

ORDINANCE NO. 689

AN ORDINANCE ANNENDING THE WEST BRANCH ZONING CODE, SPECIFICALLY INCORPORATING CHAPTER 173 REGARDING SITE PLAN REQUIREMENTS

WHEREAS, the Planning and Zoning Commission has developed a proposed site plan ordinance for the City of West Branch over the last eighteen months with the intent to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations; and

WHEREAS, site plans shall only be required whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of and within any district of the West Branch Zoning Ordinance, and for any use, except one and two family dwellings; and

WHEREAS, the engineering firm of Veenstra & Kimm has advised the Planning and Zoning Commission in the development of a site plan ordinance for the City of West Branch; and

WHEREAS, the members of the Planning and Zoning Commission have reviewed several site plan ordinances from like-sized communities in the State of Iowa; and

WHEREAS, the members of the Planning and Zoning Commission have developed a site plan ordinance and recommended that the Council consider the adoption of a site plan ordinance into the Code of Ordinances of the City of West Branch, Iowa.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by adding a chapter entitled "Site Plan Requirements" that will read as follows:

"SECTION 1. TITLE. This chapter shall be known, cited and referred to as "Site Plan Regulations of the City of West Branch, Iowa."

SECTION 2. PURPOSE AND APPLICATION. It is the intent and purpose of this chapter to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations. Site plans shall only be required whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of and within any district of the West Branch Zoning Ordinance, and for any use, except one and two family dwellings.

SECTION 3. DESIGN STANDARDS. The standards of design provided herein are necessary to insure the orderly and harmonious development of property in such manner as will safeguard the public's health, safety and general welfare.

1. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.

2. The proposed improvements 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 property from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, 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 under the zoning districts in which such adjoining property is located.

3. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.

4. To such end as may be necessary and proper to accomplish the standards in subsections 1, 2, and 3 above, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.

5. The proposed development shall conform to all applicable provisions of the Code of Iowa, as amended, Iowa Statewide Urban Design and Specifications (SUDAS), Iowa Stormwater Management Manual and all applicable provisions of the Code of Ordinances of the City of West Branch, as amended.

SECTION 4. REQUIRED INFORMATION. All site plans required under Section 173.02, unless waived by the City Council, shall be prepared by a licensed Engineer or Land Surveyor, and shall include as a minimum the following information:

1. Date of preparation, north point and scale.

2. Legal description and address of the property to be developed

3. Name and address of the record property owner, the applicant, and the person or firm preparing the site plan.

4. The existing and proposed zoning.

5. The existing topography with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two percent (2%), either one (1) foot contours or spot elevations

where necessary but not more than fifty (50) feet apart in both directions, shall be indicated on site plan.

6. Existing and proposed utility lines and easements in accordance with Iowa Statewide Urban Design and Specifications (SUDAS) and City of West Branch Subdivision Regulations.

7. Total number and type of dwelling units proposed; proposed uses for all buildings; total floor area of each building; estimated number of employees for each proposed use where applicable; and any other information, including peak demand, which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.

8. Location, shape, and all exterior elevation views of all proposed buildings, for the purpose of understanding the structures and building materials to be used, the location of windows, doors, overhangs, projection height, etc. and the grade relationship to floor elevation, and the number of stories of each existing building to be retained and of each proposed building.

9. Property lines and all required yard setbacks.

10. Location, grade and dimensions of all existing and proposed paved surfaces and all abutting streets.

11. Complete traffic circulation and parking plan, showing the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters, and other similar permanent improvements.

12. Location and type of existing or proposed signs and of any existing or proposed lighting on the property which illuminates any part of any required yard.

13. Location of existing trees six (6) inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred (100) year storm on site and downstream off site.

14. Location, amount and type of any proposed landscaping. Location of proposed plantings, fences, walls, or other screening as required by the zoning regulations and the design standards set forth in Section 173.03.

15. A vicinity map at a scale of 1" = 500' or larger, showing the general location of the property, and the adjoining land uses and zoning.

16. Soil tests and similar information, if deemed necessary by the City Engineer, to determine the feasibility of the proposed development in relation to the design standards set forth in Section 173.03.

17. Where possible ownership or boundary problems exist, as determined by the Zoning Administrator, a property survey by a licensed land surveyor may be required.

18. Stormwater Pollution Prevention Plan.

19. Stormwater Management Plan.

SECTION 5. PROCEDURE.

