

ARTICLE XVI  
**Land Development Permit**

**§ 165-109. Permit required.**

Any project to be carried out in the City of Bangor requiring subdivision approval under 30-A M.R.S.A. § 4401 or any proposed development project which is to be a mobile home park or any site development requiring site development approval under the requirements of § 165-111 below must receive a land development permit approved by the Bangor Planning Board and issued by the Code Enforcement Officer. This permit may be required for projects in any district covered by this chapter, and all such approved projects shall be constructed and maintained in accordance with the latest dated, approved land development permit and supporting, approved submittal materials.

**§ 165-110. Processing. [Amended 9-14-1998 by Ord. No. 98-339; 1-9-2017 by Ord. No. 17-055]**

- A. All applications for a land development permit shall be filed on the appropriate form with the Staff Coordinator with necessary supporting submittals. Within seven calendar days of such filing, applicants shall be notified, in writing, of any processing and advertising fees due for such application and whether said application is complete for filing. Processing fees for any land development permit will be established by Council order pursuant to Chapter 109 and are to be considered part of the application submittals required for a complete application prior to its being forwarded to the Planning Division office. All time requirements for further processing will commence from the date of such notification. Any application lacking complete submittals will be held until deficiencies in filing (including fees, evidence of standing and such other information as shall be required by City staff) have been corrected by the applicant(s).
- B. Upon finding by the Staff Coordinator that an application for a land development permit is complete for processing, it will be forwarded to the Planning Division office for Planning Board review.

**§ 165-111. Site developments requiring permit.**

- A. Any activity covered under this chapter shall require a land development permit under the following conditions:
- (1) Any conditional use.

- (2) <sup>1</sup>Solar array, except as provided in § 165-80(3)(B).<sup>2</sup> **[Added 4-27-2020 by Ord. No. 20-098]**
- (3) Any off-street parking lot containing 20 or more spaces or any parking structure or any expansion of such parking facility or lot.
- (4) Filling, grading and earthmoving activities if a land development permit is required under § 165-33. **[Amended 1-9-2017 by Ord. No. 17-055]**
- (5) Any use, including permitted uses, in the NSD, USD, DDD, WDD, ADD (except for airport traffic control and direct aviation support uses), BPD, UID, G & ISD, S & PS, GC & S, T & S and I & S Districts (as defined in Articles XIII, XIV and XV of this chapter). **[Amended 6-26-2006 by Ord. No. 06-223; 1-9-2017 by Ord. No. 17-055]**
- (6) Any use or site development containing three or more primary use structures, including single-family detached dwellings. **[Amended 1-9-2017 by Ord. No. 17-055]**
- (7) Construction or renovation of one or more buildings with three or more dwelling units, including multifamily dwellings, rooming houses or boardinghouses, community living facilities, nursing homes, congregate housing and similar residential uses. **[Amended 1-9-2017 by Ord. No. 17-055]**
- (8) Construction or renovation of three or more commercial units, including but not limited to business or professional offices, retail or service businesses, restaurants, and other commercial uses. **[Added 1-9-2017 by Ord. No. 17-055<sup>3</sup>]**
- (9) Construction or renovation of a combination of dwelling units and commercial units which together add up to three or more. **[Added 1-9-2017 by Ord. No. 17-055]**
- (10) Any use or site development which, by adding one or more residential or commercial units or dwellings, brings the total site development up to or above the conditions defined elsewhere in this Subsection A. **[Added 1-9-2017 by Ord. No. 17-055]**

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1. Editor's Note: Former § 165-111A(2), regarding a change in nonconforming use, was repealed 3-14-2016 by Ord. No. 16-088.
2. Editor's Note: So in original. See § 165-80.2B.
3. Editor's Note: This ordinance also redesignated former Subsection A(8) as Subsection A(11).

(11) Any accessory use for a primary use requiring a land development permit, unless such accessory use building contains less than 101 square feet of gross floor area.

