

CITY OF PHOENIX, OREGON

ORDINANCE NO. 991

**AN ORDINANCE OF THE CITY OF PHOENIX
ADOPTING AMENDMENTS TO CHAPTERS 2.2, 4.1, 4.2 & 4.3
OF THE LAND DEVELOPMENT CODE (Ord. No. 851)**

WHEREAS, Oregon law requires that state, regional and local governments adopt and periodically update coordinated Comprehensive Plans and implementing ordinances; and

WHEREAS, the City of Phoenix implements its Comprehensive Plan through Ordinance No. 851, the Phoenix Land Development Code (LDC), which was adopted in 2005; and

WHEREAS, periodic Development Code updates are warranted in response to identified issues where the existing language no longer serves the City's interests or may in fact be inconsistent with changes in State and/or case law; and

WHEREAS, the proposed amendments to the City's Land Development Code (LDC) contained in Exhibit A are intended to add flexibility for the construction of accessory structures, clarify procedural matters relating to expiration and extension of approvals, and simplify the process for Development Review and Site Design Review; and

WHEREAS, on January 8, 2018, the Planning Commission conducted a duly noticed public hearing on the proposed amendments, affording all citizens an opportunity to be heard on the subject; and

WHEREAS, following receipt of staff testimony at the January 8, 2018 public hearing, the Planning Commission deliberated and forwarded a unanimous recommendation of approval to the City Council; and

WHEREAS, the City Council has fully reviewed the record and deems all notices and comments to the record as compliant with state law and the City of Phoenix Land Development Code, and that no further action is necessary before the Planning Commission; and

WHEREAS, the City Council has considered the Planning Commission's recommendation, the staff reports in this matter, and testimony and evidence of interested parties, and has evaluated the proposed amendments against Statewide Goals, state, county, and regional requirements, the Comprehensive Plan, and other applicable standards;

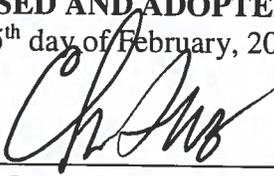
NOW, THEREFORE, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts as findings and conclusions of the foregoing recitals.

Section 2. Order. The City Council hereby adopts the amendments to the City of Phoenix Land Development Code attached as Exhibits 1 (draft) and 2 (final) incorporated as set forth fully herein.

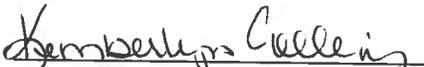
Section 3. Staff Directive. To reflect adoption of the ordinance, Staff is directed to make conforming changes to the City of Phoenix Land Development Code necessary to incorporate the amendments adopted herein.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 5th day of February, 2018.



Chris Luz, Mayor

ATTEST:


Kimberlyn Collins, City Recorder

Approved as to form:



City Attorney

Ordinance No. 991

Exhibit 1

Proposed Amendments:

Deleted language is in ~~strikethrough~~

New language is in **bold and underlined**

TOC WILL BE UPDATED TO REFLECT ALL CHANGES

Chapter 2.2 – Residential Districts

2.2.9 – Special Standards for Certain Uses

This Section supplements the standards contained Sections 2.2.1 through 2.2.8. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

H. Accessory Uses and Structures Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Chapter 2.2.9 – Special Standards for Certain Uses, Section A.) All accessory structures shall comply with all of the following standards:

1. Primary use and primary structure are required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.2.2) and permitted primary structure.
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. Floor Area. The maximum floor area of the accessory structure shall not exceed ~~330 square feet~~ **50% of the square footage of the primary structure or 800 square feet, whichever is less, unless approved through Type III Site Design Review;**
5. Building Height. The building height of detached accessory structure shall comply with Chapter 2.2.6 – Building Height, as measured in accordance with the definition of “Height of Building” in Chapter 1.3 – Definitions.
6. Lot coverage. The accessory structure shall be included in the total lot coverage and this total shall not exceed the maximum listed in Section 2.2.5.A.

Chapter 4.1 – Types of Applications and Review Procedures

4.1.4 – Type II Procedure (Administrative)

Pre-Application. A pre-application conference is recommended for Type II applications. Pre-application conference requirements and procedures are in Chapter 4.1.7 – General Provisions, section C.

A. Scope of appeal. ~~The appeal shall be a de novo hearing and shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. (move to H.3., adjust subsection letters accordingly)~~

B. (A) Application requirements

1. Application Forms. Type II applications shall be made on forms provided by the Planning Department;
2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Be filed with two copies of a narrative statement that explains how the application satisfies all of the relevant criteria and standards in sufficient detail for review and decision-making;
 - c. Be accompanied by the required fee;
 - d. Include two sets of mailing labels for all real property owners of record who will receive a notice of the application as required in Chapter 4.1.4 – Type II Procedure (Administrative), section C. The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
 - e. Include an impact study for all land division applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways; the drainage system; the parks system; the water system; the sewer system; and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

C. (B) Notice of Application for Type II administrative decision

1. Before making a Type II administrative decision, the Planning Department shall **provide notice** in the following forms:
 - a. By mail to all owners of record of real property within **200 100** feet of the subject site;
 - b. In writing to any person who submits a written request to receive a notice; and
 - c. As requested to any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.
2. The purpose of the notice is to give nearby property owners and other interested parties the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process;
3. Notice of a pending Type II administrative decision shall:
 - a. Provide a 14-day period for submitting written comments before a decision is made on the permit;
 - b. List the relevant approval criteria by name and number of code sections;
 - c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of a contact person regarding the administrative decision;
 - e. Identify the specific permits or approvals requested;
 - f. Describe the street address or other easily understandable reference to the location of the site;
 - g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

- h. State that all evidence relied upon by the Planning Director to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - i. State that after the comment period closes, the Planning Director shall issue a Type II administrative decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
 - j. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Phoenix Development Code requires that, if you receive this notice, it shall be promptly forwarded to the purchaser."
- D. (C) Administrative Decision Requirements.** The Planning Director shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria, standards and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.
- E. (D) Public Hearing Option.** Applicant may request a public hearing with the Planning Commission in lieu of administrative review. The City will charge a fee for a Type III Procedure if the applicant requests a public hearing.
- F. (E) Notice of Decision**
- 1. Within five days after the Planning Director signs the decision, a Notice of Decision shall be sent by mail to:
 - a. All property owners of record within 100 feet of the site;
 - b. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
 - c. Any person who has submitted a written request to receive notice, or provided comments during the application review period;
 - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and other agencies that were notified or provided comments during the application review period.
 - e. Any neighborhood or community organization recognized by the City whose boundaries include the site.
 - 2. The Planning Department shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted and shall demonstrate that the notice was mailed to the people within the timeframe required by law.
 - 3. The Type II Notice of Decision shall contain:
 - a. A description of the applicant's proposal and the use or uses authorized by the City's decision on the proposal;
 - b. The address or other geographic description of the property proposed for development;
 - c. The name of the planning official to be contacted and the telephone number where additional information on the decision may be obtained;
 - d. A statement that a copy of the application and decision, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards may be reviewed at Phoenix City Hall at no cost and that copies shall be provided at a reasonable cost;
 - e. A statement that the decision will not become final until the period for filing a local appeal has expired and a statement that the person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830;
 - f. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
 - g. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process.
- G. (F) Final decision and effective date.** A Type II administrative decision is final for purposes of appeal when it is mailed by the City. A Type II administrative decision is effective the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

H. (G) Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. The following people have legal standing to appeal a Type II administrative decision:
 - a. The applicant;
 - b. Any person who was mailed written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
2. Appeal procedure.
 - a. Notice of appeal. Any person with standing to appeal, as provided in subsection H.1 above may appeal a Type II administrative decision by filing a Notice of Appeal according to the following procedures;
 - i. A Notice of Appeal shall be filed with the Planning Department within 14 days of the date the Notice of Decision was mailed;
 - ii. The Notice of Appeal shall contain:
 - a) An identification of the decision being appealed, including the date of the decision;
 - b) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - c) A statement explaining the specific issues raised on appeal;
 - d) A filing fee.
 - iii. The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing or the statutory maximum, whichever is less.
 - b. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II administrative decision appeals, as provided in sections 4.1.5 – Type III Procedure (Quasi-Judicial), sections C through G.

3. Scope of appeal. The appeal shall be a de novo hearing and shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals.

I. (H) Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II administrative decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as the Planning Commission appeal.

4.1.5 – Type III Procedure (Quasi-Judicial)

C. Notice of Hearing

1. Notice of a Type III application hearing or **an appeal of a Type II appeal decision** hearing shall be given by the Planning Department in the following manner:
 - a. At least 20 days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - ii. All property owners of record within 200 feet of the site;
 - iii. Any governmental agency that has entered into an intergovernmental agreement with the City that includes provision for such notice or who is otherwise entitled to such notice including Jackson County, Rogue Valley Metropolitan Planning Organization (RVMPO), and ODOT, if applicable;
 - iv. Any person who submits a written request to receive notice;
 - v. For appeals, the appellant and all persons who provided testimony in addition to those listed above; and
 - vi. For a land-use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

- b. The Planning Department shall have an affidavit of notice prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

4.1.6 – Type IV Procedure (Legislative)

A. Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Chapter 4.1.7 – General Provisions. ~~section C.~~

B. Timing of requests. The City Planner shall not review non-City sponsored or State required proposed Type IV actions more than five times annually, based on a City Council Resolution-approved schedule for such actions. Legislative requests are not subject to the 120-day review under ORS 227.178.

C. Application requirements

1. Application forms. Type IV applications shall be made on forms provided by the Planning Department;
2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
 - c. The required fee; and
 - d. Findings or a narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.
 - e. Mailing labels.

D. Notice of hearing

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:
 - a. At least 35 days before the date of the first public hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof or to adopt an ordinance that proposes to rezone property or to amend the Phoenix Land Development Code, a notice shall be sent to the Department of Land Conservation and Development (DLCD) in accordance with State law (ORS 197).
 - b. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - i. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a Comprehensive Plan amendment shall be notified if a zone change would be required to implement the proposed Comprehensive Plan amendment);
 - ii. Any affected governmental agency, including Jackson County, Rogue Valley Metropolitan Planning Organization (RVMPO), and ODOT, if applicable;
 - iii. Recognized neighborhood groups or associations affected by the ordinance;
 - iv. Any person who requests notice in writing; and
 - v. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - c. At least 10 days before a scheduled City Council public hearing, public notices shall be published on the City of Phoenix website, City Hall, and other locations as appropriate.
 - d. The Planning Department shall file an affidavit of mailing or public notice in the record as provided in subsection a and b.

- e. Notifications for annexations shall follow the provisions of this Chapter, except as requirement **required** for local government boundary commissions (ORS 199).

4.1.7 – General Provisions

A. Burden of Proof

1. Except as otherwise provided, the applicant shall bear the burden of proof and persuasion that a permit application is in compliance with the applicable provisions of this Code.
2. The specific findings made in granting a Permit shall be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the Permit. If no evidence is produced by the applicant concerning any of the findings, the application may be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings relating to approval or denial of an application.
3. Failure to comply with applicable procedural provisions of this Code shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging a procedural error shall have the burden of proof and persuasion as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

B. 120-day Rule. *(unchanged; renumbered)*

C. Time Computation. *(unchanged; renumbered)*

D. Pre-application Conferences *(unchanged; renumbered)*

E. Applications *(unchanged; renumbered)*

F. Amended Decision Process *(unchanged; renumbered)*

G. Re-submittal of Application Following Denial. *(unchanged; renumbered)*

H. Withdrawal of appeals. Before the close of an appeal hearing in front of any appellate decision-making authority, any appellant may withdraw the appeal. Withdrawal of an appeal is subject to the following:

1. The appealing party may withdraw the appeal on its own motion, which may be submitted to the appellate decision-making authority orally or in writing.
2. No part of the appeal fee will be refunded.
3. No party may re-file a withdrawn appeal.
4. Where multiple people or parties sign and file a single appeal document, all must consent to the withdrawal of the appeal.
5. If all appeals in a matter are withdrawn, the appellate decision-making authority loses jurisdiction over the action. The underlying decision is automatically re-instated under its original date of final decision.

4.1.8 - Expiration of Decision

A. Unless a different period of time is established within the Decision, or under subsection D below, land use actions and permits granted pursuant to this Code shall expire and become void automatically as provided under Table 4.1.8 unless one of the following circumstances has occurred:

1. Substantial construction has begun in compliance with the land use action or permit approval;
2. The approved land use has begun and is continuing operation in compliance with any applicable conditions of approval;
3. An application for a subsequent land use action has been submitted to the Planning Department as provided under this Code; or
4. An extension has been granted pursuant to section 4.1.9.

- B. If multiple applications are processed concurrently, the Review Authority shall specify in the Notice of Decision a uniform expiration period for the concurrent applications.**
- C. If a final local decision is on appeal, the effective date of the decision and corresponding valid period before expiration shall begin when the final decision is issued on the appeal.**
- D. Zone changes are not subject to expiration or extension.**

Table 4.1.8: Expiration and Extension of Decisions			
Procedure	Valid period	First Extension	Additional Extension
Type I	2 years	Extension not permitted	N/A
Type II	2 years	1 year See 4.1.9.B	See 4.1.9.C
Type III	2 years	2 years See 4.1.9.B	
Type IV	No expiration date	N/A	N/A

4.1.9 - Extension of Decision.

- A. Written Request for Extension Required. A written request to extend the expiration date of a decision made pursuant to this Code must be filed by the applicant before the decision expires. The written request must be submitted to the Review Authority that granted the original approval.**
- B. First Extension. A first extension may be granted for the applicable period of time as specified in Table 4.1.8. If granted, the extension is vested against any Code changes adopted since the original decision. The first extension is subject to the following approval criteria:**
 - 1. The extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the reasonable control of the applicant; and**
 - 2. The previous land use decision will not be modified in design, use, or conditions of approval.**
- C. Second or Longer Extension. A written request for a second extension of a Type II or Type III decision or an extension longer than specified in Table 4.1.8 is subject to the following approval criteria:**
 - 1. The second or longer extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the reasonable control of the applicant;**
 - 2. The previous land use decision will not be modified in design, use, or conditions of approval; and**
 - 3. There have been no changes in circumstances, applicable regulations or statutes likely to necessitate modification of the previous land use decision or conditions of approval since the effective date of the previous land use decision.**
- D. Extensions for Multi-phase Projects. Phasing schedules are required as part of the initial decision for multi-phase projects. Longer approval periods for multi-phase projects may be authorized if approved by the Review Authority.**
 - 1. Completion of a phase automatically extends approvals of the remaining phases.**
 - 2. Phasing extensions shall be approved by the Review Authority through the Type III procedure. The Review Authority may modify or add conditions of approval.**
 - 3. At the discretion of the Review Authority, phasing extensions may be vested against Code changes adopted since approval of the original decision.**

Chapter 4.2 – Development Review and Site Design Review

4.2.1 – Purpose

The purpose of this Chapter is to: *(unchanged)*

4.2.2 – Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments, except that regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. ~~The criteria for each type of review are as follows:~~ **Development Review or Site Design Review applications shall be processed as a Type I, II or III application pursuant to Table 4.2.2, below.**

Type of Use	DR	SDR	SDR
	Type I	Type II	Type III
Single Family Detached	X*		
Duplex	X		
Triplex	X		
Multifamily 4 units		X	
Multifamily and Single Family Attached 5+ units			X
Multifamily 4+ and Single Family Attached 5+ units		X	
Additions <500sf	X		
Additions >500sf (Not specifically stated in code)		X	
Additions >50% of existing structure footprint		X	
Minor Modifications	X		
Site approval for CUPs	X		
Temporary Use (see 4.9.1)	X		
Home Occupation (see 4.9.2)	X		
Accessory Structure <600sf	X		
Accessory Structure >600sf		X	
Accessory Structure >50% of existing structure area			X
Mobile Food Vendors		X	
Mobile Food Vendors	X		
Commercial up to 10 off-street parking spaces		X	
Commercial >10 off-street parking spaces			X
Commercial up to 14 off-street parking spaces	X		
Commercial 15 or more off-street parking spaces		X	
Clearing >2 acres			X
Change of access for Commercial or Industrial		X	
*only if required as a condition of approval			

Draft table showing existing language with changes

4.2.3 - Development Review.

Development Review is a non-discretionary or ministerial review conducted by the Planning Director without a public hearing. (See Chapter 4.1 – Types of Applications and Review Procedures for review procedure.) It is for less complex developments and land uses that do not require Site Design Review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district,

such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all of the types of development listed below in **Table 4.2.2**

1. Single family detached dwelling (including manufactured homes), when required by a condition of land division approval;
 2. A new single duplex, up to two single family attached (townhome) units, or a single triplex that is not being reviewed as part of any other development, and accessory parking on the same lot;
 3. Building additions of not more than 500 square feet, and Minor Modifications to development approvals as defined by Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval;
 4. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 – Conditional Use Permits;
 5. Home occupation, subject to review under Chapter 4.9.2 – Home Occupation Permits;
 6. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.9.1 – Temporary Use Permits;
 7. Accessory structures with less than 600 square feet of floor area, including accessory dwellings;
 8. Other developments, when required by a condition of approval.
- B. Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Director and/or the Planning Commission with or without a public hearing. (See Chapter 4.1 – Types of Applications and Review Procedures for review procedure.) It applies to all developments in the City, except those specifically listed under “A” (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3. Site Design Review requires a pre application conference in accordance with Chapter 4.1.7 – General Provisions, Section C. *MOVE INTO 4.2.4*

4.2.3 – Development Review Approval Criteria *MOVE INTO 4.2.3*

Development Review shall be conducted only for the developments listed in **Table XXX Chapter 4.2.2 – Applicability, Section A, above,** and it shall be conducted as a **Type I** procedure, as described in Chapter 4.1.3 – Type I Procedure (Ministerial). Prior to issuance of building permits, the following standards shall be met:

- A. The proposed land use is permitted by the underlying land use district (See Chapter 2);
- B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-districts are met (See Chapter 2);
- C. All provisions of Chapter 3 – Design Standards are met;
- D. All applicable building and fire code standards are met; and
- E. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

4.2.4 – Site Design Review Application Review Procedure

Site Design Review is a discretionary review conducted by the Planning Director and/or the Planning Commission with or without a public hearing. (See Chapter 4.1 – Types of

Applications and Review Procedures for review procedure.) It applies to all developments in the City, except those specifically listed under “A” (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3. Site Design Review requires a pre-application conference in accordance with Chapter 4.1.7 – General Provisions, Section C.

Site Design Review shall be conducted as a Type II or Type III procedure as specified in “A” below **Table 4.2.2**, using the procedures in Chapter 4.1 – Types of Applications and Review Procedures, and using the approval criteria contained in Chapter 4.2.6 – Site Design Approval Criteria.

~~A. **Site Design Review.** Determination of Type II and Type III Applications. Applications for Site Design Review shall be subject to Type II or Type III review, based on the following criteria:~~

- ~~1. Residential buildings with four or fewer dwelling units shall be reviewed as a Type II application, except when Development Review is allowed under Chapter 4.2.2 Applicability. Residential buildings with greater than five units shall be reviewed as a Type III application.~~
- ~~2. Mobile food vendors shall be reviewed as a Type II application. All other new commercial, industrial, public/semi-public and institutional buildings shall be reviewed as a Type III application.~~
- ~~3. Developments with 10 or fewer off-street vehicle parking spaces, in conformance with Chapter 3.4 Vehicle and Bicycle Parking, shall be reviewed as Type II applications, and those with more than 11 off-street vehicle parking spaces shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-3 (above) and 5-6 (below).~~
- ~~4. Developments involving the clearing and/or grading of two acres or a larger area shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-5 (above) and subsection 6 (below).~~
- ~~5. Site Design Review by a Type II procedure shall be required when an existing commercial or industrial site changes the site access or circulation patterns. All new access and circulation patterns shall meet current standards.~~

4.2.5 – Site Design Review Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

A. General Submission Requirements. The applicant shall submit an application containing all of the general information required by Chapter 4.1.4 – Type II Procedure (Administrative) or Chapter 4.1.5 – Type III Procedure (Quasi-Judicial), as applicable. The type of application shall be determined in accordance with subsection A of 4.2.4 – Site Design Review Application Review Procedure. Site Design Review requires a pre-application conference in accordance with Chapter 4.1.7 – General Provisions, Section C.

Chapter 4.3 – Land Divisions and Lot Line Adjustments

4.3.3 – Approvals Process

C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of ~~one year~~ **two years** from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a ~~1~~ **2**-year period.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than ~~three~~ **five** years without reapplying for a preliminary plat;

4.3.12 – Lot Line Adjustments

Lot Line Adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

B. Approval Process

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 4.1.3 – Type I Procedure (Ministerial), using approval criteria contained in subsection C, below.
2. Time limit on approval. The lot line adjustment approval shall be effective for a period of ~~one year~~ **two years** from the date of approval, during which time it must be ~~recorded~~ **submitted for final approval**.
3. Lapsing of approval. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded within the time limit in subsection 2;
 - b. The lot line adjustment has been improperly recorded with Jackson County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

D. Recording Lot Line Adjustments

1. Recording. Upon the City's approval of the proposed lot line adjustment, ~~the applicant shall record the lot line adjustment~~ **the applicant shall record the lot line adjustment survey map with Jackson County within 60 days of signature approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.**

Ordinance No. 991
Exhibit 2

Chapter 2.2 – Residential Districts

2.2.9 – Special Standards for Certain Uses

This Section supplements the standards contained Sections 2.2.1 through 2.2.8. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

H. Accessory Uses and Structures Accessory structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Chapter 2.2.9 – Special Standards for Certain Uses, Section A.) All accessory structures shall comply with all of the following standards:

1. Primary use and primary structure are required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.2.2) and permitted primary structure.
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
4. Floor Area. The maximum floor area of the accessory structure shall not exceed 50% of the square footage of the primary structure or 800 square feet, whichever is less, unless approved through Type III Site Design Review;
5. Building Height. The building height of detached accessory structure shall comply with Chapter 2.2.6 – Building Height, as measured in accordance with the definition of “Height of Building” in Chapter 1.3 – Definitions.
6. Lot coverage. The accessory structure shall be included in the total lot coverage and this total shall not exceed the maximum listed in Section 2.2.5.A.

Chapter 4.1 – Types of Applications and Review Procedures

4.1.4 – Type II Procedure (Administrative)

Pre-Application. A pre-application conference is recommended for Type II applications. Pre-application conference requirements and procedures are in Chapter 4.1.7 – General Provisions, section C.

A. Application requirements

1. Application Forms. Type II applications shall be made on forms provided by the Planning Department;
2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Be filed with two copies of a narrative statement that explains how the application satisfies all of the relevant criteria and standards in sufficient detail for review and decision-making;
 - c. Be accompanied by the required fee;

- d. Include two sets of mailing labels for all real property owners of record who will receive a notice of the application as required in Chapter 4.1.4 – Type II Procedure (Administrative), section C. The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
- e. Include an impact study for all land division applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways; the drainage system; the parks system; the water system; the sewer system; and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

B. Notice of Application for Type II administrative decision

- 1. Before making a Type II administrative decision, the Planning Department shall provide notice in the following forms:
 - a. By mail to all owners of record of real property within 100 feet of the subject site;
 - b. In writing to any person who submits a written request to receive a notice; and
 - c. As requested to any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies, as appropriate, for review of the application.
- 2. The purpose of the notice is to give nearby property owners and other interested parties the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process;
- 3. Notice of a pending Type II administrative decision shall:
 - a. Provide a 14-day period for submitting written comments before a decision is made on the permit;
 - b. List the relevant approval criteria by name and number of code sections;
 - c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of a contact person regarding the administrative decision;
 - e. Identify the specific permits or approvals requested;
 - f. Describe the street address or other easily understandable reference to the location of the site;
 - g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
 - h. State that all evidence relied upon by the Planning Director to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - i. State that after the comment period closes, the Planning Director shall issue a Type II administrative decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
 - j. Contain the following notice: “Notice to mortgagee, lien holder, vendor, or seller: The City of Phoenix Development Code requires that, if you receive this notice, it shall be promptly forwarded to the purchaser.”

C. Administrative Decision Requirements. The Planning Director shall make Type II written decisions addressing all of the relevant approval criteria and standards. Based upon the criteria, standards and the

facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

D. Public Hearing Option. Applicant may request a public hearing with the Planning Commission in lieu of administrative review. The City will charge a fee for a Type III Procedure if the applicant requests a public hearing.

E. Notice of Decision

1. Within five days after the Planning Director signs the decision, a Notice of Decision shall be sent by mail to:
 - a. All property owners of record within 100 feet of the site;
 - b. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
 - c. Any person who has submitted a written request to receive notice, or provided comments during the application review period;
 - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and other agencies that were notified or provided comments during the application review period.
 - e. Any neighborhood or community organization recognized by the City whose boundaries include the site.
2. The Planning Department shall cause an affidavit of mailing and posting of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and posted and shall demonstrate that the notice was mailed to the people within the timeframe required by law.
3. The Type II Notice of Decision shall contain:
 - a. A description of the applicant's proposal and the use or uses authorized by the City's decision on the proposal;
 - b. The address or other geographic description of the property proposed for development;
 - c. The name of the planning official to be contacted and the telephone number where additional information on the decision may be obtained;
 - d. A statement that a copy of the application and decision, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards may be reviewed at Phoenix City Hall at no cost and that copies shall be provided at a reasonable cost;
 - e. A statement that the decision will not become final until the period for filing a local appeal has expired and a statement that the person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830;
 - f. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;
 - g. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process.

F. Final decision and effective date. A Type II administrative decision is final for purposes of appeal when it is mailed by the City. A Type II administrative decision is effective the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. The following people have legal standing to appeal a Type II administrative decision:
 - a. The applicant;
 - b. Any person who was mailed written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
2. Appeal procedure.
 - a. Notice of appeal. Any person with standing to appeal, as provided in subsection H.1 above may appeal a Type II administrative decision by filing a Notice of Appeal according to the following procedures:
 - i. A Notice of Appeal shall be filed with the Planning Department within 14 days of the date the Notice of Decision was mailed;
 - ii. The Notice of Appeal shall contain:

- a) An identification of the decision being appealed, including the date of the decision;
 - b) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - c) A statement explaining the specific issues raised on appeal;
 - d) A filing fee.
- iii. The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing or the statutory maximum, whichever is less.
- b. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II administrative decision appeals, as provided in sections 4.1.5 – Type III Procedure (Quasi-Judicial), sections C through G.
3. Scope of appeal. The appeal shall be a de novo hearing and shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals.

H. Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II administrative decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as the Planning Commission appeal.

4.1.5 – Type III Procedure (Quasi-Judicial)

C. Notice of Hearing

1. Notice of a Type III application hearing or an appeal of a Type II decision hearing shall be given by the Planning Department in the following manner:
 - a. At least 20 days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - ii. All property owners of record within 200 feet of the site;
 - iii. Any governmental agency that has entered into an intergovernmental agreement with the City that includes provision for such notice or who is otherwise entitled to such notice including Jackson County, Rogue Valley Metropolitan Planning Organization (RVMPO), and ODOT, if applicable;
 - iv. Any person who submits a written request to receive notice;
 - v. For appeals, the appellant and all persons who provided testimony in addition to those listed above; and
 - vi. For a land-use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. The Planning Department shall have an affidavit of notice prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.

4.1.6 – Type IV Procedure (Legislative)

A. Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Chapter 4.1.7 – General Provisions.

B. Timing of requests. The City Planner shall not review non-City sponsored or State required proposed Type IV actions more than five times annually, based on a City Council Resolution-approved schedule for such actions. Legislative requests are not subject to the 120-day review under ORS 227.178.

C. Application requirements

1. Application forms. Type IV applications shall be made on forms provided by the Planning Department;
2. Submittal Information. The application shall contain:
 - a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee; and
- d. Findings or a narrative statement that explains how the application satisfies all of the relevant approval criteria and standards.
- e. Mailing labels.

D. Notice of hearing

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.
2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:
 - a. At least 35 days before the date of the first public hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof or to adopt an ordinance that proposes to rezone property or to amend the Phoenix Land Development Code, a notice shall be sent to the Department of Land Conservation and Development (DLCD) in accordance with State law (ORS 197).
 - b. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the Comprehensive Plan or any element thereof or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - i. Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a Comprehensive Plan amendment shall be notified if a zone change would be required to implement the proposed Comprehensive Plan amendment);
 - ii. Any affected governmental agency, including Jackson County, Rogue Valley Metropolitan Planning Organization (RVMPO), and ODOT, if applicable;
 - iii. Recognized neighborhood groups or associations affected by the ordinance;
 - iv. Any person who requests notice in writing; and
 - v. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - c. At least 10 days before a scheduled City Council public hearing, public notices shall be published on the City of Phoenix website, City Hall, and other locations as appropriate.
 - d. The Planning Department shall file an affidavit of mailing or public notice in the record as provided in subsection a and b.
 - e. Notifications for annexations shall follow the provisions of this Chapter, except as required for local government boundary commissions (ORS 199).

4.1.7 – General Provisions

A. Burden of Proof

1. Except as otherwise provided, the applicant shall bear the burden of proof and persuasion that a permit application is in compliance with the applicable provisions of this Code.
2. The specific findings made in granting a Permit shall be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the Permit. If no evidence is produced by the applicant concerning any of the findings, the application may be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings relating to approval or denial of an application.
3. Failure to comply with applicable procedural provisions of this Code shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging a procedural error shall have the burden of proof and persuasion as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

- B. 120-day Rule.**
- C. Time Computation.**
- D. Pre-application Conferences**
- E. Applications**
- F. Amended Decision Process**
- G. Re-submittal of Application Following Denial.**
- H. Withdrawal of appeals.** Before the close of an appeal hearing in front of any appellate decision-making authority, any appellant may withdraw the appeal. Withdrawal of an appeal is subject to the following:
 1. The appealing party may withdraw the appeal on its own motion, which may be submitted to the appellate decision-making authority orally or in writing.
 2. No part of the appeal fee will be refunded.
 3. No party may re-file a withdrawn appeal.
 4. Where multiple people or parties sign and file a single appeal document, all must consent to the withdrawal of the appeal.
 5. If all appeals in a matter are withdrawn, the appellate decision-making authority loses jurisdiction over the action. The underlying decision is automatically re-instated under its original date of final decision.

4.1.8 - Expiration of Decision

- A. Unless a different period of time is established within the Decision, or under subsection D below, land use actions and permits granted pursuant to this Code shall expire and become void automatically as provided under Table 4.1.8 unless one of the following circumstances has occurred:
 1. Substantial construction has begun in compliance with the land use action or permit approval;
 2. The approved land use has begun and is continuing operation in compliance with any applicable conditions of approval;
 3. An application for a subsequent land use action has been submitted to the Planning Department as provided under this Code; or
 4. An extension has been granted pursuant to section 4.1.9.
- B. If multiple applications are processed concurrently, the Review Authority shall specify in the Notice of Decision a uniform expiration period for the concurrent applications.
- C. If a final local decision is on appeal, the effective date of the decision and corresponding valid period before expiration shall begin when the final decision is issued on the appeal.
- D. Zone changes are not subject to expiration or extension.

Table 4.1.8: Expiration and Extension of Decisions			
Procedure	Valid period	First Extension	Additional Extension
Type I	2 years	Extension not permitted	N/A
Type II	2 years	1 year See 4.1.9.B	See 4.1.9.C
Type III	2 years	2 years See 4.1.9.B	
Type IV	No expiration date	N/A	N/A

4.1.9 - Extension of Decision.

- A. **Written Request for Extension Required.** A written request to extend the expiration date of a decision made pursuant to this Code must be filed by the applicant before the decision expires. The written request must be submitted to the Review Authority that granted the original approval.
- B. **First Extension.** A first extension may be granted for the applicable period of time as specified in Table 4.1.8. If granted, the extension is vested against any Code changes adopted since the original decision. The first extension is subject to the following approval criteria:
 - 1. The extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the reasonable control of the applicant; and
 - 2. The previous land use decision will not be modified in design, use, or conditions of approval.
- C. **Second or Longer Extension.** A written request for a second extension of a Type II or Type III decision or an extension longer than specified in Table 4.1.8 is subject to the following approval criteria:
 - 1. The second or longer extension is necessary because it is not practicable to begin development within the allowed time for reasons beyond the reasonable control of the applicant;
 - 2. The previous land use decision will not be modified in design, use, or conditions of approval; and
 - 3. There have been no changes in circumstances, applicable regulations or statutes likely to necessitate modification of the previous land use decision or conditions of approval since the effective date of the previous land use decision.
- D. **Extensions for Multi-phase Projects.** Phasing schedules are required as part of the initial decision for multi-phase projects. Longer approval periods for multi-phase projects may be authorized if approved by the Review Authority.
 - 1. Completion of a phase automatically extends approvals of the remaining phases.
 - 2. Phasing extensions shall be approved by the Review Authority through the Type III procedure. The Review Authority may modify or add conditions of approval.
 - 3. At the discretion of the Review Authority, phasing extensions may be vested against Code changes adopted since approval of the original decision.

Chapter 4.2 – Development Review and Site Design Review

4.2.1 – Purpose

The purpose of this Chapter is to:

4.2.2 – Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments, except that regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. Development Review or Site Design Review applications shall be processed as a Type I, II or III application pursuant to Table 4.2.2, below.

Table 4.2.2 Development Review and Site Design Review			
Type of Use	DR	SDR	SDR
	Type I	Type II	Type III
Single Family Detached	X*		
Duplex	X		
Triplex	X		
Multifamily 4+ and Single Family Attached 5+ units		X	
Additions >50% of existing structure footprint		X	
Minor Modifications	X		
Site approval for CUPs	X		
Temporary Use (see 4.9.1)	X		
Home Occupation (see 4.9.2)	X		
Accessory Structure >50% of existing structure area			X
Mobile Food Vendors	X		
Commercial up to 14 off-street parking spaces	X		
Commercial 15 or more off-street parking spaces		X	
Clearing >2 acres			X
Change of access for Commercial or Industrial		X	
*only if required as a condition of approval			

4.2.3 - Development Review.

Development Review is a non-discretionary or ministerial review conducted by the Planning Director without a public hearing. (See Chapter 4.1 – Types of Applications and Review Procedures for review procedure.) It is for less complex developments and land uses that do not require Site Design Review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all of the types of development listed in Table 4.2.2.

- A. Approval Criteria.** Development Review shall be conducted only for the developments listed in Table 4.2.2 and shall be conducted as a Type I procedure, as described in Chapter 4.1.3 – Type I Procedure (Ministerial). Prior to issuance of building permits, the following standards shall be met:

1. The proposed land use is permitted by the underlying land use district (See Chapter 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any sub-districts are met (See Chapter 2);
3. All provisions of Chapter 3 – Design Standards are met;
4. All applicable building and fire code standards are met; and
5. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Site Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

4.2.4 – Site Design Review.

Site Design Review is a discretionary review conducted by the Planning Director and/or the Planning Commission with or without a public hearing. (See Chapter 4.1 – Types of Applications and Review Procedures for review procedure.) It applies to all developments in the City, except those specifically listed under “A” (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3. Site Design Review requires a pre-application conference in accordance with Chapter 4.1.7 – General Provisions, Section C.

Site Design Review shall be conducted as a Type II or Type III procedure as specified in Table 4.2.2, using the procedures in Chapter 4.1 – Types of Applications and Review Procedures, and using the approval criteria contained in Chapter 4.2.6 – Site Design Approval Criteria.

4.2.5 – Site Design Review Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

- A. General Submission Requirements.** The applicant shall submit an application containing all of the general information required by Chapter 4.1.4 – Type II Procedure (Administrative) or Chapter 4.1.5 – Type III Procedure (Quasi-Judicial), as applicable. The type of application shall be determined in accordance with subsection A of 4.2.4 – Site Design Review Application Review Procedure. Site Design Review requires a pre-application conference in accordance with Chapter 4.1.7 – General Provisions, Section C.

Chapter 4.3 – Land Divisions and Lot Line Adjustments

4.3.3 – Approvals Process

- C. Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a 2-year period.
- D. Modifications and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
 2. The applicant has submitted written intent to file a final plat within the one-year extension period;
 3. An extension of time will not prevent the lawful development of abutting properties;

4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than five years without reapplying for a preliminary plat;

4.3.12 – Lot Line Adjustments

Lot Line Adjustments include the consolidation of lots, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:

B. Approval Process

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 4.1.3 – Type I Procedure (Ministerial), using approval criteria contained in subsection C, below.
2. Time limit on approval. The lot line adjustment approval shall be effective for a period of **two years** from the date of approval, during which time it must be submitted for final approval.
3. Lapsing of approval. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded within the time limit in subsection 2;
 - b. The lot line adjustment has been improperly recorded with Jackson County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

D. Recording Lot Line Adjustments

1. Recording. The applicant shall record the lot line adjustment survey map with Jackson County within 60 days of signature, and submit a copy of the recorded survey map to the City, to be filed with the approved application.