

Division 23-6A-2: Exemptions

Contents

23-6A-2010 Exemptions from Site Plan Review 1

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The Development Services Director shall determine whether a development is exempt from Site Plan review in compliance with this Division if the development does not increase the extent to which the development is nonconforming under Section 23-2G-1020 (Nonconforming Status) or require a Variance under Section 23-4B-4010 (Variances) or other approval from a City board or commission. The Development Services Director may require an applicant to submit the information necessary to make this determination. Table 23-6A-2010.A (Site Plan Exemptions) describes the developments and activities that are exempt from Site Plan review.

Table 23-6A-2010.A: Site Plan Exemptions

Allowed Site Plan Exemptions	Standards for Grant of Exemption
Antenna placement (initial) by a provider of personal wireless services, as defined by United State Code Title 47, Section 332(c)(7)(C)	See Subsection 23-6B-1020 (E) for noticing requirements
Change of Use, unless Adult Entertainment	Provided the new use complies with the off-street parking and the travel demand management (TDM) requirements of this Title.
Clearing and area max. 15 feet wide for surveying and testing	Provided the clearing does not result in the removal of a tree protected under Article 23-3C (Urban Forest Protection and Replenishment).
Commercial Portable Building on Existing Impervious Cover	Provided the following conditions apply: (1) The building does not impede or divert drainage; and (2) The site complies with the landscaping requirements of this Title.
Docks and bulkheads repair, maintenance, replacement, or modification	Provided the following conditions apply: (1) The dock or bulkhead was legally constructed; (2) The work does not increase the existing footprint; (3) The work does not add, change, or replace structural components, including walls, load bearing beams, piers, or pilings; and (4) For a bulkhead, the repair does not exceed 25 percent of the bulkhead or the portion of the bulkhead on a lot or tract; and no repair to the bulkhead was done without a Site Plan in the previous three years.
Fence construction	Provided the fence does not obstruct the flow of water.

Table 23-6A-2010(A): Site Plan Exemptions (continued)	
Allowed Site Plan Exemptions	Standards for Grant of Exemption
Interior Alteration of an Existing Building	Provided the alteration does not increase the floor area, lot coverage, or height of the building.
Limited Construction less than 1,000 square feet and the area of construction is less than 3,000 square feet, if no previous exemption has been granted	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> (1) Construction is not for a new drive-in service or additional lanes for an existing drive-in service, unless the Development Services Director determines that it will have an insignificant effect on traffic circulation and surrounding land uses; (2) Construction does not result in the removal of a tree protected under Article 23-3C (Urban Forest Protection and Replenishment); and (3) Construction is not located in the 100-year floodplain, unless the Watershed Director determines that it would have an insignificant effect on the waterway.
Relocation or Demolition of a Structure or Foundation	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> (1) The foundation or structure does not cover more than 10,000 square feet of site area in compliance with a Demolition Permit; (2) The relocation or demolition does not result in the removal of a tree protected under Article 23-3C (Urban Forest Protection and Replenishment); and (3) The site is not cleared.
Restoration of a Damaged Building	<p>Provided:</p> <ul style="list-style-type: none"> (1) The damage is caused by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind; and (2) Restoration commences within one year of the date of the damage.
Construction or alteration of a single-family residential structure, single-family attached residential structure, two-family residential structure, secondary apartment special use structure, or an accessory structure	<p>Provided the following conditions apply:</p> <ul style="list-style-type: none"> (1) Not more than two residential structures are constructed on a legal lot or tract; and (2) A proposed improvement is not located in the 100-year flood plain, or the Director determines that the proposed improvement will have an insignificant effect on the waterway.
Subdivision Infrastructure	Provided the infrastructure is constructed in compliance with approved construction plans.
Tree removal	Provided that the tree removal is in compliance with Article 23-3C (Urban Forest Protection and Replenishment).
Minor site development or construction that the Development Services Director determines are similar to the other exemptions described in this Section.	