

8. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion and after conversion the building shall retain substantially the same structural appearance it had before the conversion; and

9. There shall be provided two parking spaces per dwelling unit. The location of the off-street parking spaces shall be consistent and compatible with existing off-street parking in the neighborhood. Where possible, parking should be enclosed or screened from view from any public street. In no case shall an application be approved where parking is intended to be located in the front yard of any dwelling unit for which conversion has been applied for.

G. *Building permit and certificate of occupancy.* If the application is approved, the applicant shall obtain a building permit from the city prior to the construction associated with the conversion. After all construction or reconstruction has been completed, the applicant shall obtain a certificate of occupancy prior to the rental or use of the additional dwelling units. Failure to comply with the provisions of this section will constitute a violation of this chapter for the city and subject the offender to penalties defined in § 53-203.

(Ord. 188, eff. 2-25-1981)

Sec. 53-128. SITE PLAN REVIEW.

Before issuance of a building permit for permitted uses and special approval uses in the R-2, RMH, C-1, C-2, CBD, CS, M-1 and M-2 Districts and for special approval uses in the R-1A, R-1B and R-1C Districts, a site plan shall be provided. A site plan is also required when a petitioner seeks a variance to this chapter, the procedure for which is outlined in Article XX. In all cases, pertinent information is requested on a site plan so that proper decisions can be made as to the project's ability to meet the standards of this chapter and the objectives of the city's Comprehensive Planning Program.

A. Site plans shall be reviewed and approved in accordance with the following process.

1. A site plan must be approved by the City Council after having received a recommendation from the City Planning Commission. The City Manager shall also submit a copy of the site plan to the Department of Public Safety, Department of Public Works City Engineer or any other department or body for review and comment, if in the Administrator's opinion, expertise from appropriate department or body is warranted return.

2. Ten copies of the site plan, including all items required to be incorporated in a site plan shall be submitted to the City Manager's office 14 days before a regularly scheduled Planning Commission meeting. The City Manager shall then transmit copies of the site plan to the Planning Commission and to other departments and/or bodies as considered appropriate by the City Manager for review and comment. Departments or bodies receiving a site plan for review shall forward written comments to the City Manager within the ten days of receipt of the plan, in order that the Planning Commission may

review the comments before its regularly scheduled meeting. The Planning Commission shall forward its recommendation to the City Council within 30 days of its receipt of the site plan. The City Council shall receive the recommendation from the Planning Commission, departments and other bodies, at its next regularly scheduled meeting and shall take action within 45 days of having received the site plan.

3. An approved site plan shall regulate the development on the site unless modified in the same manner as the plans were originally approved; provided, however, that, incidental or minor variations of the approved site plan shall not invalidate prior site plan approval; provided that, the variations have first been revised and written approval received for the variations from the Building Inspector and City Manager.

4. The building permit may be revoked by either the Building Inspector or the City Manager in any case where the conditions of the permit have not been or are not being complied with. The building permit shall not be reinstated until the permittee complies with the conditions of the original permit or until the City Council has reviewed and rescinded the revocation issued by the Building Inspector or City Manager. Upon receiving notice of revocation of the building permit, the permittee shall be entitled to a hearing before the City Council at the next regularly scheduled Council meeting at which time the City Council shall review the basis of the revocation and either affirm or rescind the action of the Building Inspector or City Manager.

B. The following information shall accompany all plans submitted for review:

1. A legal description of the property under consideration;

2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements; and

3. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.

C. The following information shall be included on the site plan:

1. A scale of not less than one inch equals 40 feet, if the subject property is less than three acres and one inch equals 100 feet, if it is three acres or more;

2. Date, north point and scale;

3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties;

4. The siting of all structures on the subject property and abutting properties;

5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines and approximate location of vehicular entrances and loading points;
6. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided;
7. All pedestrian walks, malls or open areas;
8. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained; (Plant materials shall be chosen and installed in accordance with § 53-124.)
9. The location and right-of-way widths of all abutting streets;
10. Types of surfacing such as paving, turfing or gravel to be used at the various locations;
11. A grading plan with topographic elevation of at a minimum of two-foot contours in the area, showing method of storm drainage into the city storm sewer system through catch basins, of addressing the storm drainage on-site through retention or detention ponds;
12. Size and location of proposed sewer and water lines and connections;
13. The number of proposed units for multiple-family developments;
14. Significant environmental features such as wetlands, streams, woodlots, existing trees and vegetation; and
15. Information as may be required by the City Manager, the Planning Commission and City Council to assist in the consideration of the proposed development.

