

ORDINANCE NO. O-3A-2025

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH,
AMENDING THE EAGLE MOUNTAIN MUNICIPAL CODE
SECTION 17.100 SITE PLAN REQUIREMENTS

PREAMBLE

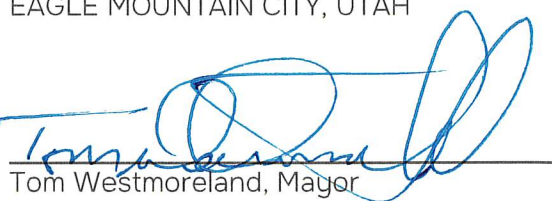
WHEREAS the City Council of Eagle Mountain City finds that it is in the public interest to amend the Eagle Mountain Municipal Code Section 17.100 Site Plan Requirements, as described in Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices, public hearings, and other requirements have been completed for the City Council to consider an amendment to the Eagle Mountain Municipal Code Section 17.100 Site Plan Requirements, as described in Exhibit A.
2. The amendment described in Exhibit A is hereby approved.
3. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 19th day of August, 2025.

EAGLE MOUNTAIN CITY, UTAH


Tom Westmoreland, Mayor

ATTEST:


Gina L. Olsen, CMC
City Recorder

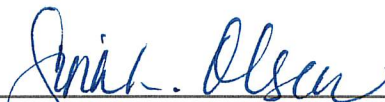


CERTIFICATION

The above ordinance was adopted by the City Council of Eagle Mountain City on the 19th day of August, 2025.

Those voting yes:	Those voting no:	Those excused:	Those abstaining:
☒ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham	☐ Donna Burnham
☒ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark	☐ Melissa Clark
☒ Jared Gray	☐ Jared Gray	☐ Jared Gray	☐ Jared Gray
☒ Rich Wood	☐ Rich Wood	☐ Rich Wood	☐ Rich Wood
☒ Brett Wright	☐ Brett Wright	☐ Brett Wright	☐ Brett Wright





Gina L. Olsen, CMC
City Recorder

Posted on 08/22/25 by lem.

Exhibit A

Chapter 17.100

SITE PLAN REVIEW

Sections:

- [17.100.010 What this chapter does.](#)
- [17.100.020 Purpose.](#)
- [17.100.030 Site plan approval required.](#)
- [17.100.040 Master site plans.](#)
- [17.100.050 Site plan development standards.](#)
- [17.100.060 Architectural requirements.](#)
- [17.100.070 Application.](#)
- [17.100.080 Review and approval process.](#)
- [17.100.090 Expirations and extensions of approvals.](#)
- [17.100.100 Issuance of building permit.](#)
- [17.100.110 Issuance of a certificate of occupancy.](#)
- [17.100.120 Temporary site plans.](#)
- [17.100.130 Amended site plans.](#)

17.100.010 What this chapter does.

This chapter identifies the application requirements and approval process for site plans. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.1); Ord. [O-11-2008](#) § 2 (Exh. A § 20.1); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.1)].

17.100.020 Purpose.

The site plan procedure establishes a process to evaluate proposed projects, ensuring that development will occur in a safe, functional manner and will not create nuisances for adjacent landowners. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.2); Ord. [O-11-2008](#) § 2 (Exh. A § 20.2); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.2)].

17.100.030 Site plan approval required.

Site plan approval shall be required for all developments which contain an industrial, commercial, institutional, or multifamily dwelling, or for other uses for which a site plan is required elsewhere in this title. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.3); Ord. [O-11-2008](#) § 2 (Exh. A § 20.3); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.3)].

17.100.040 Master site plans.

When development proposals are larger than five acres in size, proposed to be developed in phases or sold in separate parcels, a master site plan approval by the City Council is required prior to approving the individual sites within the project. The master site plan application shall address the following issues for the entire site: land use, open space and landscaped areas, architectural guidelines, buildable square footage, parking requirements, access and circulation, phasing and timing of improvements, project monument sign locations, storm drainage and all preliminary calculations for infrastructure improvements and traffic impact mitigation related to a traffic impact study, if required. The proposal and accompanying documents shall be reviewed using the same procedure as any site plan application.

