

## CHAPTER 157

### SITE PLAN

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**157.01 PURPOSE AND SCOPE.** It is the intent and purpose of this chapter to establish a procedure by which the City can review proposed improvements of property within a specified zoning district. The site plan requirements of this chapter are designed to aid the City Building Department, Planning and Zoning Commission, and the Council in issuing building permits, promoting the most beneficial relation between the uses of land and the circulation of traffic throughout the City, encouraging adequate provisions for surface and subsurface drainage, insuring that the proposed facilities shall meet the existing City zoning and building requirements, and insuring the availability and capacity of public facilities for the proposed installation.

#### **157.02 SITE PLAN SUBMITTAL.**

1. A site plan shall be submitted as outlined in this chapter for all proposed improvement installations, including new building construction, building addition construction, accessory building construction, and parking facilities construction for proposed or existing structures and sites in any of the zoning districts.
2. Any person proposing to construct a new or an addition to a one- or two-family residential dwelling, accessory building, or site improvement for such dwellings in any zoning district shall prepare and submit to the City a site plan as required in Section 157.03 of this chapter.
3. Any person proposing the construction of structures or improvement facilities other than a new or addition to a one- or two-family residential dwelling, accessory building, parking, or site improvement for such dwelling in any zoning district, shall prepare and submit to the City a site plan as required in Section 157.04 of this chapter.

**157.03 SITE PLAN REQUIREMENTS FOR ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS.** The Planning and Zoning Commission shall not review plans of single-family detached or two-family residential dwellings unless requested by the Building Inspector. When so requested, completed plans for single-family detached or two-family residential dwellings shall be provided to the Planning and Zoning Commission at least five business days in advance of their regularly scheduled meeting. Site plans of residential dwellings that are part of a townhome or condominium development shall be required to comply with Section 157.04 of this chapter and the completed work shall be reviewed by the Public Works Director for compliance with the approved site plan.

**157.04 SITE PLAN REQUIREMENTS FOR OTHER THAN ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS.**

1. Procedure.
  - A. Any person proposing to develop, improve, or alter any tract or parcel of land within any district by construction of facilities, additions, or renovations that impact the exterior, other than one- and two-family residential dwelling units, shall prepare and submit to the Planning and Zoning Commission a site plan together with the required filing fee according to a schedule adopted from time to time by resolution of the City Council.
  - B. The applicant shall submit three copies of the site plan to the City Clerk no less than 15 days prior to the Planning and Zoning Commission (P&Z) meeting at which any action is to take place. The Clerk shall deliver copies to the City Engineer and the City Building Department for review and comments. The City Engineer and the City Building Department shall review such plan for conformance with these site plan requirements. Their review, comments and recommendations shall be provided to the applicant and presented at the next following regular Planning and Zoning Commission meeting. The applicant shall submit 10 copies of the site plan, revised if necessary to address review comments, to the City Clerk no less than five days prior to said P&Z meeting for delivery to the Planning and Zoning Commission.
2. Planning and Zoning Action. Following the Engineer's and Building Department's review, the Planning and Zoning Commission, at its next regular meeting, shall approve the site plan as submitted if the same conforms to all State and local regulations and ordinances. If the site plan fails to conform to all State regulations and applicable ordinances, the Commission shall state the reasons for its disapproval and shall return a copy to the applicant for revision in accordance with the action taken. The applicant shall then submit the revised copy to the Building Department and City Engineer for their review and comments for presentation at the next regular Planning and Zoning Commission meeting. Upon approval by the Planning and Zoning Commission, the site plan shall be presented to the Council at its next regular meeting.
3. Payment of Costs. In addition to any other fees set out in this chapter, the applicant shall be responsible for just and reasonable costs incurred by the City during the course of the site plan approval for work deemed necessary by the City to assure proper construction in accordance with applicable standards and ordinances.
4. Required Information. Site plans which are submitted for review shall be drawn to a scale of one inch = 50 feet or larger and shall include as a minimum the following information:
  - A. Narrative Information:
    - (1) Name which the development or improvement shall be called.
    - (2) Name and address of the owner of the property.
    - (3) Name and address of the developer or builder.
    - (4) Name and address of person or firm preparing the site plan.
    - (5) Address of the site.
    - (6) Legal description of the site, including area.

