

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1258

AN ORDINANCE ENACTING A NEW SECTION 24-96 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA TO PROVIDE FOR A PROCESS FOR SITE PLAN REVIEW.

BE IT ORDAINED by the City Council of the City of Miles City, Montana, as follows:

Section 1. There is enacted a new Section 24-96 of the Code of Ordinances of the City of Miles City, Montana, to read as follows

Section 24-96. Site Plan Review Procedure

(a) Intent. It is the intent of this chapter to establish site plan review procedures to allow for the review of certain land uses that could have a significant impact on neighboring land uses or public facilities. The proposed land uses may be compatible with the permitted uses in a particular location, but require individual review because of the location, scale, design, and the potential for impacts to the existing land uses and public facilities in the area. Furthermore, it is the intent of this chapter to ensure that development will meet public health, safety and welfare standards and comply with the standards of these zoning regulations.

(b) Applicability. Site Plan Review shall be required where the use in any zoning district calls for site plan review for any of the following:

- (1) All new construction;
- (2) Additions greater than 25% of the existing square footage or 5,000 square feet, whichever is less; or
- (3) Changes in use where the parking requirements will exceed 25% of the existing use.

(c) Application Required. An application for site plan review shall be submitted to the Community Services and Planning Department on the form provided by the City of Miles City and shall be accompanied by a review fee as adopted by City Council. The fee is non-refundable.

(d) Timing. The site plan application shall be reviewed and approved prior to the issuance of a building permit for any construction, development or site preparation.

(e) Submittal Requirements. The information listed in subsections (1)-(6) below shall be required. One digital copy of each item shall be submitted in PDF unless waived by the site plan review administrator (i.e., the person authorized to carry out the site plan review process). The requisite number of paper copies, as stated on the application form, shall be submitted. The requirement to include the following items may only be waived if a pre-application conference is made between the developer (or the developer's representative) and the appropriate department head (e.g., Floodplain Department, Public Works Department, etc.). Following such a pre-application conference, the appropriate department head may indicate such information is not necessary for their review. Additional information may be requested at any time by a department head or the site plan review administrator if it becomes apparent during review that a reasonable

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decision cannot be reached based on the existing submittal. In such cases, the review period timeline is suspended until the required information is submitted.

- (1) Application form
 - (2) Established fee
 - (3) Vicinity map
 - (4) Site plan drawing at a suitable scale (example: 1 inch = 10 feet). The site plan shall include, at a minimum, the following:
 - a. Boundary line of property with dimensions and a north arrow indicator
 - b. Topography contours at a minimum interval of 2 feet or as determined by the planning department
 - c. Water bodies, floodplain, and wetlands
 - d. Adjacent streets and street rights-of-ways to a distance of 150 feet from the subject property, including existing and proposed improvements such as curb, gutter, sidewalks, and bike paths
 - e. Parking facilities, including bicycle racks, landscaping, drainage, lighting, handicap-accessible parking, typical dimensions (including labeling angles for angled parking), traffic flow on-site, ingress and egress points, driveways, and paving details
 - f. All existing and proposed structures, including exterior dimensions and setback distances to the wall line of all structures
 - g. Grading and storm drainage plans and calculations, including any proposed retention walls
 - h. Utilities and utility easements, existing and proposed
 - i. Location of fire hydrants, fire lanes and turnarounds
 - j. Exterior refuse collection areas
 - k. Signage plans (if any)
 - (5) Elevation plans or side profiles for structures with dimensions for building heights, including dimension from the top of the roof peak to the average grade at the front of the building.
 - (6) An analysis of traffic generation, trip distribution and the impacts of the proposed land use on the transportation facilities serving the area if the proposed land use is estimated to generate 400 or more average daily vehicle trips (ADT), or if requested by the administrator.
- (f) Review Process.**
- (1) Within one week of receipt of an application and fee, the administrator shall determine whether the application contains all of the required information. The administrator shall notify the applicant in writing whether the application is determined to be complete. If incomplete, the administrator shall identify what additional information is needed for the application to be complete.
 - (2) If the identified information is not provided by the applicant within 60 days, the application shall be deemed expired. When additional information is submitted, the administrator shall have one week to determine whether the information completes the application, or to identify information that was not provided, in which case an additional 60 days will be allowed to the applicant. This process may repeat until the applicant fails to provide any requested information within a 60 day period following notification of missing information.
 - (3) Once the application is deemed complete, a decision shall be made on the application within 60 days unless an extension is granted by the applicant.
 - (4) The administrator shall forward a copy of the application to appropriate departments, agencies and service providers to seek comments on the proposed

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land use's likely impacts on services and facilities. Failure of any department, agency or service provider to respond to a request for comment shall not delay review of the site plan.