1. Pre-Application Conference. Whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of land within any district of the West Branch Zoning Ordinance, and any use, except one and two family dwellings, the person shall submit to the City Administrator a request for a Pre-Application Conference. The Conference shall include the applicant or his/her representative, the City Engineer and the Zoning Administrator. The purpose of the Conference shall be to acquaint the City staff with the proposed construction and to acquaint the applicant or his/her representative with the procedures and with any special problems that might relate to such construction. The applicant shall furnish a legal description of the subject real estate at the time of requesting a Pre-Application Conference, and the Conference shall be held within fourteen (14) days of such request.

2. Continuous Site Plan Review. After completion of the Pre-Application Conference as required by subsection 1 of this section, and in the event the applicant wishes to proceed with the construction as discussed at said Conference, he/she shall cause to be prepared a site plan of such proposed construction, and shall submit five (5) copies of the same to the Zoning Administrator and one (1) copy to the City Engineer. The site plan shall be accompanied by a cover letter requesting review and approval of said plan. The site plan shall contain all the information required by Sections 173.04 and 173.06 of this chapter unless otherwise waived by the Zoning Administrator. The Zoning Administrator shall retain one (1) copy for his/her review and comment. The remaining copies shall be retained by the City Clerk for review and distribution. The Zoning Administrator and City Engineer shall review the plan for conformance of the design to the standards and required data set forth in Sections 173.04 and 173.06 of this chapter.

3. Action.

A. The Zoning Administrator shall promptly notify the applicant in writing of any revisions or additional information needed as required by Sections 173.04 and 173.06. If necessary, the applicant shall make revisions and resubmit the revised plan(s) to the Zoning Administrator for compliance. If the site plan complies with requirements set forth in this chapter, the applicant shall submit ten (10) copies of the plan to the Planning and Zoning Commission for approval, disapproval or approval subject to conditions.

B. The Commission shall in its regularly scheduled meeting, act upon the site plan and accompanying material. The City Engineer, City staff and other departments shall submit to the Commission their recommendation. Applicant or a representative shall be present at the meeting. Action of the Commission shall be approval subject to conditions, or denial.

C. Approval by Commission. In the case of approval by the Commission, the approval shall be documented on seven (7) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy retained by the Commission and five (5) copies shall be forwarded to the City Council.

D. Conditional Approval by Commission. In the case of approval subject to conditions by the Commission, the approval shall be documented on seven (7) copies of the site plan and the conditions determined attached thereto. One (1) copy shall be returned to the builder, one (1) copy shall be retained by the Commission, and five (5) copies shall be forwarded to the City Council. The applicant shall provide revised copies of the site plan in accordance with the Commission action and submit ten (10) copies to the City Clerk prior to Council action. The City Clerk shall forward one (1) copy to the City Engineer, five (5) copies to the City Council and one (1) copy for the Commission files.

E. Disapproval by Commission. In the case of disapproval by the Commission, the disapproval shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be retained by the Commission, and one copy shall be retained by the City Clerk.

F. Council Action. At the next regularly scheduled Council meeting following Commission action, the Council shall act on the site plan and accompanying material. Applicant or a representative shall be present at the meeting. Action of the Council shall be approval or denial.

G. Approval by Council. In the case of approval by the Council, the approval shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be forwarded to the Commission, and one (1) copy shall be retained by the City Clerk. Applicant may then proceed with approval of building permit and accompanying material.

H. Denial by Council. In the case of denial by the Council, the denial shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) to the Commission, and one (1) copy shall be retained by the City Clerk.

I. Resubmittal of Site Plan Denied by Council. A site plan that has been approved by the Commission and denied by the Council may be revised by the applicant in accordance with the Council Action and ten (10) copies resubmitted to the Commission for approval as before.

J. Resubmittal of Site Plan Denied by Council and Commission. A site plan that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes ten (10) copies of the site plan and filing fees. Resubmittal under these terms shall be considered a new site plan subject to fees and procedures outlined in Section 173.05.

SECTION 6. OPEN SPACE, LANDSCAPING, PARKING AND ARCHITECTURAL REQUIREMENTS. The requirements set forth in this section for open spaces, landscaping, parking and architectural standards shall apply to any development or redevelopment except one and two family dwellings.

1. Open Space Required. On each lot, except for one and two family dwellings, there shall be provided 25 percent of open space.