- (7) Present zoning classification of the site.
  - (8) Proposed zoning of the site.
  - (9) Existing land use of the site.
  - (10) Future land use of the site, based on the Comprehensive Plan.
  - (11) Development schedule with approximate starting date, staging of development and completion dates.
  - (12) Total area of the proposed site.
  - (13) Total number and types of all buildings with:
    - a. Number of stories of each existing or proposed building.
    - b. Total floor area of each building.
    - c. Total number and types of dwelling units.
    - d. Estimated number of employees for each proposed use where applicable.
  - (14) Total number of parking spaces required per Section 165.17 and 165.18, with parking calculations for each use on the property.
  - (15) Total number of parking spaces proposed in the site plan, including the required handicap accessible stalls.
  - (16) Percentage of open space required, if any, according to Section 165.06.
  - (17) Total area in square feet of the portion of the property devoted to buildings, pavements, and green space along with the percentage of each in relation to the total area of the site.
  - (18) Total number of trees required, with calculations for open space planting, parking area landscaping and buffer screens, according to Section 165.19.
  - (19) Evidence concerning the effect of the project on surrounding property.
- B. The following items are to be shown in illustration on the site plan:
- (1) A vicinity sketch at a suitable scale showing the general location of the property, existing land uses adjoining the property, and adjacent existing facilities such as buildings, parking lots, etc.
  - (2) A certification by a licensed land surveyor shall be on or accompany the site plan, showing that the dimensions and bearings on the property lines are accurately shown.
  - (3) All existing utilities shall be shown, including location, size, and capacity of existing public utilities.
  - (4) Proposed connections to existing utilities.

- (5) Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams, and wooded areas shall be shown.
- (6) Building setback lines required by the zoning district and the average setback of buildings within 200 feet of the proposed building where applicable.
- (7) Location, grade, and dimension of all existing and proposed paved surfaces, including private streets, driveways, parking areas, sidewalks, stoops, utility pads, and recreation trails.
- (8) Traffic circulation and parking plans showing the location and dimensions of all existing and all proposed parking stalls, loading areas, entrances, and exit drives, dividers, planters, and frontage roads, and other similar permanent improvements.
- (9) Location and type of any existing and proposed signs, including dimensions and elevations of proposed signage.
- (10) Location and type of any existing or proposed lighting.
- (11) Location of existing trees six inches or larger in diameter.
- (12) Location of all proposed trees, shrubs, and landscaping beds, along with a plant schedule. Required deciduous trees shall be no less than one and one-half inch caliper; required coniferous trees shall be no less than six feet tall at planting.
- (13) Location, amount, and type of any proposed landscaping, fences, walls, or other screening and materials to be used.
- (14) Location, size, and detail of all solid waste enclosures.
- (15) All existing and proposed sidewalks and pedestrian traffic facilities.
- (16) Existing contours at two-foot intervals and in no case shall there be less than two contours shown.
- (17) Proposed elevations of structures, improvements, proposed contours, and any temporary or permanent erosion control measures.
- (18) Site plan shall include a Stormwater Management plan certified by a professional engineer licensed in the State of Iowa to show the area, slopes, runoff calculations, detention calculations, and pipe size and velocity calculations for the site. This plan shall also indicate the connections to existing storm sewers or drainage ditches and the courses surface water shall take for exit from the property.
- (19) Site plan shall include a Traffic Impact Study in accordance with Chapter 170, Subdivision Regulations, if required by the City Engineer.
- (20) Type and location of all proposed paved surfaces.
- (21) Site plan shall include building elevations for all facades of each building with sufficient information to demonstrate compliance with the Building Code for permanency and strength of materials in

proportion to the aesthetic characteristics. Such evidence should include architectural building elevations showing the architectural character, type of materials, and indication of colors.

(22) The Council reserves the right to condition any project in any reasonable manner that they deem necessary to ensure compatibility with the surrounding properties in order to promote quality development.

(23) Right-of-way dedication and easement information, if applicable.

(24) Construction drawings for public improvements, if applicable.

**157.05 APPEALS.** If the site plan is disapproved, the applicant may, upon written application to the Planning and Zoning Commission, appeal in whole or in part any condition or requirement the Commission would require for its approval. The application for appeal and the site plan as submitted shall be presented to the Council at its next regular meeting for action. The application for appeal must include specific reasons and conditions that exist for variance from the applicable codes or ordinances and variations from the Planning and Zoning Commission recommendations.

