

ARTICLE XVII. SITE PLAN AND/OR SPECIAL APPROVAL USE REVIEW

SECTION 1700. PLANNING COMMISSION AUTHORITY

To make this Ordinance more flexible while providing for the protection of property values and the orderly and compatible development of property within the City, the Planning Commission, in addition to its other functions, is hereby empowered to approve certain uses designated as Special Approval Uses in the various zoning district classifications, to review site plans within its jurisdiction, and to direct the issuance of A Building Permit and/or Zoning Compliance Certificate.

SECTION 1701. PROCEDURE

1. Preliminary sketches of a proposed Site Plan may be submitted to the Planning Commission for discussion prior to formal submission of a request for Site Plan and/or Special Approval Use Review. The Planning Commission shall not be bound by any tentative approval given to preliminary sketches. Such preliminary sketches shall include, as a minimum, the following:

- a. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
 - b. A legal description of the property. A surveyed description shall be required unless the applicant can show that the parcel is a lot of record.
 - c. Sketch plans showing tentative site and development plans.
2. To initiate the procedure for Site Plan and/or a Special Approval Use Review, a person shall file with the Chairman of the Planning Commission ten (10) copies of a written request for same, ten (10) copies of the Site Plan, ten (10) copies of any other data upon which he intends to rely for approval of his request, and the applicable fee.
3. Upon receipt of the fee and the copies of the written request, Site Plan, and other data, the Chairman of the Planning Commission shall record the date of receipt thereof and transmit the fee to the City Treasurer.
4. A hearing shall be scheduled by the Chairman of the Planning Commission for a Site Plan and Special Approval Use Review and one (1) copy of all documents shall be sent to each member of the Planning Commission prior to the hearing for preliminary study.
5. The hearing shall be scheduled within not more than forty-five (45) days following the date of the receipt of the fee and documents by the Chairman of the Planning Commission.
6. Notice of the hearing shall be given to the applicant, the owner of the lot for which review is being conducted, and the owners and occupants of all property within three hundred (300) feet of the lot for which review is being conducted as shown on the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. Notice by publication and by mailing or personal delivery shall be made between five (5) and fifteen (15) days prior to the hearing. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. The notice shall describe the owner and address of the property involved, the nature of the request, and state when and where the request will be considered.
7. After the hearing and within one hundred (100) days of the receipt of the request by the Chairman of the Planning Commission, the Planning Commission shall transmit one (1) copy to the City Clerk and one (1) copy to the applicant of its written decision approving, disapproving, or approving with limitations, conditions, modifications, or alterations the Site Plan and Special Approval Use. The written decision of the Planning Commission shall indicate the facts and reasons upon which it is based. A decision shall be final and no appeal therefore may be taken to the Zoning Board of Appeals, but a decision approving the Site Plan and Special Approval Use with limitations, conditions, modifications, or alterations may require a further review after inclusion in the Site Plan and Special Approval Use.
8. Two (2) copies of the approved final Site Plan and Special Approval Use with any limitations, conditions, modifications, or alterations thereon shall be maintained as part of the City records for future enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission. If any variances, exceptions, or

amendments of this Ordinance have been obtained, the minutes concerning the same, duly signed, shall also be filed with the City records as a part of the approved Site Plan and Special Approval Use and delivered to the applicant for his information and direction.

9. A proposed amendment, alteration, or modification of the Site Plan and Special Approval Use as approved by the Planning Commission shall be submitted to the Planning Commission and shall be reviewed by it in the same manner as the original request.

SECTION 1702. LIMITATIONS, CONDITIONS, MODIFICATIONS, AND ALTERATIONS

1. Prior to its final approval of any Special Approval Use, the Planning Commission shall determine that any applicable special limitation or condition imposed thereon has been complied with; and in addition prior to its final approval of any Site Plan and/or Special Approval Use, the Planning Commission may impose any other limitation, condition, modification, or alteration thereon, which in its opinion, is consistent with the provisions of this Ordinance.
2. The Planning Commission shall have the power to limit the duration of a Special Approval Use where the same is of a temporary nature and may approve a Site Plan and/or Special Approval Use with limitations, conditions, modifications, or alterations. It may also reserve the right of annual review of compliance with the limitations and conditions imposed upon same. Any use failing to comply with such limitations and conditions may be terminated by action of the Planning Commission after a hearing upon application of any aggrieved party.
3. To insure compliance with this Ordinance and any limitations, conditions, modifications, or alterations for improvements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the City and future users or inhabitants of the lot, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such limitations, conditions, modifications, or alterations for improvements conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the City Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required w take more than six (6) months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

SECTION 1703. SITE PLAN AND SPECIAL APPROVAL USE REVIEW STANDARDS

1. The approval, denial, or approval with limitations, conditions, modifications, or alterations of a Site Plan and/or Special Approval Use by the Planning Commission shall be based upon the following standards, the proof of facts of noncompliance with which shall be upon an aggrieved party:
 - a. That such approval, denial, or approval with limitations, conditions, modifications, or alterations is consistent with the intent and purpose of zoning to promote public health, safety, morals, and general welfare; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land, resources and properties; to conserve property values, natural resources and energy; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses, and the general and appropriate trend and character of land, building and population development.

- b. That there is a proper relationship between the existing streets, highways and walkways within the vicinity to provide for vehicular traffic access and circulation, including intersections, road widths, traffic controls, deceleration lanes, service drives, entrance and exit driveways, and parking areas, and to assure the safety and convenience of pedestrian and vehicular traffic.
- c. That the use and/or structure(s) are consistent with the intent and purpose of the zoning district in which located; are designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and will not change the essential character of the area in which located.
- d. That the use and/or structure(s) are not hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
- e. That the use and/or structure(s) are served, adequately and without excessive expenditure of public funds, by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- f. That all provisions of this Ordinance are complied with unless an appropriate variance or exception therefrom has been granted by the Zoning Board of Appeals.
- g. That all buildings and structures are accessible by emergency vehicles.

SECTION 1704. BUILDING PERMITS AND ZONING COMPLIANCE CERTIFICATES

- 1. Upon approval of the Site Plan and/or Special Approval Use, the Chairman of the Planning Commission shall direct the Zoning Inspector to issue Building Permits and/or Zoning Compliance Certificates which shall incorporate all terms, limitations, and conditions of such approval.
- 2. Violation of any term, limitation, or condition of a Building Permit and/or Zoning Compliance Certificate issued by the Zoning Inspector after Site Plan and/or Special Approval Use approval shall cause a revocation of same.
- 3. Any lot which is the subject of a Special Approval Use Building Permit and/or Zoning Compliance Certificate which has not been used for a period of six (6) months without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission for the purposes for which such Special Approval Use was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification district and the Building Permit or Zoning Compliance certificate for such Special Approval Use shall thereupon terminate.
- 4. A lot which is the subject of a Site Plan Review approval must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Inspector by written notice to the

developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.