

TITLE 18 Zoning

Division II. Basic Provisions

Chapter 18.14

SITE DESIGN REQUIREMENTS, SITE DESIGN REVIEW, LANDSCAPING PLAN.

18.14.010 Site Design Requirements

18.14.012 Purpose and Objectives

- A. The purpose of this Chapter is to encourage originality, flexibility and innovation in site planning and development in Garibaldi, in the Downtown (D-1), Commercial (C-1), General Industrial (I-1), Waterfront Mixed-Use (WM) Zones and Multifamily Housing containing three or more dwelling units; including the architecture, landscaping and design of private properties; to discourage excessive uniformity, monotonous, and inharmonious design; to conserve the City's natural beauty, visual character and charm as "Oregon's Authentic Fishing Village" by assuring structures, signs, and other improvements are appropriate to their sites and to surrounding sites and structures with due regard to the aesthetic qualities of the natural terrain and landscaping; and that proper attention is given to exterior appearances of structures, signs and other improvements, to prevent physical harm to the citizens of Garibaldi, and to promote harmony between adjacent property owners and to protect each property's right of access to sunlight, air and open spaces.
- B. The objectives of the site design requirements and review procedure are to:
1. Assure that development plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.
 2. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of the development.
 3. Discourage monotonous and inharmonious developments.
 4. Conserve the City's natural beauty, visual character, and charm by assuring that structures, signs and other improvements relate to their sites and surrounding sites and structures, and proper attention is given to exterior appearances of structures, signs and other improvements.
 5. The aesthetic qualities of the natural terrain and landscaping shall be considered in the site design. Where existing natural or topographic features are present they should be used to enhance the development. For example, incorporate small streams in the landscape design rather than placing them in culverts.
 6. Protect and enhance the City's appeal and thus support and stimulate business and industry, and promote the desirability of investment and occupancy in business, commercial and industrial purposes.
 7. Stabilize and improve property values to prevent blighted areas, and increase tax revenues.

8. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so to not adversely impact the orderly, efficient and economic provision of public facilities and services.

9. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns; decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private; provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior - particularly crime.

10. Foster civic pride and community spirit to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements.

11. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment, along with promote and protect the peace, health and welfare of Garibaldi.

18.14.014 Applicability.

- A. All developments within the City must comply with the applicable provisions of these Chapters:

Chapter 18.15 Medium Density Residential Zone

Chapter 18.110 Multifamily or Apartment Siting Criteria

Chapter 18.25 Commercial Zone

Chapter 18.27 Downtown Zone

Chapter 18.30 General Industrial Zone

Chapter 18.40 Waterfront Mixed-Use Zone

- B. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the Code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval by the City, they are still required to comply with the provisions of this Chapter.

18.14.016 Requirements.

A. Buildings

1. Customer Entrances. The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projections, decorative awnings over the door, arcades, arches, wing walls, and integral planters are required. Two features shall be incorporated at a minimum. Mixed use buildings that require two or more entrances are allowed but shall meet the standard.

2. Roof Design. Roofs should be designed to add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops unless the roof will be utilized. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs shall not be allowed.

3. Materials.

a. The predominant exterior building materials shall be of high quality materials, including, but not limited to, brick, sandstone, wood, native stone and cultured stone as accents to distinguish specific architectural features, rusticated metal cladding, tinted/textured concrete masonry units and/or glass products. Simulated material may be substituted for any of the aforementioned building materials if approved by the Planning Commission.

b. Multiple building materials shall be used for 100% construction of a building. The main entrance does not count towards this standard.

c. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, EIFS, stucco, or T 1-11. Prefabricated steel panels are excluded unless the design and material meets the City's design standards.

d. Metal roofs may be allowed if compatible with the overall architectural design of the building.

