

MEMORANDUM

TO: Tim Litchet, Director Development Services

FROM: Robert Fournier, City Attorney *RMF*

RE: Applications for administrative site plan approval for properties in the downtown zone districts

DATE: August 27, 2018

Consistent with the direction from the City Commission at its regular meeting of August 20, 2018, all applications for site plan approval within the downtown zone districts that seek approval for any of the following six (6) types of development projects shall be filed with the Office of the City Auditor and Clerk and shall be assigned a site plan application number. The filing fees for these applications shall be calculated in accordance with Resolution 14R-2448 and shall be the same for all applications for site plan approval. The Office of the City Auditor and Clerk shall mail a notice of filing to the owners of all properties located within five hundred feet (500 ft.) of the proposed development site. At the conclusion of the administrative review, the Office of the City Auditor and Clerk shall also mail a courtesy copy of a notice of approval or notice of denial, as the case may be, to all property owners who received a notice of filing for the project.

The requirements of the above paragraph shall apply to all applications for site plan approval whether the applicant has exercised the option to seek site plan approval in advance of a building permit or in conjunction with a building permit. The required contents of the site plan are the same whether the applicant elects to have the site plan processed in advance of or in conjunction with an application for a building permit. The requirements of the above paragraph apply to applications for site plan approval that seek approval to construct any one of the following:

1. A new residential building, other than a single family dwelling or a two family dwelling.
2. An addition to an existing residential building, except an addition to a single family dwelling or a two family dwelling.

3. A new commercial building which is 10,000 square feet or larger if the property on which the building is proposed to be constructed is not within 100 feet of any residential zone district.

4. A new commercial building which is 5,000 square feet or larger if the property on which the building is proposed to be constructed is within 100 feet of any residential zone district.

5. Additions to an existing commercial building that cumulatively result in 5,000 square feet or more of floor area if the property on which the building is located is not within 100 ft. of a residential zone district and if the addition results in the building being larger than 10,000 square feet of gross floor area.

6. Additions to an existing commercial building that cumulatively result in 5,000 square feet or more of floor area if the property on which the building is located is within 100 ft. of a residential zone district and the addition results in the building being larger than 5,000 square feet of gross floor area.

The only exception to numbers 3 through 6 above shall be that one addition to a commercial building totaling 500 square feet or less once each five calendar years may be allowed without a notice of filing or site plan application fee (i.e. only building permit fees) without regard to the resulting size of the building.

For purposes of this memorandum, the word "building" shall mean "Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate building."

Finally, at least until any zoning text amendments affecting the above are approved, all applications for administrative site plan approval in the downtown zones that meet or exceed the six (6) threshold standards above will be referred to the Development Review Committee, whether the application for site plan approval is processed in advance of a building permit or in conjunction with an application for a building permit.