

Chapter 20.63

SITE PLAN APPROVAL

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20.63.010 **Purpose.** The purpose of this chapter is to assure that a proposed development of land is in conformance with the regulations of Chapters 20.02 through 20.67 and is designed in a manner, which will not be detrimental to the public health, safety, and general welfare, or be detrimental to adjacent properties. (Ord. 765, September 2003.)

20.63.020 **Applicability.** In all commercial and industrial zones and where stated within Chapters 20.02 through 20.67 that site plan approval is required, it means that prior to issuance of any building permit, a site plan approval permit is required for any new building, structure, open land use, or addition to an existing development. This section shall not apply to an open or temporary use of land which does not exceed ten days; to single family residences and their accessory structures; to any fences or other dividing instrumentality's erected in conformance with Chapter 20.02 through 20.67, or to a development for which a site plan has been previously approved under conditions of a planned unit development permit, variance permit or conditional use permit. (Ord. 765, September 2003.)

20.63.030 **Procedure.**

- A. When site plan approval is required, the applicant shall file an application and any required data with the administrator. The administrator shall review the application in accordance with the applicable requirements of Chapter 2.70 of the Benton City Municipal Code.
- B. The planning commission shall, within thirty (30) days of the receipt of the application, together with all required documentation, either approve, conditionally approve or deny the application. (Ord. 765, September 2003; Ord. 601, August 1994.)

20.63.040 **Required Data.** The application for site approval shall be accompanied by a site plan showing lot lines and dimensions, locations of existing and proposed building or improvements, height of structure, off-street parking lot design including ingress and egress points, street right-of-way lines setbacks, exterior lighting and signs, landscaping, fencing, and any other

data necessary to indicate the proposed development, all of which must be in conformance with the provisions of Chapter 20.02 through 20.67. In addition, the site plan shall indicate the proposed or probable use of the development and a brief statement of the type of construction contemplated. (Ord. 765, September 2003.)

20.63.050 **Findings.** The administrator or planning commission shall make the following findings in approving a site plan application.

- A. That the proposed development conforms in all respects to the provisions of the zoning title and other applicable city ordinances.
- B. That the design of the proposed development is such that it will not be detrimental to the public health, safety, and general welfare and not detrimental to adjacent property.
- C. That the development is within the intent of the provisions set forth in Section 20.57.020.

The administrator, with the assistance of other reviewing agencies, shall inquire into the public use and interest proposed to be served by the establishment of the site plan and make written findings that:

1. Appropriate provisions are made for the public health, safety, general welfare, fire protection and other necessary services, and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transits stops, potable water supplies, sanitary waste, parks and recreation, play grounds, schools and play grounds and all other relevant facts, including walk-ways and other planning features that assure safe walking conditions for students who only walk to and from school;
2. The proposed site plan conforms to the comprehensive plan and the zoning ordinance;
3. That any site plan lying in whole or in part within any irrigation district, classified as irrigable, shall provide an irrigation right-of-way for each parcel and a completed irrigation water distribution facility available for the distribution of irrigation water to said site plan and all applicable irrigation assessments have been paid and that adequate utility easements have been provided;
4. Where the dedication of land to any public body, provision of public improvements to serve the parcel and/or impact fees imposed by law may be required as conditions of approval, which dedication shall be clearly shown upon the final site plan. No dedication, provision of public improvements or impact fees imposed by law shall be allowed that constitute an unconstitutional taking of private property;
5. The public use and interest will be served by permitting the proposed division of the land; and

6. All provisions of title 20 (Zoning), or other land use controls which may exist, have been complied with. (Ord. 765, September 2003; Ord. 601, August 1994.)

20.63.060 **Conditional Approval.** The administrator or planning commission shall have the function, duty, and power to require compliance to any site plan approval permit, which is conditionally approved as may be deemed necessary to carry out the purpose and intent of this chapter. Such conditional approval may include but not be limited to the following:

Special setbacks and buffers; fences and/or walls; lighting; surfacing of parking areas subject to city specifications; regulations of time for certain activities; regulation of points of vehicular ingress or egress; regulations of noise, vibration, odors, etc.; regulations of signs; requiring of landscaping and maintenance thereof, requiring maintenance of grounds and/or signs; requiring service roads and/or alleys when practical and other conditions as will make possible development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in Chapters 20.02 through 20.67. (Ord. 765, September 2003; Ord. 601, August 1994.)

20.63.070 **Appeal.** Any person aggrieved by the decision of the administrator to approve or disapprove of a proposed site plan may appeal the decision to the city council within ten days following the issuance of the decision. The city council may affirm or reverse the administrator with instructions to approve the same upon compliance of the conditions imposed by the council.

Any person aggrieved by the decision of the council may, within twenty one (21) days (RCW 36.70C.040) thereof appeal to the Benton County Superior Court for such relief as he may be entitled. (Ord. 765, September 2003; Ord. 601, August 1994.)