B. Project classification. For the purposes of this chapter, the following definitions shall apply to projects requiring a land development permit:

**MAJOR SITE DEVELOPMENT** — Any nonresidential site development involving construction of a building or addition in excess of 1,000 square feet of gross floor area or any site development which disturbs in excess of 10,000 square feet of land (regardless of the size of any buildings or structures), including grading and filling activities as defined in Article VI or any residential development requiring a land development permit under Subsection A(6) and (7) above. **[Amended 1-9-2017 by Ord. No. 17-055]**

**MAJOR SUBDIVISION** — Any subdivision involving six or more lots or which will require construction (or reconstruction) of a City street, an approved private street or City sewer. **[Amended 1-11-1993 by Ord. No. 93-59]**

**MINOR SITE DEVELOPMENT** — Any nonresidential site development involving construction of a building or addition with 1,000 square feet or less of gross floor area or any site development which disturbs 10,000 square feet of land or less, including grading and filling activities as defined in Article VI. **[Amended 1-9-2017 by Ord. No. 17-055]**

**MINOR SUBDIVISION** — Any subdivision involving fewer than six lots in which there is to be no construction of new City streets or approved private streets or extension of City sewers. **[Amended 1-11-1993 by Ord. No. 93-59]**

C. Exemptions. Notwithstanding the requirements of Subsections A and B above, a land development permit will not be required in the following cases:

(1) A change in use from one permitted use (in the district) to another permitted use in the same district in an existing structure under the following conditions:

(a) There is no increase in the floor area of the structure.

(b) There is no change in the exterior site improvements.

(c) There is no increase in the number of parking spaces required by this chapter or:

[1] The increased number of spaces required has received a variance by the Zoning Board of Appeals pursuant to Article I, § 165-11.<sup>4</sup>

- (2) Any construction of a residential structure containing two or fewer dwelling units or any two residential structures both of which contain fewer than two dwelling units.

### § 165-112. Submittal requirements.

A. Any site development project requiring a land development permit shall include the following information and submittals:

- (1) Name(s) and address(es) of project owner(s) and developer(s) and property owners (including the names of principals in partnerships and officers and owners of corporations).
- (2) Name(s) and address(es) of persons responsible for preparing application submittals.
- (3) Five paper copies, along with a digital copy meeting the requirements of § 165-10F, of all plan sheets, narratives and calculations including, as applicable, all information required in §§ 165-112B, 165-119, 165-126A, C, and D, 165-128A(3), and 165-128E(4). **[Amended 1-9-2017 by Ord. No. 17-055<sup>5</sup>]**
- (4) A completed application for and a written request for any other action requested.
- (5) All processing and advertising fees.
- (6) Such other information as the Code Enforcement Officer or Planning Board shall deem necessary.

B. Contents of site plans shall include the following:

- (1) Contents of minor site development plan:
  - (a) Scale of map and North arrow (scale no smaller than 50 feet to the inch).
  - (b) Street and property lines.
  - (c) Location and outline of:

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4. Editor's Note: Former Subsection C(1)(c)(2), regarding waiver of additional number of spaces, which immediately followed this subsection, was repealed 1-9-2017 by Ord. No. 17-055.

5. Editor's Note: This ordinance also deleted Table B, as amended, to which this subsection referred prior to this amendment.

- [1] All structures (including signs, light standards and canopies).
  - [2] Off-street parking and loading areas and access drives and circulation areas.
  - [3] All overhead and underground utilities, including any on-site water supply and sewage disposal systems.
  - [4] Provisions for stormwater runoff.
  - [5] Any other site improvements.
  - [6] Topography of a contour interval not less than one for each two feet of elevation for grading and filling activities as defined in Article VI.
  - [7] Landscaping and location and type of screening and buffer yards.
  - [8] Provision for sedimentation and erosion control during construction.
  - [9] Extent of paved areas.
  - [10] Existing trees six inches or more in caliper at a height of 12 inches above the ground (also known as "specimen trees").
  - [11] Existing trees 15 feet in height within 25 feet of the perimeter of the lot lines and also in the adjacent street right-of-way. (See Article I, § 165-10F, Shade trees, before removing any trees in the street right-of-way.)
- (2) Contents of major site development plan. In addition to the information required for a minor site development, the following information will be required for a major site development plan:
- (a) Topography of a contour interval not less than one for each two feet of elevation adequate to determine on-site drainage and to show effects of site development upon adjacent properties.
  - (b) Adjacent building outlines and other outstanding features within 200 feet of the perimeter of the site as reasonably required by the Planning Officer.

