

#### 44.06 - SITE PLANS

Site plans shall be required for any development, except the following:

- (1) One and two family dwellings, unless they are part of a cluster development;
- (2) When the Department of Community Development finds that a new development will have minimal impacts on existing conditions of a proposed development site. In making this finding, consideration shall be given to proposed land use, adjoining land uses and zoning, modified storm drainage volumes and patterns, new public utility extensions, parking, driveway, loading, exterior storage areas, and lighting, police and fire protection concerns, development lot slopes, modifications to adjoining streets or street rights-of-way and conformance with the general principles of design listed under (d) below.
  - (a) Required Fees. Any site plan submitted under this section shall be accompanied by the fee as set forth in Section 51.01 herein.
  - (b) Required Information. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of all relevant laws, ordinances, rules and regulations. The site plan shall be signed by the person responsible for preparation of building plans and shall contain the following information:
    - (1) Name and address of the developer;
    - (2) Name and address of the property owner;
    - (3) Survey information including distances with angles or bearings and north points;
    - (4) Small key map;
    - (5) The recommended plan scale is one inch equals 20 feet or larger in size;
    - (6) Zoning classification of the site plan land and the zoning classification of adjacent lands;
    - (7) Existing and proposed street curb cut radii and curb cut width;
    - (8) Location dimensions and area of existing building(s) to remain or be removed;
    - (9) Proposed buildings with location dimensions, area and number of stories, occupancy classification and type of construction pursuant to State Building Code;
    - (10) Existing and proposed contours or spot grades:

- (11) Distance on all sides between buildings and property lines and between buildings;
  - (12) Building use including number of employees or apartments or family units;
  - (13) Area of land in square feet;
  - (14) Drainage design for roof areas, parking lot and driveways, showing area for or method of disposal of surface runoff;
  - (15) Location of proposed or existing streets and curbs, sidewalks, easements and rights-of-way;
  - (16) Location, size and elevation of proposed and existing sanitary sewers, storm sewers, water mains, hydrants, gas lines, underground power and communication lines, catch basins and drywells, along with information as to how new utilities will be connected to existing utilities;
  - (17) Location and approximate diameter of proposed or existing trees and other woody stemmed plantings together with the common names of the plantings;
  - (18) Limits and location of plantings or physical structures designed to screen vehicle lights preventing illumination of residential areas;
  - (19) Limits, location and size of retaining walls and the type of materials to be used in construction;
  - (20) Location of parking lots, driveways, parking bays, outside storage, burning, rubbish and garbage areas, loading and unloading areas and surfacing and screening thereof;
  - (21) Directions of vehicular traffic flow to, from and within the area, together with locations of traffic-control signs and markings.
  - (22) Locations, height and type of all outside lighting including street, sign, and security lighting;
  - (23) Locations, size, height and overall dimensions of outside signs;
  - (24) Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this Code.
- (c) Principles of Design. The site plan required by subsection (a) above shall incorporate the following general principles of design:
- (1) Landscaping. All sites shall be landscaped as approved by the Department of Community Development; existing trees shall be preserved where possible; surfaces denuded of vegetation shall be appropriately landscaped or surfaced to prevent soil erosion.