4. Architectural Features. Architectural features shall include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the Planning Commission. This could include the combination of materials, form, and style. Wood in the form of timber, glulam, cross laminated timber, and other natural features are encouraged on the exterior and main entrance.

a. The street facing entrance or store front shall provide windows or window displays a minimum of 4 feet in height along the ground floor street-facing frontage for a minimum of 50 percent of the horizontal length of the building. Glass doors may be credited toward the 50 percent requirement. This section shall not apply to multifamily dwellings.

b. Architectural features or landscaping shall be provided for at least 30 percent of the wall length on each street facing elevation.

c. Multi-story commercial, mixed-use or multifamily dwellings shall have ground floors defined and separated from upper stories by architectural features that visually identify the transition from ground floor to upper story.

d. Provide articulated facades for every 40 feet of building length. Articulated facades shall contain at least one of the following features: building offsets, projections, changes

in elevation or horizontal direction, or a distinct pattern of divisions in surface materials. Large expanses of blank walls shall only be located in areas that are not visible to the public.

e. New commercial or mixed-use residential structures shall be encouraged to provide weather protection for pedestrians along street facing elevations.

5. **Building Colors.** Exterior colors shall be of low reflectance, subtle, neutral or muted earth or marine/coastal tones. The use of high intensity colors including but not limited to black, neon, metallic or fluorescent colors for the exterior facade and/or roof of a building are not allowed. Bright or brilliant colors may be proposed only for accent. A sample exterior paint and stain color palette is available for review at City Hall.

6. **Mechanical Equipment, Outdoor Storage and Service Areas.** The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides and/or rear of a building. When a site abuts Highway 101, these areas shall be located to the sides of the building that do not face Highway 101.

a. All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the façades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

b. Equipment that would remain visible despite the screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow. Such vents shall occupy no more than 25% of the enclosure façade.

c. The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters.

B. Exterior Lighting (including LED) Requirements.

All exterior outdoor lighting installed in any and all zones in the City shall conform to the following requirements unless otherwise exempted.

1. **Area Lights.** All area lights, including street lights and parking area lighting shall be full cutoff fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the City that another type is more efficient. Street lights along residential streets shall be limited to 70-watt high-pressure sodium (hps) light. If the City permits a light type other than high-pressure sodium the equivalent output shall be the limit for the other light type. Outdoor mercury vapor and quartz lights are prohibited; preference should be given to low impact lighting.

2. Canopy Lights. All lighting shall be recessed sufficiently to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

3. Illumination Levels. Illumination levels and uniformity shall consider current recommended practices of the Illuminating Engineering Society. Recommended standards for the Illuminating Engineering Society shall not be exceeded. Lighting shall be compatible with the character of the neighborhood within which it is located. Light trespass impacts on surrounding properties will be minimized. Fixture mounting height and light intensity shall be considered in determining the extent of light trespass impacts. Up lighting shields shall be required except in the Downtown zone.

4. Temporary Lighting. Temporary lighting that conforms to the requirements of this development code shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Public Works Director only after considering:

- a. The public and private benefits which will result from the temporary lighting.
- b. Any annoyance or safety problems that may result from the use of the temporary lighting.
- c. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Public Works Director.

5. Towers. All radio, communication and navigation towers that require lights shall have dual lighting capabilities. Lights may only be used in accordance with FAA requirements.

6. Wattage ratings. For this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.

7. Streetlight design standards. Illustrations for street and all other exterior lighting proposed to be used in a subdivision or other development will be provided for review.

8. Shielding. Glass tubes filled with argon, neon or krypton do not require shielding.

9. Exterior Lighting Exemptions and Exceptions.

a. Residential fixtures consisting of lamp types with 2,050 lumens or less. Examples include:

1. 100 watt standard incandescent and less.
2. 100 watt mid break Tungsten-Halogen (quartz) and less.
3. 25 watt T-12 cool white fluorescent and less.
4. 18 watt low pressure sodium and less.

- b. Federally funded and state funded roadway construction projects to the extent necessary to comply with federal and state requirements.
 - c. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
 - d. Full cutoff street lighting, which is part of a federal, state, or municipal installation.
 - e. Holiday lighting.
 - f. Lighting of sports facilities or stadiums.
 - g. Specialized lighting necessary for safety such as navigation or runway lighting of airports, temporary lighting associated with emergency operations, road hazard warnings.
 - h. Traffic control signals and devices.
10. Prohibited Lighting. Prohibited lighting includes the following:
- a. Newly installed fixtures, which are not full cutoff fixtures.
 - b. Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.
 - c. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

C. Parking (Pods) Areas.

This section shall be in compliance with the requirements in Chapter 18.125 Automobile Parking Standards, Articles I, II, III, and IV (Vehicle and Bicycle Parking, Loading Areas).

