



City of Newton
NEWTON
Site Plan Ordinance

**Title 4, Land Use
Chapter 32**

CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 1993, TITLE 4
JANUARY 1993
TITLE 4, LAND USE
CHAPTER 32, SITE PLAN CONTROL

ARTICLE 1, PREAMBLE, PURPOSE AND INTENT

32.0101 **WHEREAS**, it is deemed essential to establish minimum standards for the design and development of certain properties within the City of Newton and the city's extraterritorial zoning jurisdiction, so that existing and future development will be protected, and so that adequate provisions are made to protect the health, safety and general welfare of the public.

32.0102 **STATEMENT OF PURPOSE AND INTENT.** It is the purpose and intent of this chapter to establish a procedure which will enable the City of Newton to plan for and review proposed improvements of property within the city's corporate and extraterritorial zoning districts, except for those zoning districts and properties listed in §32.0103. Thus, the site plan requirements of this chapter are designed to insure the orderly and harmonious development of property in a manner that shall:

32.0102.1 **Promote the most beneficial relation** between the uses of land and the circulation of traffic throughout the city;

32.0102.2 **Ensure adequate provisions** for public utilities, services, facilities and right-of-ways;

32.0102.3 **Encourage effective measures** for surface and subsurface drainage;

32.0102.4 **Provide suitable screening** to buffer incompatible uses, to include parking, truck loading, refuse, outdoor storage and disposal, from adjacent residential districts.

All of the above in accordance with the Minimum Design Standards established by Section 3 of this ordinance.

32.0103 **DEFINITIONS.**

32.0103.1 **Site Plan:** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

32.0103.2 **Site Plan Review:** An established sequence of steps by which the City of Newton shall analyze and evaluate development proposals in certain zoning districts for conformity with the city's comprehensive plan, Zoning Ordinance, Subdivision Ordinance, other city ordinances and any applicable rules and regulations of the State of Iowa.

32.0104 **APPLICABILITY.** A site plan review is required whenever a person, firm, corporation or other group wishes to develop any tract or parcel of land within all zoning districts, except for:

32.0104.1 **Any detached single-family residence** and two-family residences including any accessory structure thereto;

32.0104.2 **Agriculturally zoned property;**

32.0104.3 **Developments conditioned** by Planned District or Conditional Use Permit;

32.0104.4 **New construction** of non-residential buildings less than 1,000 square feet in gross floor area;

32.0104.5 **Additions to existing non-residential buildings** when the addition is less than (10%) ten percent of the existing building's gross floor area or the addition does not exceed one thousand (1,000) square feet, which ever is more restrictive. Also where no new curb cuts are required, and where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the city planner.

32.0104.6 **Interior and exterior modifications to existing properties** including a change in use which do not affect nor change the foot print of the building or parking requirements as specified in the city's Zoning Ordinance.

ARTICLE 2, PROCEDURE

32.0201 **PRE-APPLICATION CONFERENCE.** A site plan for a proposal, as specified in Article 1, shall be submitted to the city engineering department along with a request for a pre-application conference. The conference may include the applicant or the applicant's representative; the city engineer; the city planner; the public works director; building official and other personnel as deemed appropriate. The purpose of the conference shall be to acquaint the city staff with the proposed development and to acquaint the applicant or the applicant's representative with the procedures and requirements of this chapter as well as any challenges that might relate to the development. The conference shall be held within seven (7) days of such request.