A. Said open space shall be unencumbered with any structure, or off-street parking or roadways and drives, and shall be landscaped and maintained with grass, trees and shrubbery. When the entire lot is not developed, the open space requirement shall be based in proportion to the area of the improved portion of the lot.

B. Each principal structure of an apartment or office complex on same site shall be separated from any other principal structure in the complex by an open space of not less than sixteen (16) feet.

2. Landscaping Required. Any development, except one and two family dwellings, shall provide the following minimum number and size of landscape plantings based on the minimum required open space for the development. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way subject to approval by the City shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City that are not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cottonbearing poplars, elm trees prone to Dutch Elm Disease, box elder, ash, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements.

A. Minimum requirements at the time of planting - Two (2) trees minimum or one (1) tree of the following size per 1,500 square feet of open space, whichever is greater: 40 Percent 1½" - 2" caliper diameter. Balance 1" - 1½" caliper diameter (Evergreen trees shall not be less than three (3) feet in height.)

B. Minimum requirements at the time of planting - 6 shrubs, or 1 shrub per 1,000 square feet of open space, whichever is greater.

C. To reduce erosion all disturbed open space areas shall have ground cover of grass or native vegetation which is installed as sod, or seeded, fertilized and mulched.

3. Buffer Required. The following conditions shall require a buffer which shall be a landscaped area, wall, or other structure intended to separate and obstruct the view between two adjacent zoning districts, land uses or properties:

A. Any other zoning district, other than an Agricultural A-1 District, that abuts any residential district shall require a buffer as described in this section. The buffer shall be provided by the non-residential use when adjoining a residential district.

B. All Industrial Districts that abut any other district shall provide a buffer as required by this section.

C. Any storage area, garbage storage, junk storage or loading docks, and loading areas, in any District shall be screened from public street view by a buffer.

4. Buffers. Buffers required under the provisions of this section or elsewhere in the zoning ordinance shall be accomplished by any one or approved combination of the following methods:

A. Buffer Wall: A buffer wall shall not be less than six (6) feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete or tile block; the permanent low-maintenance wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; weather resistant wood may be used as a substitute material if designed with adequate structural integrity and permanency and approved by the Planning and Zoning Commission and City Council.

B. Landscape Buffer: A landscape buffer shall not be less than twenty-five (25) feet in width, designed and landscaped with earth berm and predominant plantings of evergreen type trees, shrubs and plants so as to assure year around effectiveness; height of berm and density and height of plantings shall be adequate to serve as a solid and impenetrable screen. A chain link

fence may exist for security purposes, but is not considered a part of the landscape screening to satisfy the intent of this requirement.

5. Burden of Provision of Buffer. The burden of provision and selection of the buffer shall be as follows:

A. Where two different zoning districts, requiring a buffer between them, are developed, the above requirement is not retroactive and a buffer is not required. If a buffer is desired, it shall be provided by mutual agreement between adjacent property owners. However, in the event of any or all of the improved property is abandoned, destroyed, or demolished, for the purpose of renewal or redevelopment, that portion of such property being renewed or redeveloped, shall be considered vacant and subject to the requirements herein.

B. Where one of two different zoning districts requiring a buffer between them is partly developed, the developer of the vacant land shall assume the burden, unless otherwise specified herein.

C. Where both zoning districts, requiring a buffer between them, are vacant or undeveloped, the burden shall be assumed by the developer of the land that is improved or developed, except for agricultural uses and unless otherwise specified herein.

6. Waiver of Buffer Requirements. Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Council provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

7. Surfacing Requirements. All off-street parking and loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement or pervious pavement in accordance with the requirements as herein set forth. Off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicles equipped for street and highway travel shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open space area of the front yard between the building and public street right-of-way, except, however, the storage of a recreational vehicle, a camper, and boat within the side or rear yard upon an unpaved area shall be permitted. All off-street parking areas and associated driveways, access roadways and frontage roads, except driveways for single family residences, shall be constructed with permanent, integrally attached 6" high curbing or curbing of alternate height acceptable to the City (prefabricated portable curb stops shall not be considered an acceptable alternate), and shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The curbing requirements may be waived if it is determined that surface drainage can be adequately handled by other means. All approaches from the back of the street curb to the sidewalk shall be constructed of at least six (6) inches of Portland Concrete. The minimum thickness of pavement of the parking area shall be as follows:

A. Portland Cement Concrete shall have a minimum thickness of five (5) inches.

B. Asphaltic Cement Concrete shall have a minimum thickness of six (6) inches.

C. Pervious pavement will be subject to review and approval by the City.

D. Material utilized in the subgrade shall be well drained and not susceptible to frost boils. The part of the parking utilized for driveways and access roadways shall be specifically designed to accommodate the type and load bearing capacity of traffic anticipated. Driveways for attached townhouse style residences on private property shall be Portland cement concrete or asphaltic concrete with minimum thickness of five (5) inches and six (6) inches, respectively, with a sufficiently compacted and well-drained subgrade base and not greater than eighteen (18) feet in width.

8. Landscaping, Screening and Open Space Requirements. It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics that are inherent to their use. Therefore, wherever practical and except for single and two family detached and townhouse style residential parking in driveways, parking areas shall be effectively screened from general public view and contain shade trees within parking islands where multiple aisles of parking exist. Not less than five (5) percent of the interior parking area shall be landscaped within parking islands.

9. Off-Street Parking Access to Public Streets and Internal Traffic Circulation. Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses, except single-family detached or row dwellings which shall permit backward movement from a driveway. The backing or backward movement of vehicles from a driveway, off-street parking or loading area onto an arterial street or highway shall be prohibited for all uses. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots, and driveway approaches at roadway not greater than established in the Iowa Statewide Urban Design and Specifications. The number of ingress/egress access points to public streets from offstreet parking areas approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety, and, as possible, not impair movement of vehicular traffic on public streets. The permitted number of ingress/egress driveway approaches to public streets for an offstreet parking lot shall be dependent upon the projected future average daily traffic (ADT) for the public street and, as possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, as not to impair vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area to a public street.

10. Handicap Accessible Parking Requirements. Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable Federal, State and local regulations, properly identified with signage and provided with accessible ramps and walks in accordance with Federal and State regulations, and comply with the following parking space minimum requirements:

| TOTAL PARKING REQUIRED IN LOT HANDICAPPED | MINIMUM NUMBER OF SPACES |
|--|-----------------------------|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |

| | |
|---------------|---|
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | † |
| 1001 and over | ‡ |

† Two percent (2%) of total

‡ Twenty (20) spaces plus one for each 100 over 1000

Access space or aisle adjacent to handicap accessible parking space shall be a minimum five (5) feet wide. One in every eight handicap accessible spaces, but not less than one shall be served by an access space or aisle eight (8) feet wide minimum and shall be designated “van accessible.”

11. Traffic Analysis Requirements. Any project which contains 100 dwelling units or 1,000 average day trips as listed for uses in the Trip Generation Handbook; Institute of Transportation Engineers, current edition, shall submit a traffic analysis which provides necessary information to determine the affect that the project will have upon the surrounding traffic. At a minimum the traffic analysis shall contain project trip generation directional distribution of project trips, traffic assignment, and capacity analysis, including identification of congestion and turning-movement conflicts.

12. Waiver of Requirements. The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of off-street parking and loading areas contained in this chapter, provided a report on such change is received from the Planning and Zoning Commission and City Administrator, provided adequate area exists for future expansion, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

13. Architectural Standards. As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City Council after recommendation from the Planning and Zoning Commission. Documentation to be submitted shall include building elevations showing the building's design and a description of structural and exterior materials to be used. The following standards shall be considered by the City to review architectural plans:

A. Multiple-Family Dwellings in All Districts. The architecture of multiple-family buildings shall be designed in a manner compatible with adjoining residential uses in the neighborhood. Architectural design for multiple-family buildings shall include exterior building materials, exterior details and texture, treatment of windows and doors, and a variety in the wall and roof design to lessen the plainness of appearance that can be characteristic of large residential buildings. Multiple-family buildings with single plane walls and boxy in appearance shall not be considered acceptable unless the use of exterior materials such as brick provides the elements necessary to enhance the building's physical appearance and eliminate its plainness of

appearance. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, or loading areas to the public.

B. Non-Residential Uses in the "R" Districts. Any building used for a permitted non-residential use in "R" Districts shall be designed and constructed with architecture and use of materials compatible with the residential uses within the neighborhood. Buildings located on a residential street in an "R" District shall be residential in character, and exterior materials shall be wood, brick, and/or brick veneer. The architectural design shall be approved by the City.