- (c) Information adequate to assess the impact of traffic generated by the proposed development on the public street system in the immediate area and, if requested, within a mile in any direction on the adjacent street system or at any intersection which is impacted by either 25 left-hand turns or 35 combined through and right-turn movements per hour by the project.
  - (d) Computations of stormwater runoff flows and volumes.
  - (e) Indication of whether the above mapped features are existing or proposed.
  - (f) Area sketch indicating location of project site.
  - (g) Post-construction stormwater maintenance plan consistent with the requirements of Chapter 268. **[Added 10-13-2010 by Ord. No. 10-305]**
- C. Preapplication meeting. **[Added 8-24-2015 by Ord. No. 15-278]**
- (1) All applicants for major subdivisions, mobile home parks or major site developments are required to attend a preapplication meeting.
  - (2) A preapplication meeting is for review of basic submission requirements for a project applicable permits and permitting standards. Prior to the meeting, the applicant must submit to the Staff Coordinator a conceptual plan for evaluation of the critical issues involved, such as, where applicable, traffic, parking, stormwater, utilities, building location, and setbacks and buffer yards. Completed designs are not required at that time. A preapplication meeting is not a public hearing. A preapplication meeting does not vest rights to applicable permits in the applicant. **[Amended 1-9-2017 by Ord. No. 17-055]**
  - (3) The applicant or his or her agent shall attend to provide background on the project and answer any questions of City staff.
  - (4) Scheduling of a preapplication meeting.
    - (a) The timing and schedule of preapplication meetings shall be based on a regular schedule in advance of applicable Planning Board meetings as determined by the Director of Community and Economic Development. Applicants

and/or their representatives shall be notified of the date and time of the meeting.

- (b) Nothing in this section shall prohibit any applicant or its representative from meeting with City staff independently of the preapplication meeting.
- (5) Documentation of meeting and conclusions.
- (a) A member of the City staff shall document at the preapplication meeting key elements of the project, permits to be required and issues to be addressed. A meeting record shall be distributed to all parties present for comment and/or adjustment. Any office which does not attend a preapplication meeting may provide comments to the meeting record.
  - (b) If any significant changes in the project details are made after the preapplication meeting, the applicant must notify the Staff Coordinator and any other City departments or divisions who attended the preapplication meeting. **[Amended 1-9-2017 by Ord. No. 17-055]**
- (6) Notwithstanding other provisions of this chapter, the Planning Director or his or her designee may refrain from placing an application on the agenda of the Planning Board upon the failure of an applicant or its representative to attend a preapplication meeting, or if the applicant makes significant changes to the project after the preapplication meeting.
- (7) The Director of Community and Economic Development or his or her designee may, at his or her sole discretion, waive the requirement for a preapplication meeting where the elements of the project are simple, straightforward and do not warrant such advance planning.

**§ 165-113. Planning Board review. [Amended 8-8-2005 by Ord. No. 05-250; 2-11-2008 by Ord. No. 08-070; 1-9-2017 by Ord. No. 17-055]**

For those site developments requiring a land development permit under § 165-109, the following procedures will be followed:

- A. Application initiation. After the Staff Coordinator receives an application, he or she shall forward the application and all plans and specifications to the Code Enforcement Division, Planning Division, Engineering Department, and any other staff as appropriate for processing. Staff shall determine whether the

application is technically compliant and notify the Staff Coordinator and Planning Officer of their findings, along with any recommendations.

