. If a revised administrative site plan has satisfied all administrative comments, staff will request that the applicant submit a signed and dated digital, reproducible copy. The community development department will provide written confirmation of approval, along with the date of such approval.
5. The community development department will retain the duly certified copy of approved administrative site plans in the department's permanent electronic file storage. The applicant is responsible for securing and submitting duly certified copies of the approved site plan as required to obtain building and other permits in accordance with this code and state law.
6. If an administrative site plan, or Type 1 design alternative(s) related thereto, are denied, or if an administrative site plan is determined to require one or more Type 2 design alternatives after the administrative review, this final determination must be provided through written administrative comment, either electronically or by regular

mail, and such correspondence must detail the aspects of the administrative site plan that are not in compliance with applicable regulations. Any request for further review shall be submitted to the community development director within 30 days after issuance of a final determination. Request for further review shall be processed as a public hearing site plan pursuant to this section.

C. Public Hearing Site Plans

1. Request for further review regarding the denial of an administrative site plan, or a Type 1 design alternative associated therewith, or consideration of a Type 2 design alternative contained in an administrative site plan, which are collectively referred to in this section as a “public hearing site plan”, must include the following:
 - a. Written response to all administrative site plan review comments;
 - b. Written narrative explaining the rationale for consideration of approval; and
 - c. Other documentation as requested by the community development director.
2. Within 30 days of acceptance of a complete submittal package for a public hearing site plan, the community development director must provide any written administrative comments that require further revision or establish a date for a public hearing by the plan and zoning commission.
3. The plan and zoning commission must take action to approve the proposed public hearing site plan, approve the proposed public hearing site plan subject to conditions, or deny the proposed public hearing site plan at the time of the public hearing, unless a continuance of the public hearing is otherwise deemed necessary by the commission.
4. If an application for public hearing site plan is denied by the plan and zoning commission, a new application may be submitted for further consideration or the denial may be appealed in accordance with section [135-9.3.9.B of this article](#).
5. If a public hearing site plan is approved subject to specific conditions and all administrative review comments, the applicant must revise the site plan in accordance with those conditions and comments and resubmit the plan for review within 30 days from the date of the

plan and zoning commission approval. The community development director must act on all resubmitted public hearing site plans within 15 days of their receipt.

6. If a public hearing site plan is approved, the applicant must submit signed and dated digital and reproducible copies of the site plan to the community development director, and the community development director must provide written verification of approval, along with the date of approval.
7. The community development department must retain the duly certified copy in the department's permanent files. The applicant is responsible for securing and submitting duly certified copies of the approved site plan as required to obtain building and other permits in accordance with this code and state law.

9.3.5 EFFECTIVE DATE OF APPROVAL

An approved site plan or alternate design documentation becomes effective upon certification by the community development director. If a request for review is filed, a site plan or alternate design documentation does not become effective until all reviews have been decided.

9.3.6 LAPSE OF APPROVAL

- A.** The approval of any site plan or alternate design documentation required by this article that does not contain proposed construction phasing, and the approval of the first phase of any site plan or alternate design documentation that contains proposed construction phasing, remains valid for two years after the date that the site plan or alternate design documentation is certified as approved, after which time the site plan or alternate design documentation lapses and is of no further effect unless the development has been established or actual construction has commenced. A site plan or alternate design documentation containing proposed construction phasing for which approval has lapsed for its first phase shall no longer be valid for any subsequent phase thereof.
- B.** The approval of any second or subsequent phase included in a site plan or alternate design documentation required by this article remains valid for two years after the completion date of the applicable phase as stated in the certified and approved plan or documentation, after which time the site plan or alternate design documentation lapses and is of no further effect unless the

Review Process

applicable phase of the development has been established or actual construction has commenced. A site plan or alternate design documentation containing proposed construction phasing for which approval has lapsed for any second or subsequent phase shall no longer be valid for any subsequent phase thereof. In no event shall a completion date for a phase identified in a site plan or alternate design documentation exceed 10 years from the date that said plan or documentation is certified as approved.

- C. For the purpose of this section, “actual construction” means that the installation of permanent construction materials has commenced and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading and excavation, or stockpiling of materials on the site does not constitute actual construction.