C. All Uses Within the Commercial Districts. Architectural design and use of materials for the construction of any building shall be approved by the City. Buildings within the Commercial Districts shall have as a primary element of the building exterior fascia glass, brick, concrete panels, textured concrete block, architectural steel or stone panels, or cement fiber composite siding, with all sides of any building built consistent in design and use of materials. No wood, masonite, visible asphaltic exterior wall or roof material, aluminum or steel siding, nonarchitectural sheet metal non-textured concrete block, stucco, E.I.F.S. (Exterior Insulation and Finish System) or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Building shall not be designed or oriented to expose loading docks, nonresidential use overhead doors or loading areas to the public.

D. All Uses Within Industrial Districts. Architectural design and use of materials for construction of any building in the Industrial Districts shall be reviewed as part of the site plan proposal and shall be approved by the City. While it is not the purpose of this section to dictate, specify, or restrict the use of building materials and structural elements, the use of appropriate exterior materials to enhance the appearance of a building is encouraged by the City. The exclusive use of sheet metal as an exterior building material shall not be considered acceptable for buildings facing public streets. The exterior material of the building's front elevation shall be comprised of brick, concrete panels, textured concrete block, architectural steel or stone panels, or cement fiber composite siding, or other similar material. Loading areas, loading docks, storage areas, and garbage dumpsters shall be located, screened or oriented to minimize their exposure to view from public streets.

SECTION 7. ZONING PERMITS. No zoning compliance permit or building permit shall be issued for the construction of any structure that is subject to the provisions of this chapter, until a site plan has been submitted for review covering the land upon which said structure is to be erected, and further, approved by City Council for such development in accordance with this chapter.

SECTION 8. FEES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for site plan approval and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended

only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1. Applicant shall be responsible for just and reasonable costs incurred by the City for review of preliminary and final site plans deemed necessary by the City to insure proper conformance with City ordinances and site plan regulations.

SECTION 9. VALIDITY OF APPROVAL.

1. A site plan shall become effective upon certification of approval by the City Council.

2. The City Council approval of any site plan required by this chapter shall remain valid for one (1) year allowing one (1) year extension with approval of City Council upon recommendation of the Commission after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction.

SECTION 10. SITE PLAN AMENDMENT. Any site plan may be amended in accordance with the standards and procedures established herein, including payment of fees, provided that the Zoning Administrator may waive such procedures for those minor changes hereinafter listed. Such minor changes shall not be made unless the prior written approval for such changes is obtained from the Zoning Administrator. No fees shall be required for such minor changes.

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, shortening of building canopies.

2. Changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the West Branch zoning ordinance. This does not apply to residential uses.

3. Changing angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved.

4. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.

5. Changing type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at property boundary.

6. Increasing peripheral yards.

SECTION 11. APPLICABILITY TO EXISTING DEVELOPMENT. The requirements of this chapter shall not apply to the placement of any structure for which building permits have been issued as of the date of the adoption of this ordinance codified by this chapter (June 7, 2001), provided that if such building permit shall expire, then a new building permit shall not be issued until the requirements of this chapter have been met. Provided further, that if an existing structure is to be reconstructed, enlarged, expanded, or otherwise increased:

1. In the case of building uses, in an amount 50% or greater of its existing ground coverage and/or total floor space; or

2. In the case of non-building uses or non-building portion of uses, in the amount 50% or greater of the existing developed non-building site area, then the provisions of this chapter shall apply.

SECTION 12. ENFORCEMENT. No zoning ordinance certification, occupancy permit or building permit shall be issued by the City or have any validity until the site plan has been approved in the manner prescribed herein.

SECTION 13. CHANGES AND AMENDMENTS. Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to the hearing.

SECTION 14. MAINTENANCE BONDS. Maintenance bonds shall be posted with the City by the developer at the developer's cost for improvements required under this chapter for the following time periods and improvements:

| | |
|-------------------------------------|---------|
| Streets and alleys | 5 years |
| Storm sewer, drainage and detention | 5 years |
| Concrete pavement | 5 years |
| Asphalt overlays | 2 years |
| Sidewalks | 2 years |
| Curb and gutter | 5 years |
| Water facilities | 2 years |
| Sanitary sewer facilities | 2 years |
| All other underground utilities | 2 years |

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

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Passed and approved this 6th day of February, 2012.

First Reading: February 6, 2012

Second Reading:

Third Reading:

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk