

**Land Use Code Amendments Approved
By the Board of County Commissioners on
August 17, 2009**

Amend Section 6.0 to read:

6.0. SITE PLAN REVIEW

6.1. PURPOSE

The purpose of site plan review is to ensure that plans for the development of multiple-family and nonresidential uses, excluding agricultural uses allowed by right, comply with all applicable requirements of this code and any other approvals imposed by the county commissioners, the board of adjustment or floodplain review board.

6.2. APPLICABILITY

A. Site plan review and approval is required:

1. Prior to the acceptance of any building permit application for:
 - a. Multi-family or non-residential use;
 - b. Any change of use (see definition in Section 0.1) of an existing multi-family or non-residential structure or use, including the conversion of any public use to a private use.
2. Prior to the development of property for a nonresidential use that does not require a building permit. Such as, but not limited to:
 - a. Parking lots;
 - b. Outdoor Storage;
 - c. Outdoor Display and Sales;
 - d. Accessory Outdoor Commercial Storage;
 - e. Junkyards;
 - f. Flea Markets.

B. Site plan review is not required:

1. For an approved development plan having the same detail as site plan review.
2. For an agricultural use allowed by right.

C. If the Planning Director determines that the review criteria for Site Plan Review have been met or can be satisfied through the building permit process for a development or change of use of a property, a building permit may be applied for without site plan review and approval.

6.3. REVIEW CRITERIA

To approve a site plan application, the Planning Director must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- A. The site plan complies with all applicable requirements of this code and any applicable supplementary regulations; and
- B. The site plan complies with all conditions of approval imposed by the county commissioners, the board of adjustment or floodplain review board under another approval process authorized by this code.

6.4. PROCESS

- A. Any application for Site Plan Review requires a pre-application conference pursuant to section 12 of this code.
- B. Site Plan Review commences when a complete site plan application is submitted. Site Plan applications may be reviewed concurrently with other land use applications, but can not be approved until all required land use applications have been approved.
- C. Upon receipt of a complete application, the planning director will refer the applicable application materials to all appropriate departments and agencies.
- D. Referral departments and agencies will have 21 days to review and provide written comments to the planning director. Referral departments and agencies may request additional review time in writing.
- E. Within 5 working days following the 21 day review period the planning director will provide a written determination stating that the site plan review application:
 - 1. Is approved, with or without conditions, and complies with this code and any other approvals imposed by the county commissioners, the board of adjustment or floodplain review board.
 - 2. Requires modifications based upon the referral review, to be prepared by applicant for subsequent review to demonstrate compliance with this code and any other approvals imposed by the county commissioners, the board of adjustment or floodplain review board.
 - 3. Is denied based upon an inability to comply with this code and any other approvals imposed by the county commissioners, the board of adjustment or floodplain review board.

The decision of the planning director can be appealed in writing to the county commissioners pursuant to section 22 (appeals) of this code.

- F. Upon the determination of the planning director that a site plan review application:

1. Requires modifications, the applicant shall be required to make a revised submittal, for a subsequent review, that addresses the referral comments. Prior to the revised submittal the applicant may request a meeting to discuss the referral comments.
2. If approved, the applicant shall provide final versions of the site plans and supporting documents (quantities to be determined) for approval signature by the planning director. The final site plan set and supporting documents for signature shall also include one of the following:
 - a. An agreement (provided by the planning director) signed by the applicant indicating that the applicant is aware that all on-site and off-site improvements required for the development will need to be completed, inspected and approved prior to the issuance of a temporary certificate of occupancy or final certificate of occupancy.
 - b. A signed and executable development agreement and collateral pursuant to the requirements of section 12.6. (post approval requirements) of this code.

6.5. ADDITIONAL APPROVAL REQUIREMENTS

- A. Upon approval of a site plan and prior to the commencement of construction, a development construction permit is required.
- B. Approval of a site plan does not relieve the applicant from complying with the building codes as adopted by the county or the building permit submittal requirements.

6.6. MINOR DEVIATIONS

Technical, engineering or other considerations during construction or operation may necessitate minor deviations from the approved site plan. The planning director may approve minor deviations, in writing, if they comply with this code and the intent of the original site plan approval.

6.7. AMENDMENTS

Changes to the approved site plan that the planning director determines not to be minor deviations require approval through the site plan approval process. This requires a new application and receives full review under the site plan approval process described above.

6.8. VESTING

An approved site plan does not create a vested right. Approved Site Plans are effective for two years. If a building permit and development construction permit are not issued within two years of the site plan approval, the site plan approval will automatically expire.