**157.06 COUNCIL ACTION.** Upon submittal to the Planning and Zoning Commission, the Council, at its regular meeting, shall review the Commission's recommendations for disapproval, accompanied with the applicant's appeal request. The Council shall also review the Building Department and City Engineer's review, comments and recommendations. The Council shall thereupon take action either approving or disapproving the site plan. Upon approval, the Council shall direct the Building Department to issue the proper building permits. The applicant shall submit a copy of the approved site plan on a reproducible medium to the City Engineer. A site plan that has been denied by the Planning and Zoning Commission and the Council may be resubmitted to the Planning and Zoning Commission by the applicant with respect to the terms of this chapter and upon payment of the appropriate fees.

**157.07 SITE PLAN CERTIFICATE.** All site plans required under this chapter, when submitted, shall be accompanied by a certification from a licensed engineer or architect.

**157.08 DESIGN STANDARDS.** The design standards provided herein are to insure the orderly and harmonious development of property in such a manner as will safeguard the public's health, safety and general welfare. All site plans submitted shall conform to the Statewide Urban Design and Specifications (SUDAS) and the following:

1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage for connections to storm sewer lines, so designed to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property. Provisions shall be in compliance with SUDAS, Chapter 2-Stormwater, a Storm Water Management Plan and report, including detention. Storm water management facilities shall be privately maintained, when serving multiple properties, shall be covered by a private storm water management facility maintenance covenant and permanent easement agreement, including requirements for detention.

2. The proposed development shall be designed and located within the property in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effect on such adjoining properties

from automobile headlights, illumination of required peripheral yards, refuge containers, and imperilment of light and air. For purposes of this section, the term “use and enjoyment of adjoining property” means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term “use and enjoyment of adjoining property” means those uses permitted under the zoning district in which adjoining property is located.

3. The proposed development shall conform to all applicable provisions of the City building codes, ordinances, and SUDAS.

4. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent surrounding public streets. For commercial and industrial uses, SUDAS Type A concrete driveway with radii shall not be permitted on public streets. Such driveway connections to public streets shall be in accordance with SUDAS detail for concrete driveway, Type B with radii unless otherwise specifically approved in writing by the Public Works Director or City Engineer. Driveway connections for multiple-family uses shall be reviewed on a case-by-case basis and shall be as required by the City Engineer after consultation with the Public Works Director. Driveway approaches for multi-family, commercial, and industrial uses shall conform to SUDAS detail for concrete driveway, Type B with radii. Prior to saw cutting or grinding the public street or paving a driveway connection, the contractor shall contact the City Public Works Department for approval and inspection.

5. All electrical, telephone, and other public utilities shall be placed underground where required under applicable subdivision regulations or wherever installation of the same is reasonably practicable.

6. The proposed development shall be in conformity with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture.

7. All lighting in connection with the proposed development shall conform to SUDAS and the following:

A. General Standards.

(1) Manufacturer’s cut sheets including foot-candle contours, light fixture details, and 17.5 watt LED (100 watt incandescent) bulb wattage are required for all light fixtures on the site.

(2) Flashing or pulsating lights, moving lights, high intensity lights, strobe lights or rotating beacons shall be prohibited out of doors or visible from the outdoors and all zoning districts except when otherwise legally displayed as emergency lights or warning lights.

(3) Any use of neon lights shall be considered a sign and shall be designed in harmony with the surrounding area and in an aesthetically sound manner, provided the neon lights are not visible from residential zoning districts.

(4) The park and recreational department is exempt from the lighting policy.

B. Parking Lot Lights. Parking lot lights shall be in accordance with SUDAS, Chapter 11-Street Lighting. All lighting used to illuminate off-street parking areas shall be so shielded or otherwise optically controlled so as to

provide glareless illumination in such manner as not to create a nuisance to adjacent residentially zoned property or a public street. Forward-throwing floodlights are not allowed. Fixtures shall be shoebox-style with a maximum bulb wattage of 70 watts LED and a 20' tall mounting height.

C. Building Lights.

(1) Wall Pack Lights.

(a) Wall pack lighting is allowed; however, such lighting may not be a forward-throwing flood light. Further, wall pack lights are not permitted on the wall of any nonresidential building that faces an R-1 or R-2 district with the exception of one 17.5 watt LED max (100 watt incandescent) security light mounted above or beside an exit door.

(b) The maximum bulb wattage shall be 28 watts LED (150 watt incandescent).

