

10.10.3 Development Review

- a. All development requires the submittal of a development review application to the Building Official.
- b. The development or modification of a wireless communication tower, wireless communication antenna, or ancillary structure requires a Special Permit in accordance with the provisions of §15.2.1. Special Permit, except as follows:
 - i. ~~The development or modification of eligible facilities below the thresholds of Section 6409(a) of the Middle Class Tax Relief Act of 2012 requires only a pre-submittal meeting in accordance with the provisions of §15.1.2. Pre-Submittal Meeting, but does not require any further development review~~is permitted by right. ~~Upon completion of the review of required application materials, the Building Official shall issue a Zoning Compliance Certificate to certify compliance with the provisions and procedures of this Ordinance.~~
- c. The Zoning Board of Appeals is the review board for the development or modification of all wireless communication towers, wireless communication antennas, and their ancillary structures.
- d. Applicants must submit a rendering or computer-simulated photograph illustrating the view of any proposed wireless communications tower or antenna from at least three (3) prominent locations along the surrounding public thoroughfares.
- e. In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a wireless communication tower, wireless communication antenna:
 - i. Suitability of nearby, existing sites and/or the feasibility of alternative technologies.
 - ii. Height and design of proposed tower or antenna, with particular concern for design solutions that reduce or eliminate visual impact.
 - iii. Compatibility with the uses associated with surrounding properties and proximity of the proposed tower or antenna to properties in residential use.
 - iv. Topography, on-site vegetation, and the prominence of proposed facility.
 - v. Proposed ingress and egress for maintenance.

(Ord. 2023-24, 11/21/2023)

15.1.2 Pre-Submittal mMeeting

- a. Purpose
 - i. To inform applicants of relevant development review application criteria, standards, and procedures.
 - ii. To examine previous development review applications and permits for the subject property.
 - iii. To identify any potential concerns at the earliest opportunity in the development review process.
- b. Procedure
 - i. ~~When a pre-submittal meeting is required by this Ordinance, development review applications are not considered complete until the pre-submittal meeting has been held with Planning Staff.~~ Unless required by this Ordinance for a discretionary or administrative permit, pre-submittal meetings are optional.
 - ii. ~~Unless otherwise specified, a required pre-submittal meeting must occur at least fourteen (14) days prior to any required neighborhood meeting, at least fourteen (14) days prior to any required design review, and at least three (3) days prior to submittal of a development review application.~~
 - iii. Applicants or their representatives are required to attend a pre-submittal meeting.
 - iv. Applicants are required to bring all information and materials required by the Building Official and Director of Planning & Zoning to a pre-submittal meeting.

15.1.6 Application Review & Staff Report

- a. Upon receipt of a ~~complete development review~~ discretionary or administrative permit application, the Building Official shall ~~review the development review application and, if necessary, refer the application to appropriate City Departments for feedback.~~ forward the application to the appropriate review board to administer the required review process.
- b. ~~For any proposed development that requires a discretionary or administrative permit, the Building Official shall forward the application to the Director of Planning & Zoning to administer the required review process with the review board(s).~~
- c. The Director of Planning & Zoning shall post on the City website and transmit to the review board(s) a staff report that includes, but may not be limited to, the following:
 - i. A summary overview of the proposed development;
 - ii. identification of all required discretionary and administrative permits; and
 - iii. a zoning compliance review.
- d. If a neighborhood meeting or design review meeting was required for the proposed development, the staff report must include also an account of the meeting that includes, but may not be limited to, the following:
 - i. the date, time, and location of the meeting;
 - ii. a roster of members of the Urban Design Commission in attendance at the meeting;
 - iii. a summary of issues discussed at the meeting; and
 - iv. a description of any changes to the proposed development that the Director of Planning & Zoning deems necessary as a result of the meeting.