D. In order that building, open space and landscaping will be in harmony with other structures and improvements in the area and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of the criteria are inapplicable:

1. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment;
2. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic;

3. Recreation and open space areas shall be provided in all multiple-family residential developments;

4. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Chapter, unless otherwise provided;

5. The requirements for fencing, walks and other protective barriers shall be complied with as provided in this chapter and as deemed appropriate by the Planning Commission;

6. The site plan shall provide for adequate on-site storage space for the proposed uses;

7. Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple-family residential developments;

8. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the state for the protection of residents and/or occupants of the structures; and

9. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided.

E. The site plan shall be reviewed by the City Planning Commission and other appropriate bodies for recommendations on any conditions or changes that may be attached to the site plan.

F. The Planning Commission shall have the function of making recommendations to the City Council on the site plan including modifications and conditions it considers necessary to carry out the purpose of these regulations and other ordinances. The Planning Commission shall have the authority to request opinions and recommendations from other appropriate bodies.

G. The City Planning Commission shall have the function and power to request additional professional review from the City Attorney, engineering consultant and/or planning consultant and the permittee shall be responsible for any and all charges incurred there for.

H. The building permit may be revoked in any case where the conditions of the permit have not been or are not being complied with, in which case the City Council shall give the permittee notice of intention to revoke the permit at least ten days prior to review of the permit by the City Council. After conclusions of the review the City Council may revoke the permit if it feels that a violation in fact exists and has not been remedied prior to the hearing.

I. Three copies of an approved site plan, with or without changes and/or conditions, shall contain the signatures of the City Manager and the applicant. One copy of the signed plan shall be kept on file in the city, one given to the Building Inspector and one returned to the applicant.

J. 1. *Site change.* Any structure, use or field change added subsequent to the initial site plan approval must be approved by the City Council. Incidental and minor variations of the approved site plan with the written approval of the Building Inspector shall not invalidate prior site plan approval.

2. *Phase construction.* Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

- a. Relationship and identification of future structures;
- b. Pedestrian and vehicular circulation;
- c. Time schedule for completion of the various phases of the proposed construction; and
- d. Temporary facilities or construction of same as required to facilitate the stated development.

K. Administrative short form.

1. In order to facilitate the review of minor redevelopment or expansion projects, the City Manager may waive the data submission requirements of this section and accept a site plan with the following information.

- a. A legal description of the subject property;
- b. A description of the land uses surrounding the project;
- c. Date, north point and scale;
- d. The dimensions of all lot and property lines;
- e. The siting of all structures on the subject property;
- f. Significant environmental features such as wetlands, trees and water bodies; and
- g. A description of the proposed project.

2. A minor redevelopment or expansion project shall be characterized by one or more of the following:

- a. An increase or decrease in floor space of 5% or less of the approved site plan;
- b. Changes in the type of finished surface of walks, roads, drives, parking lots and loading areas, all of which require paving;

- c. Changes in the species of required trees, shrubs and ground covers to be used on the site plan;
- d. Changes in the height of buildings or structures which increase their height by less than 10%; and
- e. Increasing the length or height of walls, fencing or screening by 10% or less.

3. This authority shall be used in a discretionary capacity. The City Manager is encouraged to seek the opinion of department heads and/or the Planning Commission should there be any question of the impact of the proposed construction or alteration of the structure(s) on adjacent properties. (Ord. 188, eff. 2-25-1981)

Sec. 53-129. BED AND BREAKFAST FACILITIES.

The provisions of this section allow larger, older houses, particularly those within established historical districts, to convert to bed and breakfast facilities; provided that, the following conditions are met.

- A. The minimum lot size shall be 7,500 square feet with a minimum frontage of 60 feet on a public street.
- B. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this amendment.
- C. The minimum size of rental room shall be: one person: 90 square feet; two persons: 120 square feet; three or more persons: 50 square feet per person.
- D. The minimum size for manager/owner living quarters shall be 450 square feet, excluding common areas and areas devoted to kitchen and baths.
- E. A common room or area for relaxation of guests is required. For those facilities which are not owner occupied, a manager must reside on the premises and have an equity interest in the facility.
- F. One off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single-family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
- G. Bathrooms must be furnished for guest rooms at a ratio of not less than one bathroom (minimum three-fourths bath) per four rental rooms.
- H. The premises (including corner lots) may be permitted one advertising sign not exceeding six square feet in area.