B. Staff processing. The Planning Officer shall review the application and plans for compliance with the appropriate provisions of this chapter, including § 165-114 below, the requirements of the district in which it lies (Article XIII, XIV or XV) and the requirements of Article XVII, XVIII or XIX and shall, within 10 days after the application has been forwarded to staff for review, notify the applicant, in writing, of any deficiencies in the land development permit application or required submittals, as well as any recommended modifications. The applicant may then either amend the land development permit application and plans in accordance with the recommendations of the Planning Division staff or request Planning Board review thereon without amendment. Upon receipt of an amended application and plans or notification of the applicant's decision to request Planning Board review without amendment, the Planning Officer will place the request on the next agenda for the next Planning Board meeting with his/her written recommendation thereon, excepting that, if the next Planning Board meeting is fewer than seven days in the future, the Planning Officer may instead place the request on the agenda for the subsequent regularly scheduled meeting or a special meeting. The Planning Officer shall also cause the owners of record of property abutting and/or within 100 feet of the exterior boundaries of the property involved to be notified, in writing, of the pending request. Failure of any person owning property within said 100 feet to receive notice provided herein shall not invalidate any action by the Planning Board.

C. Planning Board review.

(1) The Planning Board shall review the application and plans at its next regularly scheduled meeting (or a special meeting called by the Planning Board). The Board shall make a final determination on the completeness and eligibility of any application and plans for Planning Board action. If final approval of a land development permit is before the Board (and the application and plans are complete), the Board shall, within 21 days after the date of such review, either approve, approve with modifications and/or conditions or disapprove the request. However, no land development permit will be approved unless it receives a majority of affirmative votes of the Planning Board members (i.e., four votes). If a majority of the Board shall so order, it shall hold a public hearing on any



permit application for a land development permit which does not otherwise require a public hearing.

- (2) At any Planning Board review or public hearing, an applicant may be represented by his/her designated representative. Any scheduled public hearing will not be continued to another time except for good cause and by majority vote of the Planning Board. Any advertising costs necessitated by a rehearing requested by an applicant shall be borne by the applicant. Failure by the applicant or his/her designated representative to appear at the Planning Board meeting at which his/her proposal is to be heard may result in the review being tabled until the next regularly scheduled meeting, although the Board may take action if it so chooses.

D. Land development permit approval.

- (1) Land development permit approval secured under the provisions of this chapter by vote of the Planning Board shall expire if the use, work, construction or change involved is not started (and continued after substantial commencement) within one year of the date on which said land development permit approval is granted or if said work or activity is not substantially completed or said use not activated within two years of the date on which said approval is granted.
- (2) Planning Board approvals which are conditioned upon the submittal of additional information or modified plans shall expire and no permits shall be issued if the applicant does not submit such required material to the Staff Coordinator within 30 days of such Board action, provided that the thirty-day time limit established by this subsection may be extended by Planning Board action.

E. Administration of approved land development projects.

- (1) Expiration of the applicable dates prior to commencement or substantial completion of work shall void the applicant's land development permit approval unless the Code Enforcement Officer has granted him/her an extension of time not to exceed six months. The Code Enforcement Officer shall grant such an extension if he/she finds that the applicant has diligently pursued his/her obligations under land development approval and that an extension is justified by adverse weather, delay in material delivery due to no fault of the applicant or by other valid reason.

- (2) Expiration of the applicable dates, as they may be extended by the Code Enforcement Officer, prior to commencement or substantial completion of work shall void the applicant's land development permit unless the applicant has obtained, prior to expiration, a further extension as a minor revision to the applicant's development plan. Any such further extension initially shall be for no more than one year from the date the extension previously granted by the Code Enforcement Officer expires; provided, however, that the applicant may obtain, prior to expiration, additional extensions as a minor revision to the applicant's development plan so long as each additional extension is for no more than one year. In connection with any such request for a minor revision, the applicant shall submit a narrative explanation of why the applicant has not commenced or substantially completed work. Any such request for a minor revision shall be approved only upon determination that:
    - (a) The applicant has diligently pursued his/her obligations under land development approval;
    - (b) A further extension is justified by adverse weather, by delay in material delivery due to no fault of the applicant, or by other valid reason;
    - (c) There have not been material land use or other changes in the vicinity of the project;
    - (d) There have not been material changes to the provisions of the Land Development Code that apply to (or that would apply to) the project; and
    - (e) Except for changes to the project that are permitted as minor revisions to the applicant's development plan, the applicant is not seeking to make other changes to the project.
  - (3) Applicants that have not commenced work or substantially completed work after two extensions via the minor revision process shall have their land development permits become void. Further action on such projects shall require the applicant to restart the land development permit process.
- F. No certificate of occupancy shall be issued by the Code Enforcement Officer unless:

- (1) All improvements shown on the approved plan, including but not limited to screening, planting and landscaping, are completed.
  - (2) Any changes from the approved plan of record are approved through the minor revision, Planning Board, or other processes as applicable.
  - (3) A digital as-built plan or plans complying with the requirements of § 165-10F and G of this Code is submitted to the Staff Coordinator.
  - (4) A certificate of compliance stamped by a registered professional engineer or a registered land surveyor is submitted to the Staff Coordinator indicating that the site development has been completed in accordance with the approved land development permit and supporting plans.
- G. Temporary certificate of occupancy. In the event that some elements of the development plan cannot be completed because of circumstances beyond the control of the applicant (such as nonavailability of materials or adverse weather), a temporary certificate of occupancy may be issued by the Code Enforcement Officer, with a copy to the Staff Coordinator, provided that the applicant files a request with the Code Enforcement Office for the granting of a temporary certificate of occupancy, to include justification for the request and the date by which all remaining site improvements will be completed.
- (1) The Code Enforcement Officer will notify the applicant, in writing, of his/her decision to grant or withhold the granting of the temporary certificate of occupancy within 30 days of the applicant's request. A copy of this notification will be forwarded to the Planning Board. Failure of the Code Enforcement Officer to notify the applicant within 30 days will constitute denial of the request.
  - (2) The temporary occupancy permit shall be issued to expire at a date certain, by which date the applicant must have procured a permanent certificate of occupancy from the Code Enforcement Officer. If this requirement is not met, the applicant's land development permit approval is null and void and the applicant shall be considered to be in violation of this chapter. The expiration date for a temporary certificate of occupancy may be extended by the Code Enforcement Officer if circumstances such as those listed above continue to prevail.

- (3) No temporary certificate of occupancy shall be issued for any structure in a subdivision which is required to be but has not been recorded in the Penobscot County Registry of Deeds.
- (4) In granting a temporary certificate of occupancy, the Code Enforcement Officer may require revised completion dates and financial guaranties to ensure completion of any incomplete site improvements on the approved land development permit plans.
- (5) The granting of a temporary certificate of occupancy by the Code Enforcement Officer will in no case relieve the applicant of any obligations under the project's land development permit approval, including required completion dates, except as may be extended under the procedures for extension provided for in this section above.
- (6) The granting of a temporary certificate of occupancy does not relieve the applicant of any applicable requirements related to temporary certificates of occupancy in the City's building, life safety, or other applicable codes.

**§ 165-114. Land development approval standards. [Amended 3-10-1999 by Ord. No. 99-96; 11-25-2002 by Ord. No. 03-09]**

When reviewing any plan(s) for approval of a land development project under this chapter, the Planning Board shall determine whether an application meets the following standards:

- A. Subdivisions. If a subdivision, the Planning Board shall apply the criteria established under 30-A M.R.S.A. § 4404, as it shall be amended, and the requirements of Article XVIII of this chapter.
- B. On-site parking, loading, and access. The applicant must show that the proposed parking and loading layout, including the appurtenant drives, turnarounds, maneuvering areas, and on-site travel lanes are arranged in a reasonable and safe configuration, including the provision for safe pedestrian travel to all on-site uses.
- C. Driveways. The applicant must show that all proposed access drives from the site to any public right-of-way are reasonably necessary and safe. The Planning Board may limit the number and location of access points to ensure that access to and egress from the site is safe and will have a minimum impact on vehicles traveling in any public right-of-way or private street. All

driveways shall conform to the requirements of Chapter 271, Streets, Article VIII, Curb Cuts.

