

Chapter 4.2 Development Review and Site Design Review

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4.2.100 Purpose.

The purpose of this Chapter is to:

1. Provide rules, regulations and standards for efficient and effective administration of site development review;
2. Carry out the development pattern and plan of the Town and its comprehensive plan policies;
3. Promote the public health, safety and general welfare;
4. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
5. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage;
6. Encourage the conservation of energy resources; and
7. 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.

4.2.200 Applicability. (continued)

- A. Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Commission as a public hearing (Type III). (See Chapter 4.1 for review procedure.) It applies to all Type III developments in the Town, except those specifically listed under “B” below (applications subject to 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 Town Planning Official or designee without a public hearing (Type I). (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 of the types of development listed below, except that all developments in sensitive land areas shall also use the procedures for those districts.
1. Single-family detached dwelling (including manufactured home);
 2. A single duplex, up to two single family attached (townhome) units, or a single triplex that is not being reviewed as part of any other development, and accessory parking on the same lot;
 3. Building additions up to 500 square feet, 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. Home occupations that are subject to the standards in Chapter 4.9;
 6. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.9;
 7. Accessory structures with less than 600 square feet of floor area, including accessory dwellings;
 8. Other developments, when required by a condition of approval.
 9. [Reserved for any other types of development, as needed.]

4.2.300 Development Review Approval Criteria.

Development Review shall be conducted only for the developments listed in Section 4.2.200.B, above 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 Landscape Conservation, Section 3.2.300 New Landscaping ; 3.2.500 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.

Site Design Review shall be conducted as a Type III procedure as specified below, using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.600.

4.2.500 Site Design Review - Application Submission Requirements.

All of 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 relevant general information required by Section 4.1.500 (Type III application).
- B. **Site Design Review Information.** An application for site design review shall include the following additional information, as deemed applicable by the Town Planning Official:
 1. **Site analysis map.** At a minimum the site analysis map shall contain the following:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the Town, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;

4.2.500 Site Design Review - Application Submission Requirements. (continued)

- b. Topographic contour lines at six inch intervals;
 - c. Identification of slopes greater than 25 percent;
 - d. 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;
 - e. 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 Town, County, or State as having a potential for geologic hazards;
 - f. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the Town or any natural resource regulatory agencies as requiring protection;
 - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
 - i. The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
 - j. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;
 - k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
2. Additional information, as determined by the Town Planning Official. The Town may require studies or exhibits prepared by qualified professionals to address specific site features.
3. Proposed site plan. The site plan shall contain the following information:
- 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;

4.2.500 Site Design Review - Application Submission Requirements. (continued)

- 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);
 - 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;
 - 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. Locations of bus stops and other public or private transportation facilities;
 - o. Locations, sizes, and types of signs;
 - p. Other information determined by the Town Planning Official. The Town 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.
4. Architectural drawings. The Town Planning Official may request architectural drawings showing one or all of the following:
- a. Building elevations (as determined by the Town Planning Official) with building height and width dimensions;
 - b. Building materials, colors and type;
 - c. The name of the architect or designer.
5. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites ½ acre or larger. 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

4.2.500 Site Design Review - Application Submission Requirements. (continued)

proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.400.

6. Landscape plan. A landscape plan may be required and at the direction of the Town Planning Official 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 Town Planning Official. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2. Landscape, Street Trees, Fences and Walls of this Code.
7. Sign drawings shall be required in conformance with the Town's Sign Code (Chapter 3.6).
8. Deed restrictions. Copies of all existing and proposed restrictions or covenants.
9. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.600 Approval Criteria.
10. Traffic Impact Study. See Chapter 4.10.

4.2.600 Site Design Review Approval Criteria.

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

1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.

4.2.600 Site Design Review Approval Criteria. (continued)

2. The application complies with all of 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;
3. 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;
4. The application complies with all Design Standards contained in Chapter 3. All of the following standards shall be met:
 - a. Chapter 3.1 - Access and Circulation;
 - b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
 - c. Chapter 3.3 - Automobile and Bicycle Parking;
 - d. Chapter 3.4 - Public Facilities and Franchise Utilities;
 - e. Chapter 3.5 - Surface Water Management;
 - f. Chapter 3.6 - Other Standards (Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs), as applicable.
5. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5) or other approval shall be met.
6. Exceptions to criteria 4 (a-f), above, may be granted only when approved as a Variance (Chapter 5.1).

4.2.700 Bonding and Assurances.

- A. Performance Bonds for Public Improvements.** On all projects where public improvements are required, the Town 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;

4.2.700 Bonding and Assurances. (continued)

- B. Release of Performance Bonds.** The bond or assurance shall be released when the Town 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 Town Planning Official or a qualified landscape architect is filed with the Town Planning Official 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 Town to complete the installation.

4.2.800 Development in Accordance With Permit Approval.

Development shall not commence until the applicant has received all of 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 Town has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The Town 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 of 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 procedure and require only Development Review. Major modifications, as defined in Chapter 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.
- 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 Commission shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:

4.2.800 Development in Accordance with Permit Approval. (continued)

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 Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time 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 Town Council approval. Temporary facilities shall be approved only upon Town receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable Town or district standard, subject to review by the Town Engineer;
 - c. The phased development shall not result in requiring the Town 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).