D. Storage Unit Facilities.

In the Commercial (C-1), General Industrial (I-1), and Waterfront Mixed-Use (WM) Zones, storage unit facilities shall be subject to the following design, siting, and location standards:

1. Design Standards. New storage unit facilities and renovation of existing storage facilities shall be subject to the following design standards in this Chapter:
 - a. Building material requirements.
 - b. Building colors,
 - c. Mechanical equipment, outdoor storage and service areas.
 - d. Outdoor lighting.
 - e. Other applicable design requirements of this Section.

18.14.018 Site Design Review

A. Site Design Review shall be required for all new developments and modifications of existing developments that changes 50% or more of the exterior in the Garibaldi Downtown, Commercial, General Industrial, Waterfront Mixed-Use Zones, and Multifamily Housing containing four or more dwelling units in any zones.

B. Exceptions for regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. This applies to all development within the city. Site design review ensures compliance with the basic development standards of the land use district (building setbacks, lot coverage, maximum building height, etc.), as well as the more detailed design standards and public improvement requirements in this Chapter.

C. Responsibility. Site design review shall be conducted by the Garibaldi Planning Commission by way of a public notice and hearing.

D. Permits. When a design review is required, no permit will be issued until site plans have been reviewed, found to meet the Garibaldi Comprehensive Plan and Municipal Code, and approved by the Planning Commission.

E. Site plan standards are found at Chapter 17; Division III., 17.50 Site Plan.

F. Architectural Drawings shall be submitted showing the following information and shall comply with 18.14.016 Requirements; Section A. Buildings.

1. Building elevations with building height and width dimensions.
2. Building materials, color and type.
3. The name of the architect or designer.

G. 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. 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, in accordance with Chapters 13.10 Sewer Services; 16.05 Flood Damage Prevention; 18.80 Hillside Overlay Zone; 18.125.100 Automobile Parking Standards; and 18.160 Estuary and Shoreline Standards.

H. Landscape Plan. A landscape plan is required and shall comply with Section 18.14.020 of this Chapter.

I. Signs. Proposed sign(s) shall be required in conformance with the City's Sign Code at Chapter 18.120.

J. Copies. Copies of all existing and proposed restrictions or covenants.

K. Documentation. A letter or narrative report documenting compliance with the applicable approval criteria identified in D. of this section.

L. Upgrades to existing development. 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 18.195 Nonconforming Uses.

M. Compliance. The application complies with the design requirements and standards identified in this Chapter and Chapter 17; Division III., 17.50 Site Plan.

18.14.020 Landscaping Plan

18.14.022 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting significant natural vegetation, and setting development standards for landscaping, trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of Garibaldi. Trees provide shade during summer months and wind screening all year long. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

18.14.024 Development. Development for multi-family, multiple use, commercial, industrial projects, and projects which will create or alter a street or roadway shall follow these landscaping requirements and standards:

A. Landscape Planning Requirements.

1. Prior to site alterations, a thorough inventory and mapping of the location, type, and quality of trees on the property will be prepared. The map must be to the same scale as the site plan for the development proposal. In instances where the property contains large volumes of woodlands, the inventory can take the form of a description of type, location and general volumes of tree groupings.

2. During site alterations, the retention of existing healthy trees is strongly encouraged. Construction of natural buffers using native vegetation between sensitive natural environments and transportation systems is encouraged. Methods and details for protecting existing vegetation during construction must be submitted for Planning Commission approval.

3. A project wide landscape plan (with installation timelines and maintenance requirements) prepared by a qualified landscape professional must be submitted for Planning Commission approval prior to the issuance of a Certificate of Occupancy by the Building Official, unless otherwise specified by the Planning Commission or conditioned in a Final Order for Approval. All street and common areas must be landscaped within a reasonable amount of time after the completion of the improvements in those areas; however, a secured agreement to provide individualized landscape plans and timelines for the front yard (at a minimum) of each lot of a subdivision within one year and a half from final platting of the affected phase may be permitted.

4. The predominant use of ground covers such as bark mulch and rock as a permanent landscape feature is discouraged. The location and description of landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas must be graphically indicated on the landscape plan.

