




**Office of Planning and Zoning
Planning Administration**

MEMORANDUM

DATE: October 19, 2016 (Updated from August 29, 2014 & June 1, 2015)
TO: MBIA and Review Agencies
FROM:  Larry R. Tom, Planning and Zoning Officer
SUBJECT: Site Development Plans

The Office of Planning and Zoning has re-evaluated our current approach to requiring Site Development Plans for tenant permits. In researching this issue, 17-4-101 states that the SDP section *"does not apply to a tenant permit in a structure previously approved by the county..... or to permits relating to improvements that do not result in additional leasable space....."* These phrases do not distinguish whether that structure was approved by the county along with being vested for Adequacy of Facilities (APF) or whether it was simply approved as a grading and building permit without an APF test. Our records are only kept for 20 years and are not readily available to research each tenant permit regarding how and when the original structure was approved by the county. We have been trying to do this over the past 9 years after the Site Development Plan (SDP) process was created in 2005. The term "intensification of use" has been generally used to justify the requirement of an SDP, however that term is not in Article 17 or 18 directly related to SDP's and APF testing. It is however in the code relating to assessment of EDU's and Impact Fees.

Therefore, having consulted with the Office of Law, Inspections and Permits, and the Department of Public Works, effective August 6, 2014, it is this office's policy to interpret Article 17-4-101 and all associated code sections to mean the following:

1. If a structure was reviewed and constructed using the pre- 2005 code (application on or before April 4, 2005), and there are no known violations on the site, and the project is not expanding the leasable area, and the proposed use is a permitted use in the base zone, this office will not require the applicant to file an SDP or a modification to the SDP process. This exemption also covers Inspections and Permits need for an SDP in order to issue a Certificate of Use.

Note: This exemption assumes the structure and site were previously designed and reviewed for the intended use proposed with the tenant permit. All required parking, access, utility connections, etc. need to be in place to qualify for the exemption.

2. If the building was reviewed and constructed using the 2005 code (effective May 12, 2005) or any subsequent regulations approved by the County Council, Article 17-5-206 will apply to the application. This section calls for testing of APF with processing of an SDP if the new proposal will exceed the original vested APF. If there is additional impact to APF that falls between the addition of 1 and 50 trips (see Article 17-5-401 [a]) the Planning and Zoning Officer may require the applicant to submit a modification to the SDP process so the office can determine whether to require a new swamp analysis and Traffic Impact Study for the increase.
3. If the new proposal will exceed the vested EDU's and/or exceed the vested vehicle trips by 50, a new SWAMP analysis and/or TIS is required for the additional impact only. These issues will be reviewed with the submittal of a Site Development Plan application.
4. The policy outlined in numbers 1, 2 and 3 above do not affect the Department of Public Works' and the Office of Planning and Zoning's ability to assess additional EDU's and Impact Fees as stipulated in Article 13-5-403[e] and Article 17-11-206(b) respectively with a building permit application.

LRT/CRS/jls