A. Waiving Previously Reviewed Materials. All new construction in master site plans shall be required to go through a separate site plan review. To the extent that site plan requirements such as storm drainage, traffic circulation, parking, lighting, or other provisions have been met through the master site plan process, such information may not be required.

B. Planning Commission Final Approval of Phases. The City Council may elect to delegate to the Planning Commission the final approval responsibilities for each site plan phase. This shall be stated in the development agreement for the master site plan. However, if one or more of the following conditions exists, final site plan approval must be obtained from the City Council, upon recommendation from the Planning Commission:

1. The site plan deviates from the approved master site plan.
2. Previous phases have created unforeseen impacts requiring the reevaluation of site standards for subsequent phases with respect to such impacts.

C. Industrial Master Site Plans – Special Conditions. The Planning Director may waive certain requirements of the master site plan that may not be necessary for an industrial proposal larger than five acres in size. The following requirements cannot be waived: land use, open space and landscaped areas, architectural guidelines, access and circulation requirements, and traffic impact study, if required.

D. Master Site Plans Serving as Preliminary Plat. The preliminary plat process may not be required if a master site plan, while going through the initial approval process, complies with the following criteria:

1. A preliminary arrangement of larger blocks of land – later to be subdivided during the final plat process – is included.
2. All required utilities, storm drainage, landscaping, access and circulation requirements, and other aspects of the eventually built-out project are addressed sufficiently with the master site plan.
3. The City is not responsible if, over time, the project is unable to service a possible user due to undersized utilities, roadways, or other infrastructure. If upgrades to such facilities are necessary, they will be borne solely by the applicant. [Ord. [O-13-2016](#) § 2 (Exh. A); Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.4); Ord. [O-11-2008](#) § 2 (Exh. A § 20.4); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.4)].

17.100.050 Site plan development standards.

The following are standards required for all site plans in any zoning district:

A. Use of Property. The entire parcel area shall be built upon, landscaped or paved in accordance with the zoning district's open space requirements and other generally applicable development standards.

B. Screening Requirements. Any commercial lot which abuts a residential or agricultural use shall be effectively screened by a combination of a wall, fencing, and landscaping of acceptable design. Required walls or fences shall not be less than six feet in height, unless a wall or fence of a different height is approved by the City Council. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. All developments shall have the minimum number of trees as required by Chapter [17.60](#) EMMC, Landscaping, Buffering, Fencing and Transitioning, to provide for shade and visual relief.

C. Access Requirements.

1.

1. Access Onto a Public Street. Private driveways or drive lanes that intersect with a public right-of-way shall be located a minimum of 100 feet from another private driveway or drive lane on the same side of the street as shown on Figure 17.100.50(a). This shall be measured from the closest points of each where the top back of curb intersects with the public right-of-way. A private driveway or drive lane shall be located a minimum of 100 feet from a public right-of-way intersection. This shall be measured from the nearest point of the

public right-of-way to the top back of curb of the private driveway or drive lane where it intersects with the public right-of-way. When a parcel has less than 200 feet of frontage on a public right-of-way, then all necessary efforts shall be made to work collaboratively with adjacent property owners to share a common ingress and egress straddling the common property line.

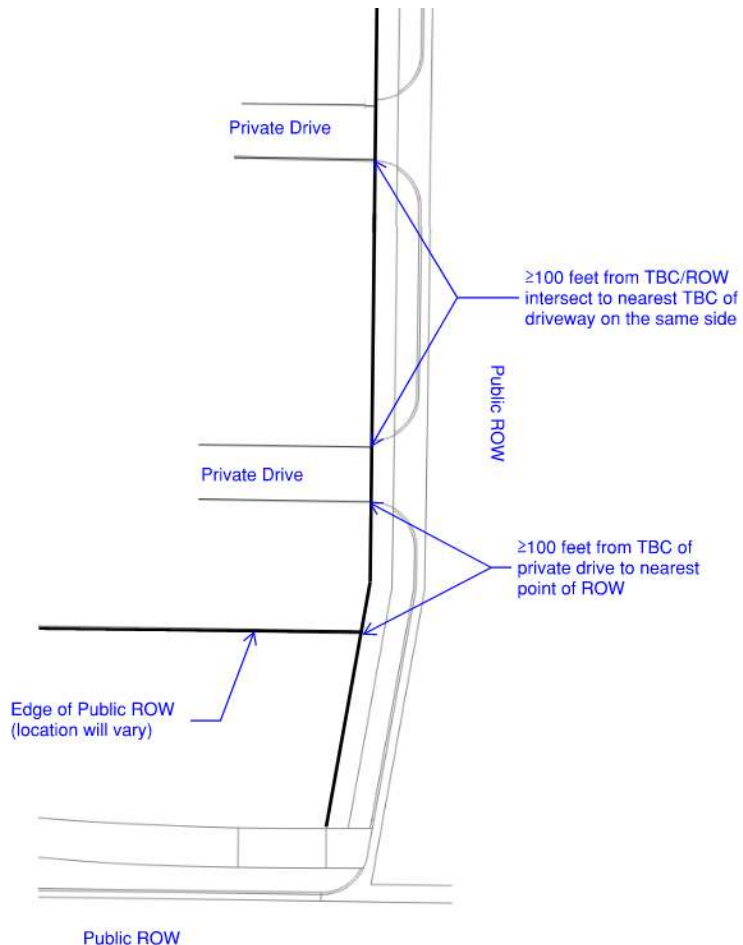


Figure 17.100.50(a)

2. Access Dimensions. For each commercial lot, access shall be provided and shall meet the following requirements: each roadway shall not be more than 40 feet in width, measured at right angles to the centerline of the driveway except as increased by permissible curb return radii. The entire flare of any return radii shall fall within the right-of-way.

3. Interconnection. All parking and other vehicular use areas shall be interconnected with adjacent properties in order to allow maximum off-street vehicular circulation.

4. Acceleration and Deceleration Lanes. Acceleration and deceleration lanes shall be required on arterials and collectors when deemed necessary by the City Engineer.

D. Off-Street Truck Loading Space. Every building or structure built, remodeled or occupied after the effective date of the ordinance codified in this chapter for manufacturing, commercial trade, or other uses similarly involving the receipt or distribution by vehicles or materials or merchandise shall have provided and maintained on the building's lot adequate space for standing, loading, and unloading of the vehicles in order to avoid undue interference with public use of streets or alleys.

E. Utilities. All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electrical or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be the responsibility of the developer.

F. Grading and Drainage. Drainage from any lot must follow current City requirements for on-site retention and a maximum allowable discharge at the calculated historical rate for the site. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot upon which the water flows has granted an easement for such purpose. The Planning Commission must approve a site plan with grading, drainage, and clearing plans before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of a natural grade.

G. Dedication of Water Shares. The applicant shall comply with Chapter [13.25](#) EMMC and shall dedicate to the City the amount of water rights specified in that chapter or purchase sufficient water from the City prior to the issuance of any building permit.

H. Protection of Steep Slopes and Natural Drainages. Steep slopes and natural drainages shall be protected from development and erosion. It is encouraged that they be incorporated into the design of development. Development or construction near these features shall comply with Chapter 15.80 EMMC, Hillside Site Development. No building lot may have an average slope that exceeds 25 percent. [Ord. [O-19-2023](#) § 2 (Exh. A); Ord. [O-09-2017](#) § 2 (Exh. A); Ord. [O-13-2016](#) § 2 (Exh.

A); Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.5); Ord. [O-11-2008](#) § 2 (Exh. A § 20.5); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.5)].

17.100.060 Architectural requirements.

A. Mechanical Equipment. All mechanical equipment shall be located or screened and/or other measures taken so as not to be visible from any public or private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened from all horizontal points of view. Line of sight measurements may be required. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the City Council after recommendation from the Planning Commission.

B. Windows. Windows are encouraged as accents and trim.

C. Building Lighting. Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be fully shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. Lighting shall be in conformance with Chapter [17.56](#) EMMC.

D. Trash Enclosures, Storage Areas, and External Structures. Landscaping, fencing, berms or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be comparable to the proposed or existing building and with surrounding structures. These areas shall be well maintained and oriented away from public view. The consolidation of trash areas between business and the use of modern disposal and recycling techniques are encouraged. Chain link fences and fencing with vinyl slats are prohibited.

E. Exterior Materials. Buildings shall be finished with high-quality materials. Building elevations shall be submitted that indicate all colors, styles, materials and other proposed building treatments.

F. Landscape Guidelines. All site plans shall conform to the landscaping guidelines established by the City.

G. Parking Lot and Street Lighting. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Pole-mounted fixtures are required in lots or along roads. Lighting of all pedestrian pathways is required. Lighting will be judged as to how adequately it provides for the health and

safety of citizens. Design and location of standards and fixtures shall be specified on the site development drawings. Illumination shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the City's adopted design standards for lighting.

H. Enclosed Uses. All uses established for any commercial or industrial uses shall be conducted entirely within a fully enclosed approved building except those uses deemed by the City Council in consideration of the prior recommendation of the Planning Commission to be customarily and appropriately conducted in the open. Uses which qualify for this exception are vegetation nurseries, home improvement centers with lumber and/or vegetation nurseries, outdoor cafes or auto dealerships. Approved seasonal temporary uses, such as Christmas tree lots, shall be exempt from this requirement.

I. Businesses Moving into Existing Buildings. New businesses moving into existing conforming or nonconforming buildings shall comply with the requirements of this section where possible prior to a business license being issued.

J. Nuisances. All commercial uses shall be free from objectionable odors, noises, hazards or other nuisances. [Ord. [O-12-2014](#) (Exh. A); Ord. O-16-

2010 § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.6); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.6)].

17.100.070 Application.

The property owner or an authorized agent shall make application on forms created by the Planning Director. No site plan application shall be processed without the submission of the application, all the supporting materials as required by this chapter, and processing fee. Incomplete applications shall not be processed under any circumstance. When the City's ordinances require a conditional use and/or subdivision approval, these applications may be processed concurrently with a site plan.

A. Supporting Materials. The site plan application shall be submitted with the materials listed in this section. The Planning Director and Planning Commission may determine and require that additional items not listed herein be submitted in order to evaluate the proposed site plan application. If a development has been previously reviewed (conditional use or subdivision approval), or the applicant believes that some of the required supporting materials are not applicable, then the applicant may submit a written statement to identify and clarify why they believe

these materials are not needed for review of the project. Upon review of this statement, the Planning Director may waive the requirements of certain materials relating to improvements that have been reviewed and approved in a previous application process or are not found to be applicable to the project. The following materials must be submitted with a complete application, unless otherwise waived as allowed herein. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the Planning Director.

1. Ownership Affidavit. A document detailing all covenants, grants of easement or other deed restrictions applicable to the site and an ownership affidavit shall be submitted.
2. Vicinity Map. A vicinity map (which can be included on the site plan) showing the general location and indicating the approximate location of the subject parcel.
3. Context Plan. A context plan including the existing features on the property and within 200 feet of the proposed site plan property line. Existing features include, but are not limited to, buildings, roads, ingress and egress points, landscaping areas, pedestrian paths, and property names.
4. Survey. The survey prepared and stamped by a Utah-registered land surveyor listing the metes and bounds, legal description, and the gross acreage within the subject parcel.
5. Site Plan. A site plan, prepared and stamped by licensed and/or certified professionals including, but not limited to, architects, landscape architects, engineers, surveyors, or other professionals deemed necessary by the Planning Director. The City may require plans prepared by any or all of the above-noted professionals. The site plan shall contain the date, scale, north arrow and the following items:
 - a. Boundaries of the subject parcel and the entire parcel (where the project does not occupy the entire parcel of which it is part).
 - b. Existing and proposed streets, watercourses, easements and other rights-of-way, and section lines.
 - c. Locations, dimensions, uses and heights of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties.

d. Access points, provisions for vehicular and pedestrian circulation on site and off site, interconnection to adjacent sites and dimensions of such access and circulation.

e. Acceleration and deceleration lanes, and dimensions thereof, if required.

f. Off-street parking and loading areas complying with Chapter [17.55](#) EMMC and indicating the required number of stalls and aisles scaled to the correct dimensions, the correct number of handicapped-accessible parking spaces, lighting, landscaping and irrigation, the percentage of landscaping to impervious surfaces, and pedestrian walkways.

g. Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements.

h. Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures.

i. Location and size of existing utilities and general location of utility access points and hookups.

j. Location, type and size of all signage including advertising and directional signage.

k. Tabulation of square footage devoted to various land uses, ground coverage by structures and other impervious surfaces.

l. Location of existing and proposed curb, gutter, sidewalk, park strip and edge of asphalt, to be signed and stamped by a licensed professional engineer.

m. Type of construction of all structures, presence or absence of fire sprinkling and location of existing and proposed fire hydrants.

n. Location of all existing and proposed irrigation systems, both on site and on adjacent properties, including, but not limited to, ditches, pipes, and culverts.

o. A statement on the site plan that all applicable elements of the Americans with Disabilities Act accessibility guidelines will be adhered to.

p. The piping of all existing irrigation ditches which affect the site.

q. The names of all adjacent property owners.

6. Landscaping Plan. A landscaping plan prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees, if any, and showing compliance with the landscaping or buffering requirements of the appropriate zoning district. The landscaping plan shall include, at a minimum, the following information:

a. The location and dimension of all existing and proposed structures (when feasible), property lines, easements, parking lots, power lines, rights-of-way, ground signs, refuse areas, and lighting.

b. The plant names (both botanical and common name), location, quantity, and size of all existing and proposed plants. The proposed plan should indicate the size of the plant material at maturation.

c. The landscaping plan should also exhibit the existing landscaping 20 feet beyond the property lines.

d. Existing and proposed grading with contours at one-foot intervals for areas with grades less than five percent. Areas in excess of five percent shall have contours shown at two-foot intervals.

e. Plans showing the irrigation system shall also be included in the landscaping plan submittal.

f. Proposed and existing fences and identification of the fencing materials.

g. A summary of the total percentage of landscaped areas, domestic turf grasses, and drought-tolerant plant species along with the estimated cost of all the improvements.

7. Grading, Drainage, and Erosion Plan. A grading, drainage, and erosion plan prepared and stamped by a licensed engineer shall be submitted. The report shall contain the drainage basin map and a plan view of the overall storm water system. The grading, drainage, and erosion plan shall address the following issues: description of features and hydrological conditions; drainage basin and sub-basin; drainage facility design criteria; infrastructure design

criteria; grading plan; and erosion control. Specifically, the report shall contain, at a minimum, the following information:

- a. The existing roadways, drainage ways, vegetation and hydrological conditions of a 10-year, 24-hour event and a 100-year, 24-hour event.
- b. The major basin descriptions referencing all major drainage reports such as FEMA, major drainage planning reports, or flood insurance maps and the basin characteristics and planned land uses.
- c. The sub-basin description showing the historical drainage pattern and off-site drainage patterns both upstream and downstream of the property.
- d. A general discussion of how the proposed system conforms to existing drainage patterns and off-site upstream drainage will be collected to protect development.
- e. The water quality evaluation showing the water quality shall not be degraded from existing storm water quality including how solids are collected and not allowed to be discharged into downstream waters and how oils and greases are separated from storm water.
- f. Maintenance plan and procedure for storm water system; thorough narrative of all charts, graphs, tables or other information included in the report describing how it affects the proposed development.
- g. Infrastructure design criteria showing the piping is sized to handle the peak intensity of the 10-year storm event; all detention basins are sized to handle 100-year storms while discharging at a maximum 10-year, 24-hour historical rate; a 10-foot traffic lane in both directions is maintained at all locations within the development; and that the roadway and infrastructure will handle a 100-year storm event without flooding homes or damaging public property.
- h. Grading plan showing soil map depicting unique soil features such as collapsible soil, rock features, etc.; a grading plan showing all cut and fill areas within a development including: the identification of slopes; fill and cut depths; and rock features within 10 feet of post-grade soil surface.
- i. Erosion control shall show: how erosion will be controlled during construction; explanation and design showing that such construction

debris and silts will not be collected by storm water system; show and design for all cut and fill slopes will not be eroded and how these areas will be restored to their natural vegetative state.

8. Lighting Plan. A lighting plan, which indicates the illumination of all interior areas and immediately adjoining streets showing the location, height, lumen output and type of lighting proposed.

9. Elevations. Elevations of all buildings, fences and other structures viewed from all sides indicating heights of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A letter of approval from the applicable architectural review committee must also be submitted.

10. Traffic Impact Study. A traffic impact study (completed by a professional that is competent in the field of traffic engineering) may be required if it is estimated by the City Engineer that the project could generate traffic impacts that require further study or that may require site improvements to transportation facilities. Said study shall include, but not be limited to, the following: an analysis of the average daily trips generated by the proposed project; an analysis of the distribution of trips on City street systems; a description of the type of traffic generated; and recommended on-site improvements that may mitigate negative traffic impacts.

11. Phasing Plan. If the site plan is to be developed in phases, a plan that shows the phasing of the development must be submitted.

12. Water Rights. Documentation of sufficient water rights for the proposed project must be provided.

13. Utility Demands. A summary projecting the utility demands that the development will create for communication lines, water, electricity, natural gas, and sewer.

14. Electronic Files. Electronic files of all the drawings for the project must be submitted.

15. Signage Plan. A signage plan shall be submitted as required by Title [1](#) Section 15.7.2 and in accordance to the submittal requirements contained in EMMC [17.80.040\(A\)](#).

16. Public Notice. Noticing as required by EMMC 17.05.200(a).1. Fee. The processing fee required by the current consolidated fee schedule approved by the City Council. [Ord. [O-12-2014](#) (Exh. A); Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.7); Ord. [O-11-2008](#) § 2 (Exh. A § 20.6); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.7)].

17.100.080 Review and approval process.

The review and approval process for a site plan permit shall be as follows:

A. Planning Commission Public Hearing. Upon receipt of a completed application and subsequent review by the Planning Director, the Planning Director shall place the application on the next available Planning Commission agenda for a public hearing no later than 28 days after a complete application has been submitted. The Planning Director shall cause all property owners within 600 feet of the boundaries of the proposed application area (including a minimum of at least 25 adjacent property owners and affected entities if there be any) to be notified by first class mail of the time and place of the public hearing at least 10 days prior to the Planning Commission meeting. A copy of the public notice of the hearing shall also be posted in three public places (including the City offices) within the City at least 10 days prior to the hearing.

B. Planning Commission Review. The Planning Commission will review each application and may recommend to the City Council: approval; approval with conditions to ensure compliance with standards in this or any other title or representations made by the applicant; or denial of the application based upon finding of facts. The Planning Commission may also defer action if an applicant fails to appear at the meeting or if the Planning Commission requests additional information. After the Planning Commission's review and recommendation and prior to City Council review, a development agreement based on conditions and special provisions in the Planning Commission action for that project shall be prepared and it shall be transmitted to the City Council with the site plan unless the City Attorney advises otherwise. The development agreement may include such items as the architectural drawings, site plan, phasing plans, water rights, and bonding requirements, if any.

C. City Council Review. The City Council will review each application and consider the Planning Commission's recommendation and may approve; approve with conditions to ensure compliance with standards in this or any other title or representations made by the applicant; or deny the application based upon finding of facts. The City Council may also defer action if an applicant fails to appear at the meeting or if the City Council requests additional information. The City Council may

also remand any application, or portion thereof, to the Planning Commission for further study and recommendation. Upon the granting or denying of a site plan application, the City shall prepare and mail or deliver to the applicant a written statement of the decision and, in the case of a denial, the reasons therefor. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.8); Ord. [O-11-2008](#) § 2 (Exh. A § 20.7); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.8)].

17.100.090 Expirations and extensions of approvals.

Master site plan approvals shall expire two years from the date of City Council approval if a site plan application has not been approved by the City Council; site plan approvals shall expire one year from the date of City Council approval if a building permit has not been obtained for the project.

A. Extensions of Time. An extension of time may be requested by an applicant with the following requirements:

1. A written, signed request for an extension of time shall be received by the Planning Director prior to the expiration date of the project.
2. The request for an extension of time shall specify any progress made on the project's conditions of approval, and the reasons for the extension request, along with supporting documentation.

B. Criteria for Approving Extensions of Time. It is the responsibility of the applicant to request an extension of time prior to a project's expiration. The City is not responsible to remind applicants of expiration dates. The Planning Director shall approve or deny a request for an extension of time within a reasonable period of time after receiving the request. The Planning Director may grant up to a single one-year extension of time to any project that meets one of the following criteria:

1. The applicant must have shown a good faith effort to initiate the project by systematically completing predevelopment conditions.
2. The applicant's initiation of development activities is based on an action by the City or other public agency which has not taken place or was delayed, resulting in a time delay beyond the permit holder's control.

C. Appeals. An applicant may appeal the Planning Director's decision to the Planning Commission within 15 days of the date of the decision. The applicant may then appeal a decision of the Planning Commission to the City Council within 15

days of the Planning Commission's decision. In no case shall the Planning Commission or City Council approve more than a single one-year extension of time.

D. Resubmitting an Expired Project. A project that has expired may be resubmitted within two years of the expiration date for a fee to cover time and materials, not to exceed 50 percent of the original fee, if the project is substantially similar to the expired plan. The resubmitted project must be in compliance with the current development code at the time of resubmittal. [Ord. [O-16-2010](#) § 3 (Exh. B)].

17.100.100 Issuance of building permit.

Any building permit issued shall expressly require that development be undertaken and completed in conformity with the provisions of the approved site plan.

A. Application Compliance. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structures until the provisions of this chapter have been met.

B. Bonds. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant (owner) shall enter into an agreement and provide a bond similar to the requirements applicable to subdivisions. The agreement and bond shall assure timely construction and installation of all required public improvements, including, but not limited to, landscaping, flood control facilities, parking, street improvements and other improvements required for site plan approval. The applicant (owner) shall enter into an agreement and provide a bond for 110 percent of the cost as estimated by the City Engineer. The developer may request 90 percent of the amount for one line item to be released with authorization by the City Engineer, when that line item is completed, inspected, and accepted by the City inspector. One hundred percent of the entire bond may be released when the site is completed, inspected, and accepted by the City. The remaining 10 percent will be held to ensure that the improvements shall be maintained in a state of good repair for a period of two years from the date of completion and acceptance by the City inspector. Improvement collateral requirements shall be recalculated if the project was approved more than 180 days prior to the date of proposed recordation. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.9); Ord. [O-11-2008](#) § 2 (Exh. A § 20.8); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.9). Formerly 17.100.090].

17.100.110 Issuance of a certificate of occupancy.

A certificate of occupancy shall be issued for any building or structure, external alterations thereto, or any sign or advertising structures, when provisions of the

approved site plan and/or written development agreements have been met. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.10); Ord. [O-11-2008](#) § 2 (Exh. A § 20.9); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.10). Formerly 17.100.100].

17.100.120 Temporary site plans.

The Planning Director and Planning Commission may recommend waiving some of the requirements of this title or chapter when a site plan is temporary in nature. A temporary site plan approval shall be valid for a period of time as determined by the City Council as part of the initial review. Applicants may request that temporary site plan approval be renewed. The same approval process procedures described in this chapter shall be followed, with the exception of the mandatory public hearing requirement. At the discretion of the Planning Director or Planning Commission, a public hearing may be required when renewing a temporary site plan application. [Ord. [O-16-2010](#) § 3 (Exh. B); Ord. [O-18-2008](#) § 2 (Exh. A § 20.11); Ord. [O-11-2008](#) § 2 (Exh. A § 20.10); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 20.11). Formerly 17.100.110].

17.100.130 Amended site plans.

Site plan amendment approval shall be required when the City Council, owner of property, or duly authorized agent seeks to execute a site plan that materially deviates from the previously approved site plan.

A. Minor Site Plat Amendments. The Planning Director or designee may approve minor modifications to a site plan previously approved by the City Council or Planning Commission if the amendments do not deviate from the original purposes of the approved site plan and will comply with all requirements of this Section.