- D. Stormwater management. The applicant must show that stormwater runoff from the proposed development will not have an unreasonable adverse effect on abutting or downstream properties or protected resources such as wetlands, lakes, streams or brooks, and that all downstream channels or municipal stormwater collection systems have adequate capacity to carry the flow without significant negative effects. An unreasonable adverse effect may result from effects such as, but not limited to, water pollution (e.g., particulates, chemicals, or thermal), increased erosion, or flooding.
- E. Outdoor display storage, and lighting. The applicant must show that all display and outdoor storage areas are situated and properly screened to avoid unreasonable adverse effects on adjacent properties. All outdoor lighting shall be designed, installed, and maintained to avoid unreasonable adverse effects from light pollution.
- F. Landscaping of unpaved areas or other treatment of the site. Landscaping shall include, as a minimum, the following:
  - (1) The applicant must show that the development is properly screened to avoid unreasonable adverse effects on adjacent properties and public rights-of-way.
  - (2) The installation of elements to physically separate paved (and graveled) areas from open space, yards and required setback areas along property lines.
  - (3) The treatment of open space, drainageways, slopes, yards and required setback areas along property lines to reduce dust and erosion and to enhance their visual appearance by such means as seeding or placing sods.
  - (4) The additional planting of shrubs and trees beyond that specifically required elsewhere in this chapter to shade and break up extensive building facades, front, side or rear yards of more than 100 feet in length or open space areas of more than 200 square feet in area not used for active recreation or parking lots containing 200 or more vehicles.
  - (5) The Planning Board shall encourage the preservation of existing tree growth as identified by the site development plan, particularly in the required buffer yard areas and the preservation of specimen trees throughout. Justification for

removal of said trees should be limited to provision of access, excessive grade changes and survivability of the trees. In no case are specimen trees in the street right-of-way to be removed without written authorization of the City Engineer.

- (6) The use of native species is encouraged, and the planting of invasive species as defined by the most current version of the State of Maine Department of Conservation Maine Natural Areas Program invasive plant fact sheets list is prohibited.  
**[Added 4-27-2009 by Ord. No. 09-130]**
- G. Building location. The applicant must show that the location of the building meets all required setbacks and is situated to avoid unreasonable adverse effects on adjacent properties or public rights-of-way.
- H. Environmental impacts. Where competent evidence demonstrates that there exists within 250 feet of the limits of a proposed development site (which may or may not coincide with the property line) a historic site, significant wildlife habitat, or a rare and irreplaceable natural area, the applicant must show that the proposed development will not have an unreasonable adverse effect on the historic site, significant wildlife habitat, or rare and irreplaceable natural area. An unreasonable adverse effect may result from effects such as, but not limited to: habitat destruction, degradation of habitat value, disruption of historic drainage patterns, water pollution, noise pollution, light pollution, or other negative consequences of human activities.
- I. Water resource and shoreline preservation. Whenever there is any pond, lake, river, stream or tidal waters within 250 feet of the limits of a proposed development site (which may or may not coincide with the property line), the applicant must show that the proposed development will not have an unreasonable adverse effect on the water resource or the shoreline of such body of water. An unreasonable adverse effect may result from effects such as, but not limited to, water pollution (e.g., particulates, chemicals, or thermal), increased erosion, or flooding.
- J. For site developments needing approval under the provisions of 38 M.R.S.A. §§ 481 through 488, as amended, and which meet the provisions of 38 M.R.S.A. § 489-A. as amended, as structures which may be approved by local municipalities, the following provisions shall apply:
- (1) Such project shall meet the standards of 38 M.R.S.A. § 484.

- (2) Such project shall meet the requirements of Department of Environmental Protection regulations, Chapters 371, 372, 373, 374, 375, 376, 377 and 500, as they may be amended from time to time, which are adopted for this subsection by reference.

