

Chapter 4.2 — Development Review and Site Design Review

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4.2.100 Purpose.

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage;
- F. Encourage the conservation of energy resources; and
- G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

4.2.200 Applicability.

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt.

- A. **Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Official. (See Chapter 4.1 for the applicable review procedure that may or may not require a public hearing.) It applies to all developments in the City, except those specifically listed under “B” (Development Review). Site Design Review ensures compliance with the basic development

standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

B. Development Review. Development Review is a non-discretionary or “ministerial” review conducted by the Planning Official without a public hearing. (See Chapter 4.1 for review procedure.) It is for less complex developments and land uses that do not require site design review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all the types of development listed below, except that all developments in sensitive land areas shall also use the development review procedures for those districts.

1. Single-family detached dwelling -including manufactured homes;
2. A single duplex, up to two single family attached (townhome) units, or a single triplex which is not being reviewed as part of any other development, and accessory parking on the same lot;
3. Building additions and Minor Modifications to development approvals as defined by Chapter 4.6;
4. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 Conditional Use Permits;
5. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.9;
6. Accessory structures including accessory dwellings;
7. Other developments, when required by a condition of approval.

4.2.300 Development Review Approval Criteria.

Development Review shall be conducted only for the developments listed in Section 4.2.200.B and it shall be conducted as a Type I procedure, as described in Section 4.1.300. Prior to issuance of building permits, the following standards shall be met:

1. The proposed land use is permitted by the underlying land use district (Chapter 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height, and other applicable standards of the underlying land use district and any sub-district(s) are met (Chapter 2);
3. The standards in Section 3.2.200 New Landscaping; 3.2.400 Fences and Walls, and Chapter 3.3 Vehicle and Bicycle Parking are met;

4. All applicable building and fire code standards are met; and
5. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Development Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

4.2.400 Site Design Review - Application Review Procedure.

- A. Site Design Review shall be conducted as a Type II or a Type III procedure as specified in “B”, using the procedures in Chapter 4.1 and using the approval criteria contained in Section 4.2.600.
- B. **Site Design Review – Determination of Type II Applications.** Applications for Site Design Review shall be subject to Type II or Type III review, based on the following criteria:
 1. Residential buildings with 3 or fewer dwelling units shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.300. Residential buildings with more than 3 units shall be reviewed as a Type III application.
 2. Commercial, industrial, public/semi-public, and institutional buildings with 5,000 square feet of gross floor area or less shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.300. Commercial, industrial, public/semi-public, and institutional buildings with more than 5,000 square feet of gross floor area shall be reviewed as a Type III application.
 3. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop) shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1 and 2, above.
 4. Developments with 4 or fewer required off-street vehicle parking spaces in conformance with Chapter 3.3 shall be reviewed as Type II applications, and those with more than 4 off-street vehicle parking spaces shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-3 (above) and 5 (below).
 5. Developments involving the clearing and/or grading of ½ acre or a larger area shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-5 (above).

4.2.500 Site Design Review - Application Submission Requirements.

All the following information is required for Site Design Review application submittal:

- A. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required by Section 4.1.400 (Type II application) or Section 4.1.500 (Type III application). The type of application shall be determined in accordance with subsection A of Section 4.2.400.

- B. **Site Design Review Information.** An application for site design review shall include the following additional information, as deemed applicable by the Planning Official:
1. Site analysis map. At a minimum the site map shall contain the applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified. For more involved projects the following shall also be included:
 - a. Identification of slopes greater than 5 percent;
 - b. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - c. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
 - d. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
 - e. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - f. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - g. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.
 - h. Other information, as determined by the Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features.
 2. Proposed site plan. The site plan shall contain the following information, if applicable:
 - a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Features identified on the existing site analysis map which are proposed to remain on the site.
 - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
 - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - i. Loading and service areas for waste disposal, loading and delivery;
 - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
 - k. Location, type, and height of outdoor lighting;
 - l. Location of mail boxes, if known;
 - m. Name and address of project designer, if applicable.
 - n. Location of bus stops and other public or private transportation facilities.
 - o. Locations, sizes, and types of signs.
 - p. Other information determined by the Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.
3. Architectural drawings. The Planning Official may request architectural drawings showing all the following:
- a. Building elevations (as determined by the Planning Official) with building height and width dimensions;
 - b. Building materials, colors, and type.
 - c. The name of the architect or designer.
4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater or ground disturbance on a project site of more than 2 acres. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.
5. Landscape plan. A landscape plan may be required and at the direction of the Planning Official and shall show the following:

- a. The location and height of existing and proposed fences and other buffering or screening materials;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
 - d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule.
 - f. Other information as deemed appropriate by the Planning Official.
- 6. Sign drawings. Sign drawings shall be required if signs are proposed in conformance with the City's Sign Code (Chapter 3.6).
 - 7. Covenants. Copies of all existing and proposed restrictions or covenants.
 - 8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Sub-Section 4.2.600 Approval Criteria.
 - 9. Traffic Impact Study. See Chapter 4.10.

4.2.600 Approval Criteria.

The review authority shall make written findings with respect to all the following criteria when approving, approving with conditions, or denying an application:

- A.** The application is complete, as determined in accordance with Chapter 4.1 Types of Applications and Section 4.2.500, above.
- B.** The application complies with all the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
- C.** The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2 Non-Conforming Uses and Development.
- D.** The application complies with the Design Standards contained in Chapter 3. All the following standards shall be met:
 - 1. Chapter 3.1 - Access and Circulation;

2. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
 3. Chapter 3.3 – Automobile Parking, Bicycle Parking, and Loading Standards;
 4. Chapter 3.4 - Public Facilities and Franchise Utilities;
 5. Chapter 3.5 - Surface Water Management;
 6. Chapter 3.6 - Other Standards as applicable.
 7. Chapter 3.7 – Flood Plain, if applicable.
- E. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.6), Specific Area Plan (Chapter 2.5), or other approval shall be met.
- F. Exceptions to criteria D.1-6, above, may be granted only when approved as a Variance (Chapter 5.3).

4.2.700 Bonding and Assurances.

- A. **Performance Bonds for Public Improvements.** On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;
- B. **Release of Performance Bonds.** The bond or assurance shall be released when the Planning Official finds the completed project conforms to the site development approval, including all conditions of approval.
- C. **Completion of Landscape Installation.** Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Planning Official or a qualified landscape architect is filed with the City assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.
- D. **Business License Filing.** The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a City business license prior to initiating business.

4.2.800 Development in Accordance With Permit Approval.

Development shall not commence until the applicant has received all the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a

development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.700. Development Review and Site Design Review approvals shall be subject to all the following standards and limitations:

- A. Modifications to Approved Plans and Developments.** Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I decision and require only Site Review. Major modifications, as defined in Section 4.6, shall be processed as a Type II or Type III decision and shall require site design review.
- B. Approval Period.** Development Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:
 - 1. A building permit has not been issued within a one-year period; or
 - 2. Construction on the site is in violation of the approved plan.
- C. Extension.** The Planning Official shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:
 - 1. No changes are made on the original approved site design review plan;
 - 2. The applicant can show intent of initiating construction on the site within the one-year extension period;
 - 3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
 - 4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.
- D. Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:
 - 1. A phasing plan shall be submitted with the Site Design Review application.
 - 2. The Planning Official shall approve a time schedule for developing a site in phases, but in no case shall the total period for all phases be greater than 2 years without reapplying for site design review.
 - 3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public

improvements, in accordance with Section 4.2.400. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;

- c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
- d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).