B. Process. All processes and procedures set out in Section 17.100, Site Plan Review, shall be applicable.

C. Decisions. Decisions to approve or deny a minor amendment to an approved site plan shall be based on the following criteria:

1. The amendment will be in the public interest; and
2. The amendment will not:

- a. Negatively impact the adjoining property or neighborhood.
- b. Adversely impact the site on which the minor modification is requested or any surrounding property.
- c. Endanger the public health or safety.
- d. Adversely affect the enjoyment, use, development or value of any property.

D. Minor Amendments. The proposed amendments to the site are minor in nature and enhance the overall site. Minor amendments include, but are not limited to, the following:

- 1. Increasing the amount of parking.
- 2. Restriping the parking areas.
- 3. Reducing the building size.
- 4. A building addition or new structure, where the proposed addition or structure does not exceed ten percent (10%) of the square footage of the existing building(s) on the same lot.
- 5. Relocating the on-site utility services.
- 6. Altering the exterior site lighting.
- 7. Increasing the amount of landscaping.
- 8. Relocating parking stalls or changing the number of parking stalls on site. Parking stalls required by EMMC shall not be reduced beyond the minimum number required by Chapter 17.55.
- 9. Additions to an existing building that do not increase the gross floor area of the building such as awnings, canopies, decks, patios, and architectural features designed solely to enhance the aesthetic appeal of the building.

E. Staff Decision. Within 10 business days of the application, the Planning Director or designee shall issue a written decision to approve or continue review of the minor modification until the proposed site amendment complies with Code, or determine that the amendment exceeds the criteria for a minor amendment to an

approved site plan. Written findings shall be filed documenting the results of the review and the rationale for the decision.

F. Building Permits. Permits granted on the basis of an approved site plan for which a minor amendment was also approved shall only authorize those uses, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Use, arrangement, or construction at variance with the approved site plan shall be deemed a violation of this Title.

G. Major Amendments. All site plan amendments other than those described as Minor Site Plan Amendments in 17.130.030 shall be considered to be Major Site Plan Amendments and may only be approved after filing a site plan amendment application as set out in Section 17.130.050.

H. Site Plan Amendment Application.

1. The City Council, the property owner, or their duly authorized agent shall make an application for a site plan amendment on forms prepared by the Planning Director.
2. No site plan amendment application shall be processed without the submission of the application, all the supporting materials as required by this Chapter and the application fee. Incomplete applications shall not be processed under any circumstance.
3. The following items shall be submitted electronically via the application portal on the City website or as otherwise directed by the Planning Director.
 - a. Signed application
 - b. Explanation of the purpose of the proposed site plan amendment;
 - c. The name and address of all owners of record of the property included in the original site plan, if available;
 - d. Signatures of all property owners are directly affected by or have an interest in the proposed amendment.
 - e. Current title report shall be submitted for the property affected by the site plan amendment.

f. The amended site plan which must clearly depict what portion of the original site plan is proposed to be amended.

g. A copy of the previously approved site plan shall be submitted for reference.

h. Any relevant development agreements affected by the proposed amendment shall be provided.

i. The application fee required by the current consolidated fee schedule approved by the City Council.

I. Approval Process and Exceptions

1. The site plan amendment application shall not be construed as an absolute right upon submission of an application and does not require the Land Use Authority to take action based upon findings of facts.

2. Upon receipt of a complete application, the Planning Director shall conduct a preliminary review. If, upon review, the Planning Director determines that the proposed amendment constitutes a major site plan amendment, the application shall be placed on the Planning Commission's agenda as a public hearing within 30 days. If the Planning Director determines that the proposed amendment constitutes a minor site plan amendment, the application shall be processed in accordance with Section 17.130.030.

3. Upon recommendation from the Planning Commission, the City Council shall have 45 days to conduct a public meeting on the application.

4. Following the public meeting and review of the major site plan amendment, the City Council may approve, deny, or conditionally approve the proposed amendment. Approval shall only be granted upon finding that the amendment:

a. Complies with applicable law;

b. Does not materially injure public or private interest; and

c. Advances legitimate planning objectives.

J. Exceptions: A site plan amendment application is not required for adjustments to internal building layout, signage modifications consistent with City code, or similar insubstantial changes as determined by the Planning Director.