

**ARTICLE 7
PLAN APPROVAL GUIDELINES**

Sections:

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7-101 Purpose: The purpose of this Article is to outline the procedures and requirements for the approval of a Development Plan. Said Development Plan is a required submission when seeking a Conditional Use Permit. Those land uses requiring a Conditional Use Permit are specifically intended to accommodate:

1. The fully planned, coordinated, and orderly development of relatively large tracts of land.
2. The conversion of relatively small parcels of land to one of the specified uses requiring a Conditional Use Permit.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family residential unit shall not be subject to the provisions of this Article.

The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interests of the community, but in keeping with the general intent and spirit of these Regulations. Such adjustments or modifications may be made in the Development Plan as a part of the Conditional Use process, or may be allowed upon request of the applicant after approval by the Planning Commission and Governing Body as an amendment to a previously approved Development Plan or as a first approval of a Development Plan on properties that have never had an approved Development Plan.

7-102 Application, Review, Approval Procedure: In order to assure that proposed uses requiring Conditional Use Permits meet the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applications for a Conditional Use Permit, except those uses exempted in Section 7-101 above, include a Development Plan which must be approved as specified within this Article prior to any construction on the property.

The procedure for approval of a Development Plan shall consist of the following:

1. Application for a Conditional Use Permit, preceded by a conference with the Zoning Administrator to review the substance of the proposed development and the consistency of the proposal with the policies and plans of the County. No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding or construed in any way as granting or assuring approval of the proposed development since the Governing Body has final authority on all Conditional Use Permits following a public hearing by the Gray County Planning Commission.

2. A Development Plan.

The Development Plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said Development Plan has been submitted.

7-103 Development Plan: Application for a Conditional Use and Development Plan approval shall be made in accordance with the procedures outlined in Articles 14 and 20 of these Regulations. The application shall include a Development Plan which describes the applicant's intentions for the use and development of the property. The Development Plan shall include and/or display the adequate information necessary for the Planning Commission to consider and determine the compatibility of the proposed development to the existing users compliant within the proposed area where said conditional use is to be added. Given the fact, a wide variety of property uses exist in today's society, the requirements necessary to fulfill a well defined Development Plan will also vary accordingly. There may be times when the applicant does not know specific information about the proposed project, such as equipment manufacturer or exact size, location or dimensions of equipment and/or proposed structures. In those instances, the applicant is asked to furnish, as close as possible, the estimated size or dimensions of equipment and/or structures and then at a later date when specific information is known, file an amended Development Plan with the Gray County Zoning Administrator. Once the Zoning Administrator has reviewed the amended Development Plan, if it is deemed adequate to fulfill the requirements outlined in Article 7, Section 7-103, it will be submitted to the Governing Body for their approval, thereby completing the Development Plan requirement. Whenever it is determined the content of the submitted Development Plan is deficient in its description or content, the applicant will be required to submit additional information necessary to fulfill the requirement for an approved Development Plan.

All Development Plans must be submitted and approved prior to commencement of construction of any portion of the project outlined within the Development Plan. If the Development Plan is submitted separately by phase of the project, then the Development Plan for that specific phase must be approved prior to the commencement of construction on that phase.

The following list is an example of possible items within a project development that might need to be addressed and included within in said plan:

1. A Development Plan, drawn to the same scale as the topographic survey, indicating:
 - a. existing contours (2-foot intervals);
 - b. proposed contours (where grading alters slopes);
 - c. location and orientation of all existing and proposed buildings;
 - d. areas to be used as parking, including arrangement and number of stalls;
 - e. areas to be developed for screening, including the location of plant materials, and screening structures and features;
 - f. pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;
 - g. points of ingress and egress;
 - h. location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);
 - i. drainage controls (retention or detention ponds);

- j. location, size and characteristics of identification and business signs;
 - k. lighting layout, appurtenances, and intensity of illumination;
 - l. proposed finished floor elevations of all buildings and structures.
2. A statement of intent shall accompany the Development Plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.

The Planning Commission shall review the application for a Conditional Use Permit, along with the Development Plan, and shall recommend approval or denial of the Conditional Use Permit along with the Development Plan to the Governing Body, or may request modifications to the Development Plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Governing Body shall constitute approval and permanency of the Development Plan, thereby establishing the criteria for construction of the proposed development.

In the process of reviewing any Development Plan, the Planning Commission and/or Governing Body may provide approval of the Development Plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

1. Limitations on the type, illumination and appearance of any signs or advertising structures.
2. Direction and location of outdoor lighting.
3. Arrangement and location of off-street parking and off-street loading spaces.
4. The type of paving, landscaping, fencing, screening and other such features.
5. Limitations on structural alterations to existing buildings.
6. Prohibition of use or construction of any structure to be used for a single-family dwelling, including a manufactured home.
7. Plans for control or elimination of smoke, dust, odor, gas, noise or vibration caused by the proposed use.
8. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
9. Any and all such other conditions and/or limitations that are deemed necessary.

7-104 Development Plan - Phasing, Time Restrictions: The applicant may proceed with construction based on the entire Development Plan, or may elect to develop the property in phases. The applicant may submit the Development Plan separately for the first and each successive phase of construction, or for the entire project with a depiction of the phasing sequence; however, all Conditional Uses approved with a Development Plan shall have construction begun within one (1) year of said approval by the Governing Body. If the applicant is unable to commence construction of the project within the one year time frame of the permit, the applicant may request an extension of this time restriction by submitting a request in writing to the Governing Body stating the reason for needing additional time in which to commence construction of the project. If the Governing Body agrees, an extension of time in which to commence construction of the project may be granted one time, not to exceed Two (2) years from the date of the request. No further extensions shall be authorized.

If no written request for an extension of time is made by the applicant, all construction and/or operations of said permitted use "*now expired*", shall cease immediately and shall not resume activities until a valid Conditional Use Permit has been issued by the Gray County Zoning Administrator.

The Governing Body shall review the Development Plan and shall act on said plan in a reasonable time period. Upon approval by the Governing Body, the Development Plan shall be filed for record in the office of the Zoning Administrator. In addition, an affidavit shall be recorded with the Gray County Register of Deeds indicating a Development Plan has been approved and is on record with the Zoning Administrator and that revisions or alterations to the property must be made in accordance with the Development Plan. The Register of Deeds shall not charge any fee for the recording of this affidavit of the County.

After the Development Plan has been approved, and when in the course of carrying out the Development Plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved Development Plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved Development Plan, the revised Development Plan must be submitted to and approved by the Planning Commission and Governing Body before any further work can proceed. At no time shall the Conditional Use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved Development Plan.

7-105 Remedies for Noncompliance: If the applicant fails to comply with any of the restrictions or limitations established with an approved Development Plan, including the time requirements herein established, the approved Development Plan shall be declared null and void and no permit for construction shall be issued until a new Development Plan has been approved following the procedures previously cited. The Conditional Use Permit shall remain in effect but shall do so without an approved Development Plan. If the approved Development Plan is voided, the Planning Commission or the Governing Body may initiate an action to have the Conditional Use permit revoked.