At the time of requesting the pre-application conference the applicant shall furnish two (2) copies of a sketch plan at a scale of 1" = 50', which shall include the following information:

32.0201.1 **A legal description** of the parcel and common address;

32.0201.2 **Zoning district** and dimension of parcel and;

- 32.0201.3 **Location of all** existing and proposed buildings and construction type;
- 32.0201.4 **Proposed** off-street parking;
- 32.0201.5 **Location of** existing and proposed entrances, exits and curb cuts;
- 32.0201.6 **Right-of-way width** for streets abutting site;
- 32.0201.7 **Location of existing and proposed** utilities, signs, lights, fences, sidewalks, wooded areas, natural drainage ways and other natural features;
- 32.0201.8 **Proposed and** existing landscaping;
- 32.0201.9 **Other features that may have an impact on the site** (i.e. flood plain, erosion control measures, sink holes, storm water detention facilities, berms and ponds).
- 32.0202 **SITE PLAN SUBMITTAL.** After completion of the pre-application conference, a site plan shall be prepared and submitted to the city engineering department accompanied by;
- 32.0202.1 **A letter requesting** review and approval of said plan;
- 32.0202.2 **The required application fee** of \$75.00 for parcels under one (1) acre or \$100.00 for parcels one (1) acre and larger; (2003 update).
- 32.0202.3 **Twelve (12) copies of the site plan.** The engineering department shall determine if all the information, as required in Article 4, has been provided. The engineering department shall have the right to refuse the submittal of the site plan and application should the required information not be shown or presented and may also waive requirements listed in Article 4 if deemed appropriate and consistent with the purpose and intent of this ordinance unless otherwise instructed by the city engineer and/or the city planner.
- 32.0203 **SITE PLAN REVIEW.** Upon acceptance of the application for a site plan, the engineering department shall forward the application and site plan to the city planner. The city planner shall distribute one (1) copy of the site plan, with a request for written comments within seven (7) days, to applicable city departments and agencies as follows:
- 32.0203.1 City Engineer
- 32.0203.2 City Attorney
- 32.0203.3 Public Works Director
- 32.0203.4 Fire Chief
- 32.0203.5 Police Chief
- 32.0203.6 Building Official
- 32.0203.7 Water department Manager
- 32.0203.8 Iowa Southern Utilities
- 32.0203.9 People's Natural Gas
- 32.0203.10 United Telephone System
- 32.0203.11 Heritage Cablevision

The city departments and agencies shall review the site plan for accuracy and compliance with the regulations herein and other regulations which may apply.

32.0204 **ADMINISTRATIVE ACTION.** Within fifteen (15) working days after submittal of the application for site plan review, the city planner shall, in a written decision stating finding of facts and conclusions pertaining to the design standards in Article 3, approve, approve with modifications or disapprove the request. Upon approval or approval with modifications, a building permit may be issued.

No building permit shall be issued by the city until site plan approval or approval with modifications has been granted either administratively or by the planning commission on appeal of an administrative disapproval.

32.0205 **APPEAL OF ADMINISTRATIVE DISAPPROVAL.** If the site plan is administratively disapproved or the city planner has not taken action within fifteen (15) working days of the submittal of the site plan, the applicant shall have the privilege of requesting planning commission and city council review and action. It is the applicant's responsibility to file a written appeal with the city planner no later than ten (10) working days after the city planner's decision to ensure a planning commission and city council hearing date, review and action.

ARTICLE 3, MINIMUM DESIGN STANDARDS

32.0301 **SITE PLAN DESIGN STANDARDS.** The following design standards are intended only as minimum requirements, so that the general arrangement and lay-out of all developments or improvements, required to be site planned within the City of Newton's corporate limits and

the city's extraterritorial zoning jurisdiction, may be adjusted to a wide variety of circumstances, and in order to insure reasonable and ordered development within the community.

32.0301.1 All proposed developments shall conform to the Comprehensive Plan of the City of Newton; the Zoning Ordinance of the City of Newton; the Subdivision Ordinance of the City of Newton. If applicable; such other ordinances of the City of Newton as may pertain to such development, and any applicable rules and regulations of the State of Iowa.

32.0301.2 Internal roads and streets shall be adequately constructed to accommodate the traffic generated. Entrances and exits on to public streets shall not unduly increase congestion or traffic hazards on the public streets and the proposed site. Off-street parking shall be paved, in accordance with city requirements.