**§ 165-115. Impact fees.**

The Planning Board may require as a condition of the approval of any land development permit the payment of impact fees for the purpose of financing infrastructure improvements in the area. Such fees shall be applied to projects within the Area Capital Investment District in proportion to the development project's share of infrastructure costs necessitated by the development and as provided by 30-A M.R.S.A. § 4354.

- A. Assessment of such fees may include infrastructure facilities, such as:
  - (1) Wastewater and stormwater collection and treatment facilities.
  - (2) Municipal water facilities.
  - (3) Solid waste facilities.
  - (4) Fire protection facilities.
  - (5) Roads and traffic control devices.
  - (6) Public parks and other open space or recreation areas.
  - (7) Public schools.
- B. Such fees shall be collected for projects indicated in the City's Capital Improvement Program for the Area Capital Investment District in which the proposed development is located and shall be maintained in separate accounts for such projects.
- C. The Planning Board may require the applicant to prepare an analysis of the impact of any project on the area's infrastructure or any specific facility impacted by the development to provide the basis of any fee to be assessed.
- D. Impact fees will be determined on the basis of infrastructure needs in the service areas, the proportionate share generated by the development project and the timing of proposed infrastructure improvements. Any funds collected which are not used or for which project a contract has not been let after a ten-

year period shall be returned to the applicant upon receipt of a written request within one year of their lapsing. Six-percent simple interest shall be paid on all such unused funds for each year during which they were held by the City.

- E. Project impact on infrastructure facilities shall be determined on a case-by-case basis. However, impacts in all cases will be computed on the same basis as nearly as possible to result in an equitable assignment of cost sharing between projects. There shall be no prohibition against the prefunding of a capital project by any single applicant if provisions are made to reimburse such applicant costs attributable to other projects in a manner acceptable to such an applicant.
- F. The assignment of costs of capital facilities to individual development projects will use generally accepted standards, such as Institute of Traffic Engineers traffic generation data for highway impacts and per capita or floor area comparisons for other facilities.

#### **§ 165-116. Minor revisions.**

Minor revisions to approved development plans may be permitted by the Code Enforcement Officer subject to the following conditions:

- A. Three copies of the revised plan showing the revision, along with a digital copy of the revised plan meeting the requirements of § 165-10F, must be submitted to the Staff Coordinator. **[Amended 1-9-2017 by Ord. No. 17-055]**
- B. The Code Enforcement Officer, City Engineer and the Planning Officer shall agree that the proposed change is a minor revision and that the proposed change does not violate this chapter or materially change a plan approved by the Planning Board. **[Amended 1-9-2017 by Ord. No. 17-055]**
- C. If any of the persons listed in Subsection B above request it, the proposed plan revision will be placed on the agenda of the next Planning Board meeting for the Board's review.
- D. Minor revisions to land development permit plans may be approved by the Code Enforcement Officer, provided that such minor revision will not materially alter the layout or scale of the development nor its impact on its surroundings, nor will it specifically:
  - (1) Expand the size of a project by increasing the number of lots or dwelling units or by increasing the gross floor area of a



primary use structure or by adding a primary use structure or an accessory use structure containing more than 200 square feet of gross floor area to the site.

- (2) Violate the provisions of any City ordinance.
  - (3) Delete landscaping, screening or buffer yard elements.
  - (4) Change the number of vehicular access points to the public street system or significantly alter the location of such access drives.
  - (5) Significantly alter on-site vehicular circulation. **[Amended 1-22-2018 by Ord. No. 18-082]**
- E. A digital as-built plan or plans complying with the requirements of § 165-10F and G of this Code is submitted to the Staff Coordinator. **[Added 1-9-2017 by Ord. No. 17-055]**
- F. A certificate of compliance stamped by a registered professional engineer or a registered land surveyor is submitted to the Code Enforcement Office Staff Coordinator indicating that the site development has been completed in accordance with the approved revised plan. **[Added 1-9-2017 by Ord. No. 17-055]**