- (2) Light glare from vehicles. When a parking lot adjoins a residential area, provisions shall be made to screen all vehicle lights to curtail direct illumination of the residential area.
- (3) Drainage designs. Runoff water from parking lots, roofs and driveways shall not be allowed to cross sidewalks or to run onto private property that is not a part of the site unless easements have been obtained; surface runoff waters shall be directed into municipal facilities; where municipal facilities are not available, a drywell or drainage area owned or controlled by the owner or developer shall be provided; sanitary sewage shall be directed into municipal facilities where such facilities are available; where municipal facilities are not available and approval of the city engineer is secured, a septic tank shall be provided; retaining walls shall be constructed where necessary for land stabilization.
- (4) Parking lots and loading areas. Parking lots shall be desired to avoid creating large open expanses of paving; parking lots and loading areas shall be designed to avoid the problem of vehicles backing onto streets, alleys and, sidewalks; vehicular traffic flow to, from and within the land containing a parking lot shall be controlled by appropriate traffic-control signs and surface markings; adequate provision shall be made for vehicle egress from the land to the street and ingress to the land; provision shall be made for a safe and convenient circulation pattern within any parking lot consistent with vehicular and pedestrian safety; curb cut radii shall allow safe ingress and egress of vehicles from and to the proper lane of traffic on the street which they adjoin; existing curb cuts and curb cut radii shall be used only if they comply with the standards for proposed curb cuts and curb cut radii; vehicular bumper guards or wheel stops shall be provided to prevent encroachment of vehicles on sidewalks.
- (5) Rubbish, garbage, storage and burning areas. Outside rubbish, garbage, storage and burning areas shall be permanently screened from view to a height of 6 feet and shall be constructed to prevent accidental dispersal of the materials contained therein.
- (6) Parking lot lighting. A parking lot shall be lighted for vehicular and pedestrian safety. In residential areas, the maximum height above ground level of lights shall be 15 feet; maximum foot candles at ground level shall be 1; minimum foot candles at ground level shall be .5; flood and spotlights shall be shielded to prevent glare on adjoining lands. In commercial or industrial areas the maximum height above ground level of lights shall be 30 feet; minimum foot candles at ground level shall be 2 in shopping centers, 1 in self-parking areas, 2 in attended or shelter parking areas and 1 in industrial areas.
- (7) General Site Lighting. Lights should be directed towards the structures or areas to be illuminated. Site lighting shall employ full cut-off style lights, lighting shields or fixtures as appropriate to keep glare on-site and minimize glare onto adjacent properties. The design and placement of lighting fixtures shall not have an adverse effect upon abutting properties.

(d) Administrative Procedures. The following procedures shall apply to review of a site plan:

- (1) A copy of a site plan application, as determined to be complete by the Department of Community Development, shall within one business day following such determination be submitted to the City Engineer, Public Works Department, Police Department and Fire Department for review. A copy shall also be commensurately provided to the Planning Commission for notice purposes. In addition, mailed notice offering an opportunity to review said plan shall be given to property owners within 100 feet of the property upon which the proposed development is to be located. The City Planner shall be responsible for the approval, modification or denial of all site plans, unless a written request for review of the site plan by the Planning Commission is made as provided in this paragraph. A person who has submitted a site plan, a reviewing department head, any member of the Planning Commission, or any other party of interest may file, with the Department of Community Development, a written request for review of the site plan by the Planning Commission. Such a request shall be made within seven (7) calendar days of the date of the notice, as applicable, and shall state specific reasons for Planning Commission review, which reasons shall be based on consistency of the proposed site plan with the comprehensive plan, City Code, and/or the standards and criteria for site plan approval set forth in this Chapter. If specific reasons are not stated as required above, the request will not be considered by the Planning Commission. Following receipt of a valid and timely request for review, the Planning Commission shall review the proposed site plan at its next regularly scheduled meeting, except that a request for review received within 10 days of the next regularly scheduled Commission meeting shall be heard at the meeting following the next regularly scheduled Commission meeting, unless otherwise determined by the Department of Community Development. The scope of the Planning Commission's review and approval, modification or denial of a site plan shall be based on consistency of the proposed site plan with the City Code, and/or the standards and criteria for site plan approval set forth in this Chapter. Failure by the Planning Commission to review the proposed site plan within this time period shall result in automatic approval of the plan. Except as otherwise provided above, a request for Planning Commission review shall serve to stay the issuance of required development permits until final action by the Commission has been taken. The decision of the Planning Commission shall be incorporated into a site plan and shall be a condition of any permit or certificate issued pursuant to this section.

The Planning Commission, City Council or Department of Community Development may impose conditions in granting approval to site plans to promote the intent of this section, to protect adjacent properties, or to protect the public health, safety and welfare and may require guarantees deemed necessary to ensure compliance with the imposed conditions.

Nothing contained in this section obligates the city to grant any other approvals required by this chapter or other requirements. Nor does this section satisfy any other procedure or requirement, including conditional use permits, variances or other required permits. All developments must remain in continual conformance with the approved site plan until or unless amended in compliance with this section. No building or grading permit can be issued except in compliance with the approved site plan and the conditions of approval.

Construction of the building or initiation of the use under which the site plan was approved shall begin within 12 months of the date of final approval of the site plan. After the expiration of such period the approval shall be null and void unless the planning commission grants an extension of time or a building permit has been issued and substantial work performed on the project. Upon request by the applicant, the planning commission may grant a one-year extension of time for a site plan approval. The city may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstance may be an approved modification to the comprehensive plan, substantial changes to the surrounding development pattern or other items as determined by the city.