9.3.7 PERMITS AND CONTINUING COMPLIANCE

- A. No permit may be issued for any development requiring site plan or alternate design documentation approval until a site plan or alternate design documentation has been submitted and certified as approved for such development in accordance with this article.
- B. No permanent certificate of design compliance or certificate of occupancy may be issued for such development by the community development director until all terms and conditions of the approved site plan or alternate design documentation have been satisfactorily completed or provided for.
- C. Construction, grading, or other development activities may be carried out only in compliance with the certified approved site plan or alternate design documentation.
- D. No building or development requiring site plan or alternate design documentation approval shall be erected, structurally altered, occupied, used, or changed, in whole or in part for any purpose whatsoever, until a site plan or alternate design documentation is approved in accordance with this article.
- E. When a site plan or alternate design documentation has been approved for property pursuant to this article, the property must be used and maintained in compliance with the approved site plan or alternate design documentation. No person may use property

in a manner or physical condition that does not conform to the approved site plan for such property.

- F. Unless the community development director determines that a non-certified site plan or alternate design documentation is substantially complete, phased permits may be issued for limited construction purposes.

9.3.8 RESUBMISSIONS AND AMENDMENTS

- A. Resubmission of any site plan or alternate design documentation due to changes required or made to the site plan or alternate design documentation as previously submitted may be made in accordance with schedule of fees adopted by the city council.
- B. An approved site plan or alternate design documentation may be amended in accordance with the site plan or alternate design documentation review procedures of this section. However, the community development director is authorized to waive applicable review and approval procedures if the community development director determines that a proposed amendment involves only a minor change in the approved site plan or alternate design documentation. Any such waiver by the community development director must be in writing. Minor changes include the following:
 1. A change in building entrance and exit locations that remain fully compliant with chapter 135 of this code.
 2. A change to move building walls within the confines of the smallest rectangle that would have enclosed each originally approved building or to relocate building entrances or exits or to shorten building canopies.
 3. A change from a permitted use to another permitted use where the site is fully compliant with chapter 135 of this code.
 4. A change in angle of parking or in aisle width, in accordance with all provisions of chapter 135 of this code.
 5. A change in location of ingress and egress drives, provided such change is required by the city engineer.
 6. Substitution of plant species, provided a certified nursery person or landscape architect certifies the substituted species is similar in nature and in screening effects and allowed for planting in the city as approved by the community development director.
 7. A change in type and design of lighting fixtures,

provided there will be no increase in the intensity of light at the property boundary.

8. Expansion of peripheral yards for conforming uses that is compliant with chapter 135 of this code.
- C.** If a site plan or alternate design documentation is resubmitted for final approval that, as interpreted by the community development director, does not comply with conditions required by the community development director for an administrative site plan, or by the plan and zoning commission for a public hearing site plan, the applicant may elect to either:
1. Revise the site plan or alternate design documentation to comply with required conditions in accordance with the interpretation of the conditions by the community development director; or
 2. Submit a written request by letter or email communication that the resubmission is to be processed as an amendment to the site plan or alternate design documentation, as applicable.

9.3.9 REQUEST FOR REVIEW

A. Review of Community Development Director Interpretations and Decisions

1. The applicant may request review of any interpretation or final decision of the community development director, other than enforcement procedures set forth in section [135-11.2 of this chapter](#) or site plans or alternate design documentation being processed through plan review procedures in section 135-9.3.4 of this article, by filing a written notice of and reasons for the review with the community development director no later than 30 days after the date of the action from which the review is sought.
2. All reviews of interpretations or final decisions of the community development director must be placed on an upcoming regularly scheduled agenda of the plan and zoning commission within 60 days of the date that written notice of the appeal review was filed with the community development director. Except as otherwise expressly stated in chapter, the affirmative vote of at least eight plan and zoning commission members is required to overturn or modify the action from which review is sought.

B. Review of Plan and Zoning Commission Decisions

1. To be considered for further review of any final

decision of the plan and zoning commission, the applicant must submit the site plan or alternate design documentation to be considered and the following documentation to the community development director no later than 30 days from the final determination of the public hearing site plan review:

- a. Written narrative explaining any requests and rationale for modification of the final decision by the plan and zoning commission; and
 - b. Other documentation as requested by the community development director.
2. All reviews of final decisions of the plan and zoning commission must be placed on an upcoming regularly scheduled agenda of the city council within 60 days of the date that notice of the request for further review was filed with the community development director.

135-9. REVIEW AND APPROVAL PROCEDURES

Review Process

DRAFT