(2) Canopy Lights.

(a) The maximum bulb allowed underneath a canopy is 70 watts LED. Fixture shall not extend below the canopy soffit by more than 2.5 inches.

(b) An isometric map is required illustrating average foot-candles across the entire site, particularly under the canopy. The average illumination must be less than 50 foot-candles under the canopy. The maximum illumination under the canopy must be 40 foot-candles. However, the canopy height is reviewed by staff and taken into consideration when reviewing the illumination on the site.

(3) Soffit Lights.

(a) Soffit lighting is allowed but must be entirely contained within the soffit itself. No bulb can be visible.

(b) A maximum 17.5 watt LED (100 watt incandescent) bulb is allowed for soffit lighting.

(4) Gooseneck Lights. For the purposes of down-lighting only, gooseneck lighting is allowed when the bulb itself is not visible and the wattage of the bulb is low.

D. Site Lighting.

(1) The use of flood lights is not encouraged but is allowed as up-lighting only for the purpose of illuminating items such as flag poles or the building itself. The flood light fixture must be screened from view with landscape materials.

(2) Lighting bollards with diffusers are allowed.

**157.09 ARCHITECTURAL STANDARDS.** The requirements, guidelines and standards set forth in this section shall apply to any development or redevelopment of property within the zoning districts listed in Section 165.04 of this Code of Ordinances and within the City.

1. Statement of Intent. In the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that a community should be visually attractive, as well as financially prosperous and the manner in which a use is accomplished is as important as the use. The quality of architecture and building construction is important to the preservation and enhancement of building and property values, prevention of the physical deterioration of buildings and the promotion of the image of the community and the general welfare of its citizens. Architectural design and use of materials for the construction of any building shall be subject to the approval of the Council upon input and recommendations of the Planning and Zoning Commission.

2. Architectural Standards by Zoning District and Use. Architectural plans for buildings shall be submitted simultaneously with an application for site plan review as required in this chapter. Documentation to be submitted shall include building elevations showing the building's design and exterior materials and any other information as deemed necessary to make a recommendation for approval. Detailed information relating to any lighting or signage on the structure shall be provided, including backlit material or accent lighting and shall be in conformance with Chapter 166 of this Code of Ordinances. The architectural design shall be in accordance with the standards as contained in this section and shall be in compliance with the following general provisions:

A. The architectural theme of any development within a C-2, C-3 or C-4 District shall be dominated with permanency and strength of materials in proportion to the aesthetic characteristics of the architectural bulk, shape, materials and color, and shall be compatible with other structures within the immediate surrounding development area and the zoning district. The buildings within this district, both as principal permitted uses and accessory uses, shall be designed and constructed with such materials as may be necessary in order to assure durability, permanency and continued aesthetic quality. The general manner in which any use and development is accomplished shall be compatible to and in harmony with the character of the zoning district as established or proposed. Existing or potential land use conflicts shall be avoided through proper orientation, open space, setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility.

B. Canopies, awnings and similar portico coverings for windows and walkways are encouraged for added architectural character.

C. Pitched roofs with gables, hips, dormers and similar offsetting and intersecting roof lines are desirable for increased architectural interest.

3. Quality of Construction.

A. Wall Area Defined. In the application of these requirements, some standards are based upon a percentage of the wall area. The wall area is defined as the total square footage of the exterior elevation of the building, excluding glass that is vertical to the ground. It shall contain a gable end or dormer in the same plane of view. It does not contain the elevation area of a pitched or mansard roof, but would include the area of a parapet wall. The non-glazed area of all doors, including overhead doors, shall be considered part of the total wall area. Each elevation must comply with the standards unless otherwise provided for herein or as amended or approved by the Council.



B. In the C-TS District, all building facades facing a public street shall have a minimum of 75 percent of the wall area constructed of brick or an acceptable alternative as defined herein. All building facades not facing a public street shall have a minimum of 50 percent of the wall area constructed of brick or acceptable alternative.

C. In the C-1, C-2, C-3 and C-4 Districts, for all non-single-family or two-family residential buildings, all building facades facing a public street shall have a minimum of 60 percent of the wall area constructed of brick or an acceptable alternative as defined herein. All facades of such buildings that are not facing a public street shall have a minimum of 50 percent of the wall area constructed of brick or acceptable alternative.

D. In PUD Districts, architectural design standards, including the percentage of brick required for various building types and facades, shall be as approved with the PUD Master Plan and/or rezoning ordinance.

E. In the R-2 District, for all non-single-family or two-family residential buildings, all residential building facades facing a public or private street shall have a minimum of 15 percent of the applicable wall area constructed of brick or an acceptable alternative as defined herein.

F. In the R-2A District, for all non-single-family or two-family residential buildings containing four or fewer dwelling units, all building facades facing a public or private street shall have a minimum of 15 percent of the applicable wall area constructed of brick or an acceptable alternative as defined herein. For all non-single-family or two-family residential buildings containing more than four dwelling units, all building facades facing a public or private street shall have a minimum of 30 percent of the applicable wall area constructed of brick or an acceptable alternative as defined herein.

G. In the R-3 District, for all non-single-family or two-family residential buildings containing four or fewer dwelling units, all building facades facing a public or private street shall have a minimum of 15 percent of the applicable wall area constructed of brick or an acceptable alternative as defined herein. For all non-single-family or two-family residential buildings containing more than four dwelling units, all building facades facing a public or private street shall have a minimum of 30 percent of the applicable wall area constructed of brick or an acceptable alternative as defined herein.

H. For all nonresidential buildings in residential districts (other than permitted accessory structures), all building facades facing a public or private street shall have a minimum of 60 percent of the applicable wall area constructed of brick or an acceptable alternative as defined herein. All facades of such buildings that are not facing a public or private street shall have a minimum of 50 percent of the applicable wall area constructed of brick or acceptable alternative. Exceptions may be recommended to the Council by the Planning and Zoning Commission to preserve any existing architectural theme or historical ambiance, which may or may not be approved by the Council.

I. Existing non-conformance renovation or addition exceeding 50 percent of building value or no more than 25 percent square footage of gross floor area must bring entire building into conformance.

4. Acceptable Finish Materials for Exterior Building Walls.
  - A. Acceptable Materials. For the purposes of this section, the following materials are deemed sufficient to provide for permanency and strength of materials in proportion to the aesthetic characteristics of architectural bulk, shape and materials:
    - (1) Brick, stone, marble, granite, and other similar masonry veneers and fascia.
    - (2) Glass and glass window panel systems.
    - (3) Aluminum, steel, vinyl, fiber cement board, solid wood, engineered wood, and similar lap siding when in character with the architectural characteristics of the structure.
    - (4) Textured, fluted or similar exposed concrete block masonry materials.
    - (5) Textured, concrete tilt-up panel construction systems.
    - (6) Stucco and staccato board and trim.
    - (7) Exceptions to the above may be granted by the Council in order to be in character with surrounding development.
  - B. Acceptable Alternative Materials Where Brick is Required. On exterior walls, where a percentage of the wall area is required by this section to be constructed of brick or an acceptable alternative, the acceptable alternatives are defined as follows:
    - (1) Brick, including thin brick veneer systems.
    - (2) Stone, including marble, granite, or cultured stone.
    - (3) Architectural concrete or stone panels.
    - (4) Architectural steel panels.
    - (5) Textured concrete block.
    - (6) Other acceptable materials deemed suitable by the Council upon recommendation from the Planning and Zoning Commission.
  - C. Unacceptable Materials. The following are not deemed sufficient to provide permanency and strength of materials in proportion to the aesthetic characteristics of the architectural bulk, shape and materials when not specifically a part of an approved architectural character or theme:
    - (1) Plywood and similar sheet, untextured wood coverings.
    - (2) Particle board, pressed board and similar composite siding materials.
    - (3) Common concrete block when used for exterior fascia, whether painted or not.
    - (4) Vertical steel siding.
5. Additional Architectural Elements. In order to reduce the negative aesthetic impacts of large buildings, additional architectural elements shall be incorporated into the overall building design and shall incorporate the following:

- A. Non-single-family buildings proposed in residential districts shall incorporate residential design elements such as pitched roofs, dormers, cupolas, or other similar roof elements into the building design in order to minimize the aesthetic impact of the differing uses.
- B. Multiple-family buildings shall be designed in a manner compatible with residential uses in the vicinity. Architectural design for multiple-family buildings shall attempt to lessen the plainness of appearance, which can be characteristic of large residential buildings. Multiple-family buildings with plain walls and boxy appearance are not encouraged. Their architectural design shall use a combination of the following design techniques, as appropriate:
- (1) Exterior building materials shall employ a variety of textures and colors and window and door details and be in compliance with Paragraphs F and G of Subsection 2 of this section, as applicable.
  - (2) The roof shall be principally of gable, hip style or similar residential design.
  - (3) The structures' perimeter shall vary when multiple buildings are proposed.
- C. Buildings proposed in commercial districts that are adjacent to residential developments are recommended to include an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable pieces. Flat roof buildings shall not be encouraged. Building architectural design within these districts, and including PUD Districts constituting similar uses, shall recognize the importance of material strength and permanency through the selection of building materials, and the principle of structural strength and permanency shall dominate the structural and exterior materials and components in compliance with Subsection 2 of this section.
- D. Buildings shall not be designed or orientated to expose loading docks, service areas, HVAC elements, garbage dumpsters, or nonresidential overhead doors to the public rights-of-way.
- (1) Buildings proposed in commercial districts adjacent to residential developments or districts shall not be designed or orientated to expose HVAC elements, garbage dumpsters, or nonresidential overhead doors toward the adjacent residential developments or areas.
  - (2) If it is not feasible to design or orient the loading docks, service areas, or similar operations away from the residential developments, areas or public rights-of-way, additional landscape buffering, screening walls, fences, and setbacks may be recommended by the Planning and Zoning Commission to the Council which may or may not approve the recommendation.
- E. Screening shall be provided for roof-mounted HVAC units to conceal such units from public view.
6. General Provisions. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. The Council, in its sole discretion and after receiving a recommendation from

the Planning and Zoning Commission, may approve additional primary materials on a case-by-case basis, provided that such materials exhibit the structural strength and permanency desired, contain sufficient architectural relief, and do not detract from the desired aesthetic character of the building and the surrounding area.

#### **157.10 APPROVAL AND PENALTIES.**

1. No building permits shall be issued for any building or development construction that is subject to this chapter until a site plan has been submitted and approved for each development in accordance with this chapter. No certification of occupancy shall be issued for such construction or development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for with the approval of the City.

2. Construction, grading, or other development activities for those uses listed above shall be carried out only in substantial compliance with the approved site plan and any conditions or restrictions attached thereto. Except for the construction contemplated and approved as a part of the site plan, there shall be no construction within the development area unless the person proposing such construction shall have first obtained approval of the Planning and Zoning Commission. Any application for approval of subsequent construction shall be accompanied by a fee in accordance with the fee schedule established by resolution of the Council.

3. A site plan shall become effective upon approval by the Council, pursuant to this chapter. The approval of any site plan required by this chapter shall remain valid for one year 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" means that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of additional building permits, letting of contracts, grading of the property, or stockpiling of materials on the site do not constitute actual construction. Site plans without ongoing construction activity on the site plan improvements for a period of one year shall expire and terminate unless the Council has, upon written notice by the developer, granted an extension for a period not to exceed one additional year.

4. Appropriate actions and proceeding may be taken by law or in equity to prevent any violations of these regulations, to prevent unlawful construction, to recover damages, to restrain, to correct or abate a violation, to prevent illegal occupancy of a building, structure or premises.

A. Failure to maintain a site in accordance with an approved site plan shall constitute a violation of this chapter and a failure to correct such a violation within 30 days following notice of violation shall render the site plan and any certificates of zoning compliance and occupancy subject to cancellation.

B. Failure to acquire site plan approval where required, prior to construction, alteration, or other modification of a building, sign or structure, shall constitute a violation of this chapter. Failure to correct such a violation within 30 days following notice of violation shall render the site plan and any certificates of zoning compliance and occupancy subject to cancellation. In addition, the Building Official shall post a stop-work order relating to work in the process of completion outside the requirements of this chapter.

- C. Penalties for a violation of this chapter or failure to comply with any of its requirements shall constitute a municipal infraction as set forth in Chapter 3 of this Code of Ordinances. Each day that a violation occurs shall constitute a separate offense. In the event that the City seeks court intervention for violation of any provisions of this chapter, the City may seek reimbursement for reasonable attorney fees and administrative costs. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
5. It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this chapter, or any amendment or supplement thereto. Any person violating any regulation in or any provision of this chapter or of any amendment or supplement thereto shall be in violation of this Code of Ordinances and each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.
6. Minor deviations to the approved site plan may be approved by the City Manager.

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