Any party in interest aggrieved by a decision of the Planning Commission may appeal to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days after the date of the decision of the Planning Commission accompanied by the filing fee as set forth in Section 51.01. The City Council shall hear and decide the appeal not more than 30 days after it is filed with the City Clerk, unless in the judgment of the City Council a good and sufficient reason exists for postponement of the hearing or decision or both, in which case a postponement may be made. The City Clerk shall cause notice of the appeal hearing to be published in the official newspaper and be mailed to the appellant. At the appeal hearing, the appellant, and his or her agent or attorney, shall be given an opportunity to be heard and to show why the decision of the Planning Commission should be overruled or amended; a representative of the Planning Commission and Planning Commission City staff shall be given an equal opportunity to be heard. After the close of the appeal hearing, the City Council shall deliberate and may make motion and take action adopting findings and an order affirming, amending or overruling the decision of the Planning Commission, or defer a decision on the matter to a subsequent meeting. A copy of the findings and order shall be served on the appellant, and his or her agent or attorney, by mail by the City Clerk.

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- (2) Following review and approval of a site plan, no departure from the plan shall be permitted without the express written consent of the Department of Community Development which shall consult with concerned department heads prior to rendering a decision. A substantial change to

an approved site plan shall result in resubmittal of the plan and the procedure for review and approval or disapproval shall be the same as for the initial application.

- (3) The Department of Community Development shall not issue a final certificate of occupancy until the development complies with all provisions of the site plan.
- (4) The Department of Community Development may issue a temporary certificate of occupancy where the approved site plan has been substantially complied with but the owner or developer is prevented from complete compliance by reason of occurrences beyond his control. Prior to issuance of the temporary certificate of occupancy, the owner or developer following consultation with the Director of Community Development or his/her designated representative and City Engineer shall file with the city clerk a corporate bond or certified check to the city and for the use of the city in a sum sufficient to cover the cost of completion of the unfinished items required by the approved site plan. The bond or check shall be executed by the owner or developer and shall be approved by the city attorney. The condition of the bond or check shall be that if the owner or developer shall comply with the approved site plan and provide the unfinished items, and shall fully indemnify and save the city harmless from all cost and damage which it may suffer by reason of failure of the owner or developer to do so, and shall fully reimburse and repay the city all outlay and expense which it may incur in making good any default of the owner or developer, and shall pay all persons who have contracts directly with the owner or developer for labor, equipment or materials, and shall indemnify and save harmless the city from any and all costs, damage and expense occasioned by or arising directly or indirectly out of supplying all labor, equipment or materials necessary for compliance and provision of the unfinished items, terms of the bond or checks, if action is brought on the bond or check, including reasonable attorney fees in any case where such action is successfully maintained and will appear in and defend and pay and satisfy any final judgment, if any is obtained, in any suits or actions arising out of supplying all labor, equipment or materials necessary for compliance and provision of the unfinished items, or occasioned by any act or omission on the part of the owner or developer, their sub-contractors, agents, employees and servants, then the obligation shall be null and void. A further condition of a bond, check, or escrow shall be that the penalty shall attach and the surety shall be liable if the owner or developer shall not have complied with the condition of the bond or check within one year after date of its execution. As an alternative to filing a bond or check, the owner or developer may, by written agreement with the City Manager, establish an escrow of money. Such agreement shall provide that the money shall be invested in the name of the city in a savings account in a local financial institution for the benefit of the city and depositor. The depositor shall be entitled to any interest earned by the money while it is invested. The agreement shall set forth the conditions stated in the ordinance and that the escrow agent shall pay the entire sum together with interest to the depositor if he meets the conditions. The agreement shall also set forth that the city shall be

entitled to the principal and the depositor to the interest if the conditions are not met. The agreement shall state that the agreement is made pursuant to section 44.06 of the City Code of Winona, 1979. Any fees for service charged by an escrow agent shall be paid by the owner-depositor.

- (5) The planning commission may grant a variance to any provision of this section where owing to special conditions the literal enforcement of its provisions or requirements will result in practical difficulty or hardship. However, in all cases, the spirit of the section shall be observed to the greatest extent possible.

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