5. All live material used for landscaping must be compatible with climate and soil conditions prevalent to the northern Oregon coastal areas thus reducing the risk of costly replacement. The use of non-invasive native plants is encouraged. All landscaping required and approved through site design review shall be continually maintained, including necessary watering, weeding, pruning and replacement.

6. Tree Ordinance. The Tree Ordinance of Garibaldi, including a list of acceptable tree species to be planted and minimum tree planting standards are found at Title 18 Zoning Division IV Supplemental Provisions, 18.97 Tree Ordinance.

B. Landscape Standards for multi-family, multiple use, commercial and industrial projects.

1. Preservation of Landscape. The existing landscape shall be preserved in a natural state in so far as practicable by minimizing tree and soil removal. Any other grade changes shall keep with the appearance of developed areas. Preservation includes any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH) (4.5 feet above ground), a bush at least 4 feet in height, an area onsite designated as wetlands, a drainage ditch located onsite. For all landscaping, live material shall be predominantly used.

2. Landscaping Requirements

a) New Construction

1) Commercial and industrial development shall provide an amount of landscaping which equals 10% of buildable area in landscaping. Public and semi-public developments shall provide an amount of landscaping which equals 15% of buildable area. Development within the Downtown and Commercial zones shall have the option of employing a two (2) square foot per one (1) linear foot of street frontage provided the landscaping is adjacent to the frontage. Placement of required landscaping shall not be restricted to within the buildable area but may be located within the required setback areas.

2) Multi-family housing in any zone with over three dwelling units proposed and mobile park development shall provide an amount of landscaping which equals 10% of buildable area in landscaping in addition to open space requirements. Placement of required landscaping shall not be restricted to within the buildable area but may be located within the required setback area.

b) Existing Buildings and Structures

1) Existing buildings which expand into an undeveloped area, including the building upwards of a structure, shall devote the same percentage of landscaping as is listed for new construction. Exceptions may be made in the case where a structure covers the entire lot area, or when expansion of a structure does not exceed 10% of the square footage of the existing building's ground floor area.

c) Height and Size

1) Height and screening may be emphasized through the planting of deciduous trees. If deciduous trees are used, they should have straight trunks, be fully branched, have a minimum caliper of 2 inches, and a minimum height of seven to nine (7-9) feet at the time of planting. Deciduous trees can be supplied bare root provided the roots are protected against damage.

2) Evergreen trees and shrubs must be balled and burlapped or in suitable containers in which the tree or shrub has grown for one (1) year. If balled and burlapped, the ball of each tree or shrub shall be firm and burlap sound; no loose ball or made ball will be acceptable. Each tree shall be a minimum of six to eight (6-8) feet in height, fully branched, and adequately staked at the time of planting.

3) Ground cover shall be supplied in a minimum 4" size container. Ground cover plantings shall be planted on a maximum of 30" on center and 30" between rows. Rows of plants are to be staggered for a more effective covering. If a 2 1/4" container is used, planting 18" on center may apply within the above guidelines.

4) Shrubs shall be supplied in one-gallon containers or 9"-10" burlap balls with a minimum spread of 12 to 15 inches.

d) Off-Street Parking Areas.

Landscaping shall be used to define, soften, and screen the appearance of off-street parking areas from public rights-of-ways. It will reduce the visual intrusion of vehicles using less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

1) Evergreen and/or deciduous plant material shall follow the standards in this Chapter at B. Landscape Standards for multi-family, multiple use, commercial and industrial projects; 2. Landscaping Requirements; c) Height and Size.

2) Parking lot plants and/or berms shall be designed to allow surveillance of the lot from the street at several points.

3) In all zones, except single-family residential zones, all parking facilities shall include landscaping to cover not less than twelve percent (12%) of the area

devoted to outdoor parking facilities, including any landscaping required in subsection of this section. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities, and protective curbs or raised wood headers. It may consist of trees, plus shrubs, groundcover, or related plant material.

e) Special Features

1) Exposed storage areas, trash receptacles, service areas, truck loading areas, utility buildings and similar accessory areas and structures shall be subject to a minimum 10 foot setback from the public ROW and pedestrian pathways, to reduce the impact of unsightly visual intrusions. Screen plantings and other screening methods such as fences, walls, or any appropriate combination thereof shall be used to be congruent with existing surrounding properties.

f) Alternatives

1) Occasionally strict adherence to the above landscaping specifications may be unduly harsh or found to be in conflict with a particular development plan. A developer may propose alternatives for Planning Commission consideration. Deviations from specified requirements must be shown to the Planning Commission's satisfaction that they are not in conflict with the overall intent of this section, which is to promote adequate and pleasing landscaping for development.

g) Completion of Landscape Installation

1) Landscaping shall be installed prior to final building inspections and issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City Engineer or a qualified landscape architect is filed with the City Recorder 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.

