

§ 14-16-3-11 SITE DEVELOPMENT PLAN APPROVAL AND SUBDIVISION REGULATION REQUIREMENTS.

- (A) Site Development Plan approval for either subdivision or building purposes may include:
- (1) Imposition of relevant requirements contained within or authorized by the city's Subdivision Ordinance, including but not limited to dedication of rights of way and assurances for required infrastructure improvements both on site and off site.
 - (2) Imposition of other requirements of other city ordinances.
- (B) Site Development Plans, especially plans for unbuilt areas, are often changed so that developers can better respond to changing market conditions. Amendment of Site Development Plans does not require meeting the criteria which must be met to justify changing zones or changing written specifications imposed by Sector Development Plans or by terms of approval of a zone such as SU-1. Site Development Plans are expected to meet the requirements of adopted city policies and procedures.
- (C) ***Possible Termination of Site Development Plans for Sites Which Have Not Been Fully Developed.***
- (1) If less than one-half of the approved square footage of a Site Development Plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically when specified below unless extended as provided below:
 - (a) Seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the owners of the property shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. At an advertised public hearing the Planning Commission shall grant approval if it deems that the Site Development Plan remains appropriate and the owner intends to fully develop the site according to the plan concept. The Planning Commission shall be less likely to terminate a site plan if there is little flexibility in how the site can be developed or if there is a strong architectural or landscaping character on the site which should be preserved.
 - (b) Subsequently, upon similar requests, the Planning Commission may grant requests for additional five-year extensions of the plan, using the same criteria and process.
 - (c) If a Site Development Plan is approved for any additional five-year period by the Planning Commission, an updated Transportation Impact Study (TIS) shall be required to determine if there are off-site improvements needed that were not previously required.
 - (2) For the purposes of this division (C):
 - (a) Hereafter, the Planning Director shall provide a copy of these Provisions for Plan Termination to the applicant at the time such an initial plan or a major plan amendment is approved;
 - (b) For Site Development Plans approved prior to the effective date of this division, the Planning Director shall as soon as possible provide a copy of these Provisions for Plan Termination to the current owner(s) of a site covered by a Site Development Plan. For

previously approved Site Development Plans, the time periods specified in this division (C) shall be deemed to run from the date this division becomes effective.

- (c) A major amendment of a Site Development Plan is an amendment adopted by the Planning Commission which is not a minor amendment as contemplated by § 14-16-2-22(A)(6) of this Zoning Code.
 - (d) If an approved Site Development Plan indicates phases of development, that is most often an adequate basis for city extension of the life of the Site Development Plan for the later phases. When the first phase has been built, extension of the plan for later phases may be granted by the Planning Director on behalf of the Planning Commission upon a finding that the plan as previously approved is likely to be built in the future. Appeal of a decision of the Planning Director is to the Planning Commission as provided in § 14-16-4-4 of this Zoning Code.
 - (e) If an approved Site Development Plan has been partially completed, the termination of the plan shall not adversely affect or impose additional requirements upon the developed parcels.
 - (f) Termination of all or part of a Site Development Plan under the terms of this division does not preclude approval of a similar plan at a later date.
 - (g) If a Site Development Plan is terminated, the city shall release the owner from any pending subdivision improvements agreements and financial guarantees for public infrastructure required to be constructed as a condition of approval of the Site Development Plan.
- (3) Fee. A filing fee of \$50 to cover reasonable expenses shall accompany each request for plan extension.

('74 Code, § 7-14-40K)