32.0301.3 The proposed development shall be designed with adequate water mains, fire hydrants, sanitary sewer lines, and storm drains, in accordance with the ordinances and regulations of the City of Newton, so as to protect the public health and welfare, and so not to overload any existing public utility. Surface drainage shall be directed to storm sewers wherever practical, including the requirement to extend public storm sewers if deemed necessary.

32.0301.4 All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.

32.0301.5 The proposed development shall be designed, and the buildings and improvements shall be located within the tract or parcel, in such a manner so as to not unduly diminish or impair the use and enjoyment of adjoining or surrounding property. The developer shall provide for such fences, landscaping, signs, lighting, sidewalks and other improvements as may be necessary to provide adequate and reasonable development and shall not impair an adequate supply of light and air to adjoining or surrounding properties.

32.0301.6 The proposed development shall not unduly increase the public danger of fire and safety, and shall be designed to adequately safeguard the health, safety and general welfare of the public, and of persons residing or working in the adjoining or surrounding properties. This requirement is herein incorporated into each and every requirement of this Site Plan CHAPTER.

32.0301.7 The proposed development shall be designed with the appropriate regard for topography, surface drainage, wooded areas, flood plains and other natural features.

32.0301.8 The developer shall construct temporary terraces on slopes, temporary silting basins, swales and spillways, and energy dissipation structures to reduce erosion, sedimentation and damage to adjacent properties and public rights-of-way from surface drainage during site development. The subdivider shall further be required to seed the areas disturbed to control erosion caused by excavation and grading operations, including the installation of utilities. The site plan shall indicate what provisions for erosion control will be maintained during construction.

ARTICLE 4, SITE PLAN INFORMATION

32.0401 SITE PLAN REQUIREMENTS.

32.0401.1 The scale of the site plan shall not be less than one inch (1") equals fifty (50) feet and an overall size of 24" x 36".

32.0401.2 Name, address and phone number of all owners of record, developer, engineer and other appropriate individuals who desire review comments forwarded to them.

32.0401.3 Date, revision dates, north arrow, and name of proposed development.

32.0401.4 Zoning district, subdivision name, lot number, dimensions of lot or parcel, zoning of adjacent parcels, and legal description.

32.0401.5 Boundaries of the proposed development shall be indicated by a heavy line, marked "Site Plan Boundary" and site area shall be indicated in acres or square feet.

32.0401.6 A 1" = 1000' scale "vicinity map" illustrating the generalized street patterns, land use and zoning within 1000 feet of site plan boundary.

32.0401.7 Locations and use of all buildings and the use of all adjoining and surrounding properties within 200 feet of perimeter of said development. (Excluding street right-of-way)

32.0401.8 Location and identification of all easements (existing and proposed), utilities, drainage ways, and storm water drainage facilities.

32.0401.9 Location, names and widths of all existing and proposed roads, alleys, streets and highways adjoining the area being developed and those public ways proposed to service the development, including all pertinent dimensions and sizes.

32.0401.10 Dimensions and location of proposed entrances and exits onto public roads, interior drives and parking, including the number, size, and location of those designated for the handicapped.

32.0401.11 Overall dimensions of all buildings including height and gross floor area of each building and distance from adjacent property lines.

32.0401.12 Proposed utility service hook-on location and line location, type and size:

- 32.0401.12(A) Water Supply.
- 32.0401.12(B) Sanitary Sewer System.
- 32.0401.12(C) Storm sewer and/or surface water run-off provisions.
- 32.0401.13 Location and specifications (written specifications permissible upon approval of the city engineer) of all the proposed improvements, including but not limited to signs, lights, fences, sidewalks, landscaping and open spaces in yards, natural drainageways, wooded areas and other natural features. This includes construction details.
- 32.0401.14 Existing and proposed landscaping, including name and size of plant material.
- 32.0401.15 Existing and proposed contour lines at intervals of two feet (2').
- 32.0401.16 Proposed grading of the site and erosion control provisions, where applicable.
- 32.0401.17 Indicating boundaries of the (FP) flood plain overlay zone, where applicable.

Additional information to be placed on the site plan beyond the requirements listed above may be requested based upon review of the plans by the Newton city staff.