18.14.026 Zones.

All landscaping in any zone district in the City shall conform to the following requirements unless otherwise exempted.

A. Grading. Graded areas shall be replanted as soon as possible after construction to prevent erosion. In areas where planting will not thrive, other materials such as wood fences, decorative rock, stone walls, and paving of brick or stone shall be used.

B. Community amenities. Patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public are encouraged and may be calculated as part of the landscaping requirement. Benches

in public areas on private property, adjacent to public right of way shall comply with design review standards for architectural style.

C. General Height Limitation for Hedges and Other Landscaping Used for Screening. Hedges and other landscaping used for screening and privacy shall not be permitted to grow higher than eight (8) feet.

D. Relation to Adjoining Property.

- 1) Hedges, shrubs and other landscaping used for screening and privacy shall not be installed or planted on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line. Hedges and shrubs shall not extend beyond the property line unless jointly agreed to by adjoining landowners.
- 2) All landscaping or portions thereof shall be located in such a way as to not be detrimental to abutting property. No landscaping shall obstruct or threaten to obstruct the access of neighboring property to adequate and sufficient sunlight.

E. Interference and Hazard to the Public.

- 1) No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees, bushes, hedges or shrubs on the property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of the property that abuts upon a street or public sidewalk to keep all trees on the premises, including the adjoining parking strip, trimmed at a reasonable height above the roadway.
- 2) No owner or person in charge of property shall allow a dead or decaying tree to stand that is a hazard to the public or property on or near the property.

18.14.028 Fences and Walls

A. General Requirements. All fences and walls shall comply with Chapter 18.130 and the standards of this Chapter. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 18.185, Conditional Uses, or this Chapter. Walls built for required landscape buffers shall comply with this Chapter.

- 1) Materials: Wood, brick, rockwork, split-face block, vinyl, or low post and wire and hedgerows are encouraged. Concrete block walls are prohibited. Cyclone or chain link fencing is prohibited within any front yard or street side yard setback area unless coated with a non-metallic material, but is allowed in side and rear yards.
- 2) Retaining wall: The above standards do not apply to a device used to buttress earth such as a retaining wall or riprap, or disperse water such as a breakwater or seawall.

B. Maintenance. For safety and for compliance with the purpose of this chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

18.14.030 Development in Accordance with Permit Approval.

Development shall not commence until the applicant has received all appropriate land use and development approvals 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. Site design review approvals shall be subject to all following standards and limitations:

A. Modifications to Approved Plans and Developments. Direction for Modifications of an approved plan or existing development, refer to Chapter 18.185; Chapter 18.205; and Chapter 18.210.

B. Approval Period. Site design review approvals shall be effective for a period of one year from the date of approval, unless otherwise specified in the City's site plan approval decision. The approval shall lapse if:

- 1) A grading permit or building permit has not been issued within the applicable approval period, as defined above; 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 an extension of the approval period, 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 extension period.
- 3) There have been no material changes to the applicable Code provisions on which the approval was based. If there have been material 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.
- 4) The applicant demonstrates that failure to obtain grading permits and/or building permits and substantially begin construction within the applicable approval period was beyond the applicant's control.

The Planning Commission may grant subsequent extensions after the initial extension upon written request of the applicant provided that the application continues to meet the criteria in paragraphs C.1) through 4) of this section.

D. Limitations on Refiling of Application. Applications for which a substantially similar application has been denied will be heard by the Planning Commission only after a period of one year has elapsed from date of the earlier decision.

E. 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 two years without reapplying for site design review.
- 3) Approval of a phased site design review proposal requires satisfaction of all 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 Planning Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements. 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.
 - 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.

END/jp 11-14-22

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