- (5) The adopted regulations and policies in effect at the time the application is deemed complete shall be used to review the application.
- (6) The administrator shall place a hearing on the agenda of the next regular Planning Board meeting for which these notice requirements can be met, and at which time will allow for its proper consideration. Notice of the hearing shall be published in a newspaper of general circulation and notices shall be sent by US mail to all landowners whose property is within 150 feet of the subject property at least 15 days prior to the public hearing.
- (7) The administrator shall prepare or contract for the preparation of a report that describes the proposed land use, its site, its context and its compliance, or failure to comply, with this ordinance, the adopted zoning regulations, and other adopted regulations and policies. In the report the administrator shall propose findings of fact and a recommendation of approval, approval with conditions, or denial of the site plan application for the Planning Board's consideration. The administrator shall forward a copy of the report to the Planning Board and the applicant at least one week prior to the public hearing and shall make copies of the staff report and application materials available for public inspection.
- (8) The planning board shall conduct a public hearing on the proposed site plan application. At the hearing, the Planning Board shall review the particular facts and circumstances of the proposed land use shall recommend approval, approval with conditions, or denial to the City Council using the criteria in subsection (g) of this Ordinance. The Planning Board shall adopt findings of fact in support of its recommendation. The Planning Board may recommend conditions of approval designed to limit impacts to neighboring land uses and public facilities.
- (9) Following the public hearing, the administrator shall forward the Planning Board's recommendation to City Council.
- (10) The City Council shall review the application and approve, approve with conditions, or deny the site plan application. The decision shall be based on the evaluation criteria in subsection (g) of this Ordinance. The City Council shall adopt findings of fact in support of its decision. The City Council may require conditions of approval designed to limit impacts to neighboring land uses and public facilities.
- (11) The City Council shall forward a copy of its decision, findings and conditions to the applicant within 15 days of rendering its decision. A building permit may be issued along with a copy of the decision.

(g) Evaluation Criteria.

- (1) Reviewers shall consider the applicant's plans to ensure safety of circulation patterns, emergency access/fire prevention measures, traffic impacts to the surrounding road network, adequate storm drainage, provisions for water, sewer, and other utilities, the city's historic preservation policies, and adequate parking. Plans shall also be reviewed to ensure they comply with other standards in the zoning regulations such as setbacks, height restrictions, signage, and design requirements.
- (2) No site plan application approval shall be given unless it is determined that:
 - a. The use complies with all applicable regulations in the district in which it is located;
 - b. The use complies with all adopted regulations and policies;
 - c. The use will not be detrimental to or endanger public health, safety or general

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welfare;

- d. The existing and reasonably anticipated permitted uses in the area will not be substantially impaired or diminished by the establishment of the proposed use;
- e. Adequate utilities, access ways, drainage, and other necessary site improvements have been provided or will be provided prior to the use being initiated; and
- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on public streets.

(h) Approval Period. The approval period shall be in force for a period of one year. Within that year, the applicant must demonstrate compliance with all conditions of approval. Extensions may be granted for a period of up to one additional year. Extensions must be submitted in writing at least 30 days prior to expiration of the approval.

(i) Failure to Meet Conditions. A certificate of occupancy is contingent upon the application meeting all conditions of approval.

(j) Appeals. Any person aggrieved by any decision made in the administration of the site plan application review process may appeal to the Miles City Board of Adjustment. Appeals of the final decision of the Board of Adjustment shall be to the appropriate court of record and must be filed within 30 days of written notification of the decision.

Section 2. This Ordinance shall become effective 30 days after its final passage.

Said Ordinance read and put on its passage this 28th day of January, 2014.

ATTEST:


Lorrie Pearce, City Clerk


C.A. Grenz, Mayor

FINALLY PASSED AND ADOPTED this 13th day of February, 2014.

ATTEST:


Lorrie Pearce, City Clerk


C.A. Grenz, Mayor

Exhibit A

Review Process Flow Chart