ARTICLE 5, GENERAL COMPLIANCE

- 32.0501 **BUILDING PERMIT.** No building permit shall be issued for any development that is subject to the provision of this ordinance until the site plan has been submitted and approved in accordance with the provisions of this chapter.
- 32.0502 **CERTIFICATE OF OCCUPANCY.** No certificate of occupancy shall be issued for any development until a final site plan inspection has been performed.
- 32.0503 **DEVELOPMENT OF SITE.** Construction, grading, or other development activities for those uses as listed herein, shall hereafter be carried out only in substantial compliance with the approved site plan and any conditions or restrictions attached thereto.

ARTICLE 6, VALIDITY OF APPROVAL

- 32.0601 **APPROVAL.** The site plan shall become effective upon approval by the city planner, city engineer and building official. In the event that an appeal is filed, a site plan shall not become effective until the appeal has been decided.
- 32.0602 **SITE PLAN TIME LIMIT.** The approval of any site plan required by this chapter shall remain valid for two (2) years after the date of approval, after which time, the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter, actual construction shall mean that the permanent placement of construction materials has started and is proceeding without delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading or property or stockpiling of material on the site shall not constitute actual construction.

ARTICLE 7, SITE PLAN AMENDMENT

- 32.0701 **AMENDMENTS.** Any approved site plan may be amended in accordance with the standards and procedures established herein, including payment of fees. Minor changes shall not be made until the owner communicates such change with the city planner and the change is noted on the approved site plan.. Minor changes in most cases will not require revised drawings or a fee and are as follows:
 - 32.0701.1 **Moving building walls within the confines of the smallest rectangle,** that would have enclosed each original approved building. Relocation of building entrances or exits, shortening of building canopies.
 - 32.0701.2 **Substitute plant species,** provided a nurseryman, landscape architect, or engineer certifies that the substitute species is similar in nature and screening effect.
 - 32.0701.3 **Change type and design of lighting fixture,** provided an engineer or architect certifies that there will be no change in the intensity of light at the property boundaries.

ARTICLE 8, FEES AND ENFORCEMENT

- 32.0801 **APPLICABILITY TO EXISTING DEVELOPMENTS.** The requirements of this ordinance shall not be applicable to existing developments for which building permits have been granted at the time of the enactment of this chapter, provided that if such building permit expires prior to the completion of the development for which it was issued, a new building permit shall not be issued until the requirements of this chapter have been met.
- 32.0802 **FEES.** Before a site plan can be considered for review the developer or the developer's agent shall deposit with the city engineering department a fee of \$75.00 for parcels under one (1) acre or \$100.00 for parcels one (1) acre and larger; (2003 update) to be credited to the general fund of the city.
- 32.0803 **EFFECTIVE DATE.** This chapter shall be in effect after its final passage and approval and notice of its passage is given, as provided by law.
- 32.0804 **SAVINGS CLAUSE.** If any section, provision, or part of this chapter shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this chapter as a whole or any article, provision, or part thereof not adjudged invalid or unconstitutional.

32.0805 ENFORCEMENT.

32.0805.1 It shall be the duty of the city planner to enforce these regulations and to bring to the attention of the city administrator and city engineer any violations or lack of compliance herewith.

32.0805.2 All construction shall be inspected by the building official to ensure conformity with this chapter and all other applicable rules and regulations. If, in the course of the building official's inspection, the building inspector finds non-compliance with these or other rules and regulations, the building official shall have authorization to issue a cease and desist order and suspend the building permit and/or certificate of occupancy.

32.0805.3 If the regulations made under this chapter impose other higher standards than are required in any other statute or local ordinance or regulations, the regulations made under this chapter govern.

32.0806 PENALTY CLAUSE. Any person, firm or corporation who fails to comply with any provision of this chapter shall upon conviction thereof be fined not more than one hundred (\$100) and cost of prosecution for each violations, or shall be imprisoned for a period not to exceed thirty (30) days or both.