15.1.8 Public Hearing

- a. Procedure
 - i. A public hearing must be held within sixty-five (65) days after receiving a ~~completed development review application that requires a~~ **an application for a** Special Permit, Master ~~p~~**Plan** Special Permit, Hardship Variance, Site Plan Approval, or Subdivision Plan Approval.
 - ii. A ~~public hearing must be held within ninety (90) days after receiving a completed development review application that requires a Neighborhood Development Plan Approval.~~
- b. Hearing Administration
 - i. Public hearings are conducted in accordance with the procedures set forth in M.G.L. Chapter 40A, as amended; any and all requirements of The Code of Ordinances, City of Somerville, Massachusetts; and the rules of the applicable review board.
- c. Access to Documents
 - i. The Director of Planning & Zoning shall post all relevant development review application materials on the City website prior to the notice of a public hearing.
 - ii. Physical copies of application information, development plan documentation, and other related correspondence are available to inspect or copy by any party upon reasonable request and payment of a fee to cover the cost of such copies.
- d. Continuance
 - i. Upon mutual agreement by the Applicant and a four- fifths majority of the review board, the following procedural requirements may be extended:
 - a). the time limit required for commencement of a public hearing;
 - b). the time limit required to make a decision.
 - ii. Mutual agreement of extended time limits must be recorded in writing.

15.2.1 Special Permit

- a. Purpose
 - i. A Special Permit authorizes development that is not otherwise permitted, provided that it meets certain criteria set out in this Ordinance.
- b. Applicability
 - i. Special Permits are required for development as indicated elsewhere in this Ordinance.
 - ii. The Building official may not issue a Building Permit or Certificate of Occupancy for development that requires a Special Permit until a Special Permit has been granted by the review board in accordance with the provisions of this Article.
- c. Authority
 - i. The review board serving as the decision making authority for a Special Permit is determined by zoning district.
- d. Procedure
 - i. The following review procedures are required:
 - a). Step 1: Application Submittal
 - b). Step 2: Application Review & Staff Report
 - c). Step 3: Public Notice
 - d). Step 4: Public Hearing
 - e). Step 5: Decision
 - f). Step 6: Appeal Period
 - g). Step 7: Certification of Decision
 - ii. The following additional review procedures are required prior to Step 1: Application Submittal for all use Special Permits, changes to nonconforming uses, development seeking modification to parking standards, and all modifications to nonconforming structures:
 - a). ~~Pre-Submittal Meeting~~
 - b). Neighborhood Meeting
 - iii. The review procedures required for a Special Permit may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
 - iv. The procedures required for Special Permits that are necessitated by phases of development subject to a Master Plan Special Permit may be conducted concurrently with the procedures required for a Master Plan Special Permit at the discretion of the review board.
- e. Review Criteria
 - i. In its discretion to approve or deny a Special Permit required by this Ordinance, the review board shall make findings considering, at least, each of the following:
 - a). The Comprehensive Plan and existing policy plans and standards established by the City.
 - b). The intent of the zoning district where the property is located.
 - c). Considerations indicated elsewhere in this Ordinance for the required Special Permit.
 - ii. When considering a revision to a previously approved development review application that required a Special Permit, the review board shall limit their review to the proposed changes to the previously approved application.
- f. Conditions

- i. The review board may attach conditions or limitations that it deems necessary to ensure compliance to the Board's findings and the standards for granting of a specific Special Permit.
 - ii. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
 - iii. The review board may subsequently remove conditions or limitations attached to any Special Permit subject to the review procedures of §15.2.1.d.
- g. Compliance
 - i. The review board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
- h. Permit Duration and Extension
 - i. Special Permits remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal.
 - ii. The review board may reduce the time period that a Special Permit remains valid to a shorter time period as a condition attached to the Special Permit.
 - iii. The review board may extend the duration of validity for a Special Permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.
 - iv. ~~Requests for extension of the duration of validity must be submitted to the Office of the City Clerk on the appropriate forms provided by the Planning Division.~~
- i. Appeals
 - i. An aggrieved party in interest may appeal the decision of the Building Official in accordance with §15.5.2. Administrative Appeal.
 - ii. An aggrieved party may appeal the decision of the Zoning Board of Appeals or Planning Board in accordance with §15.5.3 Judicial Appeal.

15.2.2 Master Plan Special Permit

- a. Purpose
 - i. A Master Plan Special Permit authorizes a long term plan for future development and for an applicant to move forward with subsequent development review required elsewhere in this Ordinance.
- b. Applicability
 - i. A Master Plan Special Permit is required for development as indicated elsewhere in the Ordinance.
 - ii. Approval of a Master Plan Special Permit authorizes the Building Official to accept applications for subsequent development review required by this Ordinance only and does not establish any vested right to develop property in accordance with the plan.
- c. Authority
 - i. The Planning Board is the decision making authority for a Master Plan Special Permit.
- d. Procedure
 - i. The following review procedures are required:
 - a). Step 1: Pre-Submittal Meeting
 - b). Step 2: Neighborhood Meeting
 - c). Step 3: Application Submittal
 - d). Step 4: Application Review & Staff Report
 - e). Step 5: Public Notice
 - f). Step 6: Public Hearing
 - g). Step 7: Decision
 - h). Step 8: Appeal Period
 - i). Step 9: Certification of Decision
 - ii. The review procedures required for a Master Plan Special Permit may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits, as indicated elsewhere in this Ordinance.
- e. Review Criteria
 - i. In its discretion to approve or deny a development review application requiring a Master Plan Special Permit, the Planning Board shall make findings considering, at least, each of the following:
 - a). The Comprehensive Plan and existing policy plans and standards established by the City.
 - b). The intent of the zoning district where the property is located.
 - c). The proposed alignment and connectivity of the thoroughfare network.
 - d). The gross floor area allocated to different use categories.
 - e). Mitigation proposed to alleviate any adverse impacts on utility infrastructure.
 - f). Proposed development phasing.
 - g). Proposed on-street parking to address demand by customers of Retail Sales, Food & Beverage Services, or Commercial Services principal uses.
 - h). Considerations indicated elsewhere in this Ordinance for the required Master Plan Special Permit.
 - ii. When considering a revision to a previously approved development review application that required a Master Plan Special Permit, the review board shall limit their review to the proposed changes to the previously approved application.
- f. Conditions

- i. The review board may attach conditions and limitations that it deems necessary in order to ensure compliance to the Board's findings and the standards for granting of a Master Plan Special Permit.
 - ii. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
 - iii. The Planning Board shall require applicants to provide for infrastructure mitigation, transportation mitigation, and community impact mitigation as a condition of an any Master Plan Special Permit.
 - iv. The Planning Board shall establish construction permitting requirements for the phasing of development, if applicable, as a condition of any Master Plan Special Permit.
 - v. The review board may subsequently remove conditions or limitations attached to any Master Plan Special Permit subject to the review procedures of §15.2.2.d.i.c) through §15.2.2.d.i.i).
- g. Compliance
- i. The Review Board shall require a performance bond for one hundred and twenty five percent (125%) of the estimated costs of all proposed civic space and any required infrastructure mitigation or transportation mitigation to guarantee satisfactory completion of the approved master plan and conditions.
 - ii. Upon provision of the proposed civic space or required infrastructure mitigation or transportation mitigation, in whole or in part, the performance bond may be released or reduced subject to §15.2.4 Plan Revision.
- h. ~~Permit~~ Duration and Extension
- i. Master Plan Special Permits remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal, and remain valid so long as progress is being made in accordance with the approved phasing of development.
 - ii. The review board may reduce the time period that a Master Plan Special Permit remains valid to a shorter time period as a condition attached to the permit.
 - iii. The review board may extend the duration of validity for a Master Plan Special Permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.
 - iv. ~~Requests for extension of the duration of validity must be submitted to the Office of the City Clerk on the appropriate forms provided by the Planning Division.~~
- i. Appeals
- i. An aggrieved party in interest may appeal the decision of the Building Official in accordance with §15.5.2. Administrative Appeal.
 - ii. An aggrieved party may appeal the decision of the Zoning Board of Appeals or Planning Board in accordance with §15.5.3. Judicial Appeal.

15.2.3 Hardship Variance

- a. Purpose
 - i. A Hardship Variance authorizes development that would otherwise be prohibited by the provisions of this Ordinance, due to hardship.
- b. Applicability
 - i. A Hardship Variance is required for development that is not compliant with the provisions of this Ordinance.
 - ii. The Building Official may not issue a Building Permit or Certificate of Occupancy for development that requires a Hardship Variance until a Hardship Variance has been granted by the review board in accordance with the provisions of this Article.
 - iii. Use Hardship Variances are not permitted.
- c. Authority
 - i. The Zoning Board of Appeals is the review board for all Hardship Variances.
- d. Procedure
 - i. The following review procedures are required:
 - a). ~~Step 1: Pre-Submittal Meeting~~
 - b). ~~Step 2~~1: Application Submittal
 - c). ~~Step 3~~2: Application Review & Staff Report
 - d). ~~Step 4~~3: Public Notice
 - e). ~~Step 5~~4: Public Hearing
 - f). ~~Step 6~~5: Decision
 - g). ~~Step 7~~6: Appeal Period
 - h). ~~Step 8~~7: Certification of Decision
 - ii. The following steps may be required prior to Step 2: Development Review Application at the discretion of the Director of Planning & Zoning or review boards:
 - a). Neighborhood Meeting
 - b). Design Review
 - iii. The review procedures required for a Hardship Variance may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
- e. Review Criteria
 - i. The Zoning Board of Appeals may only grant a Hardship Variance upon finding all of the following:
 - a). Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the zoning district in which the land or structure is located;
 - b). Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and
 - c). Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in this Ordinance or the Ordinance in general.

- ii. When considering a revision to a previously approved development review application that required a Hardship Variance, the review board shall limit their review to the proposed changes to the previously approved application.
- f. Conditions
 - i. The Zoning Board of Appeals may attach conditions and limitations that it deems necessary in order to ensure compliance to the Board's findings and the standards for granting of a Hardship Variance.
 - ii. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
 - iii. The review board may subsequently remove conditions or limitations attached to any Hardship Variance subject to the review procedures of §15.2.3.d.i.b) through §15.2.3.d.i.h).
- g. Compliance
 - i. The Zoning Board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
- h. Duration and Extension
 - i. Hardship Variances remain valid for one (1) year from the date the decision is made by the Zoning Board of Appeals, not the date that the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal.
 - ii. ~~Upon written request by an Applicant, the Zoning Board of Appeals may, in its discretion, extend the time period that a Hardship Variance remains valid for up to six (6) months~~
 The Zoning Board of Appeals may extend the duration of validity for a Hardship Variance for up to six (6) months upon finding that a demonstrated hardship has prevented utilization of the rights authorized by the Hardship Variance.
 - iii. ~~Requests for extension of a Hardship Variance must be submitted to the Office of the City Clerk on the appropriate forms provided by the Building Official.~~
- i. Appeals
 - i. An aggrieved party in interest may appeal the decision of the Building Official in accordance with §15.5.2. Administrative Appeal.
 - ii. An aggrieved party may appeal the decision of the Zoning Board of Appeals according to the procedures of §15.5.3. Judicial Appeal.

15.2.4 Plan Revision

- a. Purpose
 - i. Plan revision allows an Applicant to revise the nature of a development review application that is subject to a previously approved Discretionary or administrative permit.
- b. Applicability
 - i. Revisions to a previously approved development review application may be submitted by an Applicant in accordance with the provisions of this Section.
- c. Authority
 - i. The Director of Planning & Zoning is the decision making authority for a Plan Revision.
- d. Procedure
 - i. The following review procedures are required:
 - a). ~~Step 1: Pre-Submittal Meeting~~
 - b). Step 2: Application Submittal
 - ii. Within fourteen (14) days after revision to a previously approved development review application, the Director of Planning & Zoning must review the application and determine if the proposed revision is de minimis or significant enough to be considered a major amendment to the original proposal.
 - iii. Upon a determination that the proposed revision is de minimis, the Director of Planning & Zoning will approve or deny the proposed revisions in writing.
 - iv. Upon a determination that the proposed revision is a major amendment, the Director of Planning & Zoning shall notify the Applicant, in writing, and forward the revised application to the designated review board as a revision to a previously approved development review application.
- e. Review Criteria
 - i. The Director of Planning & Zoning may determine the proposed revision is de minimis upon finding that the revised application:
 - a). Does not contravene the previously published public notice, any finding, or attached condition made by the review board for the original development review application;
 - b). Does not detrimentally impact matters of substance identified in the meeting minutes of the original public meetings or public hearings;
 - c). Features changes that are insignificant to the degree that persons familiar with the original application would not notice a substantial change in operational or built outcome.
 - ii. When considering a revision to a previously approved development review application, the review boards shall limit their review to only the changes to the previously approved application.
- f. Conditions
 - i. The Director of Planning & Zoning may attach conditions and limitations that are deemed necessary in order to ensure compliance to a de minimis revised development review application.
 - ii. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
- g. Appeals
 - i. An aggrieved party in interest may appeal the decision of the Director of Planning & Zoning according to the procedures of §15.5.2. Administrative Appeal.

15.3.1 Subdivision Plan Approval

- a. Purpose
 - i. Subdivision Plan Approval certifies that a final plat plan showing the division(s) of a parcel of land into new lots and the thoroughfares that provide access to them conforms to the provisions of this Ordinance.
 - ii. The Subdivision Plan Approval process provides Applicants with the opportunity to submit a preliminary plat plan to identify potential issues and the need for waivers prior to the submittal of a more detailed final plat plan.
- b. Applicability
 - i. Per Chapter 288 of the Acts of 1993, the provisions of M.G.L. 41, 81K through 81GG, inclusive, do not apply to the City of Somerville.
 - ii. No person shall subdivide any land within the City of Somerville, proceed with the improvement or sale of lots, construct thoroughfares, install utility services, or undertake preliminary site preparation, such as clearing of land or excavation, in a development site requiring Subdivision Plan Approval until a final plat plan has been submitted to, approved, and endorsed by the designated review board and recorded in the Registry of Deeds or Land Court in accordance with the provisions of this Article.
 - iii. Granting of a Subdivision Plan Approval authorizes a property owner to file legal documents related to the subdivision of real estate within the city of Somerville with the Registry of Deeds or Land Court.
 - iv. Subdivision Plan Approval does not apply to lot splits, lot mergers, and lot line adjustments.
- c. Authority
 - i. The Planning Board is the decision making authority for a Subdivision Plan Approval.
- d. Procedure
 - i. Subdivision Plan Approval requires a two (2) stage permitting process that requires the submittal of a preliminary plat plan as a prerequisite to submittal of a final plat plan.
 - ii. The following review procedures are required for preliminary plat approval:
 - a). Step 1: Pre-Submittal Meeting
 - b). Step 2: Application Submittal
 - c). Step 3: Application Review & Staff Report
 - d). Step 4: Public Notice
 - e). Step 5: Public Hearing
 - f). Step 6: Decision
 - g). Step 7: Appeal Period
 - iii. The following review procedures are required for final plat approval:
 - a). Step 1: Draft & Submit Final Plat
 - b). Step 2: Planning Board Approval
 - c). Step 3: Certification of Decision
 - iv. The review procedures required for a Subdivision Plan Approval may, at the discretion of the Review Board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
- e. Review Criteria
 - i. The Planning Board shall approve an application for Subdivision Plan Approval upon verifying that the submitted plan conforms with the provisions of this Ordinance and demonstrates consistency to the following:

- a). The Comprehensive Plan and existing policy plans and standards established by the City.
 - b). The intent of the zoning district where the property is located.
 - c). Considerations indicated elsewhere in this Ordinance for the required Subdivision Plan Approval.
 - ii. When considering a revision to a previously approved development review application that required a Subdivision Plan Approval, the review board shall limit their review to the proposed changes to the previously approved application.
 - f. Conditions
 - i. The review board may attach conditions and limitations that it deems necessary in order to ensure compliance to the Board's findings and the standards for granting of a Subdivision Plan Approval.
 - ii. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
 - iii. The review board may subsequently remove conditions or limitations attached to any Special Permit subject to the review procedures of §15.3.1.d.i.b) through §15.3.1.d.i.g).
 - g. Compliance
 - i. The Review Board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
 - h. **Duration and Extension**
 - i. Subdivision Plan Approvals remain valid for one (1) year from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal.
 - ii. The review board may reduce the time period that a Subdivision Plan Approval remains valid to a shorter time period as a condition attached to the Special Permit.
 - iii. The review board may extend the duration of validity for a Subdivision Plan Approval upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.
- Appeals
- i. An aggrieved party in interest may appeal the decision of the Planning Board according to the procedures of §15.5.3. Judicial Appeal.

15.3.2 Site Plan Approval

- a. Purpose
 - i. Site Plan Approval is the administrative review and approval of a development review application that is conforming to the provisions of this Ordinance to address any potential development impacts.
 - ii. The Site Plan Approval process provides an Applicant with the opportunity to submit architectural, site, landscape, and engineering plans so that compliance to the provisions of this Ordinance can be determined prior to preparation of construction documents.
 - iii. The Site Plan Approval process provides the City with the opportunity to establish conditions to address on-site or off-site impacts of development.
- b. Applicability
 - i. Site Plan Approval is required as indicated elsewhere in this Ordinance.
 - ii. The Building Official may not issue a Building Permit or Certificate of Occupancy for development that requires Site Plan Approval until the Site Plan Approval process has been completed in accordance with the provisions of this Article.
- c. Authority
 - i. The review board serving as the decision making authority for a Site Plan Approval is determined by zoning district.
- d. Procedure
 - i. Unless otherwise specified, the following review procedures are required:
 - a). ~~Step 1: Pre-Submittal Meeting~~
 - b). ~~Step 2~~¹: Neighborhood Meeting
 - c). ~~Step 3~~²: Design Review Meeting
 - d). ~~Step 4~~³: Neighborhood Meeting
 - e). ~~Step 5~~⁴: Application Submittal
 - f). ~~Step 6~~⁵: Application Review & Staff Report
 - g). ~~Step 7~~⁶: Public Notice
 - h). ~~Step 8~~⁷: Public Hearing
 - i). ~~Step 9~~⁸: Decision
 - j). ~~Step 10~~⁹: Appeal Period
 - k). ~~Step 11~~¹⁰: Certification of Decision
 - ii. The review procedures required for a Site Plan Approval may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
- e. Review Criteria
 - i. The review board shall approve an development review application requiring Site Plan Approval upon verifying that the submitted plan conforms with the provisions of this Ordinance and demonstrates consistency to the following:
 - a). The Comprehensive Plan and existing policy plans and standards established by the City.
 - b). The intent of the zoning district where the property is located.
 - c). Mitigation proposed to alleviate any impacts attributable to the proposed development.
 - d). Considerations indicated elsewhere in this Ordinance for the required Site Plan Approval.
 - ii. The review board may reject a application for Site Plan Approval only when:

- a). the submittal fails to furnish adequate information required for approval;
 - b). the imposition of reasonable conditions would not ensure compliance to standards, as applicable; and/or
 - c). the submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.
- iii. When considering a revision to a previously approved development review application that required a Site Plan Approval, the review board shall limit their review to the proposed changes to the previously approved application.
- f. Conditions
 - i. The review board may attach conditions and limitations that it deems necessary in order to ensure compliance with the Board's findings and the standards for granting of a Site Plan Approval.
 - ii. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
 - iii. The review board may subsequently remove conditions or limitations attached to any Site Plan Approval subject to the review procedures of §15.3.2.d.i.e) through §15.3.2.d.i.k).
- g. Compliance
 - i. The review board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
- h. **Duration and Extension**
 - i. **Site Plan Approvals remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal.**
 - ii. **The review board may reduce the time period that a Site Plan Approval remains valid to a shorter time period as a condition attached to the Special Permit.**
 - iii. **The review board may extend the duration of validity for a Site Plan Approval upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit**
- i. Appeals
 - i. An aggrieved party in interest may appeal the decision of the Planning Board according to the procedures of §15.5.3. Judicial Appeal.

15.5.2 Administrative Appeal

- a. Purpose
 - i. An administrative appeal is a petition to rectify a failure to act, denial of a permit, decision made, or enforcement action taken by the Building Official or Director of Planning & Zoning in an administrative development review case when an alleged error or misinterpretation has been made in the enforcement or application of the provisions of this Ordinance.
- b. Authority
 - i. The Zoning Board of Appeals reviews and decides all administrative appeals.
- c. Procedure
 - i. Administrative appeals must be filed with the Office of the City Clerk within ~~twenty~~ **thirty** (230) days after notice is served of an interpretation, order, requirement, direction, or failure to act by the Building Official or the filing of the decision of a review board.
 - ii. The following review procedures are required:
 - a). Step 1: Application Submittal
 - b). Step 2: Application Review & Staff Report
 - c). Step 3: Public Notice
 - d). Step 4: Public Hearing
 - e). Step 5: Decision
 - f). Step 6: Appeal Period
 - g). Step 7: Certification of Decision
- d. Judicial Appeal
 - i. An aggrieved party may appeal the decision of the Zoning Board of Appeals according to the procedures of Section 15.3. Judicial Appeal.