SITE PLAN APPLICATION INSTRUCTION SHEET

"Site plan review" affords the Planning Commission an opportunity to review and comment on certain projects to ensure the: (1) protection of the architectural massing, composition, scale, and character of the neighborhood; (2) compatibility of new construction and structural alterations with the existing scale and character of nearby properties; (3) preservation of streetscapes; (4) protection of natural resources; and (5) protection of the public's health, safety, and general welfare. Site plan review is a required prerequisite to obtaining a building permit for any of the following projects: (1) a project involving four or more dwelling units; (2) the development or redevelopment of a parcel of land, or adjacent parcel of land, in excess of 20,000 square feet; (3) a commercial project over 15,000 square feet of gross floor area or which requires substantial renovation or increase in intensity of usage; (4) a development requiring a change in zoning; or (5) any other site plan referred to the Planning Commission by the Building Inspector.

Applicants should review all relevant laws prior to completing the application. The City's Code book is available for review at City Hall or online at www.ecode360.com/RE0659. This application instruction sheet and accompanying application is not a substitute for the City of Rehoboth Beach Code. Applicants are responsible for familiarizing themselves with, and complying with, all of the requirements of the City of Rehoboth Beach Code and relevant laws.

The applicant has the burden of proof to justify that all requirements have been met to justify approval of the application. The Building and Licensing Department or the Planning Commission may in special cases waive, pending the Planning Commission's preliminary review of the site plan, a particular requirement if the inclusion of that requirement is not essential for a proper decision on the project.

Please note that there is an important distinction between Site plan review (this application) and a process known as "Project concept review." Site plan review is the formal review of proposed site plans as outlined herein. Project concept review, however, is an informal Planning Commission review of project concepts to provide feedback on a potential development before an applicant commits substantial time and expense preparing a formal site plan. Project concept review is entirely optional. Applicants interested in project concept review should submit a sketch map pursuant to Section 236-31 of the Code for the City of Rehoboth Beach.

Planning Commission Review

The Planning Commission will review any site plan submitted for Site plan review to determine whether it is consistent with the Comprehensive Development Plan, the City of Rehoboth Beach Zoning Code (Chapter 270), the City of Rehoboth Beach Subdivision of Land and Site Plan Review Code (Chapter 236), and other applicable federal, state, county, and City laws and regulations. During its review, the Planning Commission will also consider the following elements: (1) motorized or nonmotorized vehicular traffic flow, both on-site and off-

site; (2) access to structures; (3) access to public or private streets, easements, or other rights-of-way; (4) pedestrian movement; (5) fire equipment and other emergency access; (6) refuse removal; (7) landscaping and maintenance of natural features; (8) drainage flow and structures; (9) stormwater management; (10) signage; (11) lighting; (12) screening for certain uses; (13) recreational and open space areas; (14) utilities and community facilities; (15) height of buildings; (16) existing scale and character of nearby properties; (17) streetscape; (18) impact on nearby properties or the neighborhood; (19) air flow, natural light, and similar environmental considerations; (20) other public health, safety, and welfare concerns; and (21) comments and recommendations received from the City Engineer, City Departments, and the public.

Applicants should be aware that the Planning Commission may require changes to submitted site plans or attach appropriate conditions or restrictions when such changes, conditions, or restrictions are consistent with the above-mentioned general purposes of site plan review.

Requirements for Applications

1. Process. Applications for Site plan review must be submitted to the Building and Licensing Department on the forms provided. Once received, the Building and Licensing Department will then review the Site plan application for compliance with the City Zoning Code and the requirements of Article VII of the City Subdivision of Land and Site Plan Review Code (Chapter 236). If the application is compliant, the Building and Licensing Department will then initiate review of the application by all affected City departments and agencies.

Upon receiving comments from all reviewing City departments and agencies, the City Building Inspector will prepare a report indicating the status of the Department's review. If all departments and agencies determine that the subject site plan complies with their respective regulations and requirements, the City Building Inspector's report will offer the Building and Licensing Department's preliminary approval of the site plan.

If the department review reveals deficiencies, the City Building Inspector will inform the applicant of those deficiencies and offer the applicant an opportunity to revise the site plan materials and resubmit the revised materials for additional department review. If the applicant chooses not to revise the materials, the City Building Inspector will note the deficiencies in his or her report and note that the application is proceeding to the Planning Commission without the Building and Licensing Department's preliminary approval.

Once completed, the City Building Inspector's report will be forwarded to the Planning Commission for review. The City Building Inspector's report will be completed within thirty (30) days of site plan submission unless the Building and Licensing Department – for good cause – requires additional time.

Planning Commission review will occur in two stages. Stage one will consist of a Preliminary Review of the application. During this Preliminary Review, the Planning Commission will seek preliminary input from City officials, nearby property owners, and the public and will determine whether additional information is needed. Once the Planning Commission is satisfied that no additional information is needed and that there are no legal or factual issues requiring further clarification, the Planning Commission may move the application forward to stage two.

Stage two will begin with a public hearing to receive public testimony on the subject site plan. After the public hearing, the Planning Commission may take one of the following three actions: (1) vote to approve the application as presented; (2) vote to approve the application subject to changes or conditions; or (3) vote to deny the application. If the Planning Commission votes to either approve the application subject to changes or conditions or to deny the application, the Planning Commission will prepare a written summary of its findings of fact in support of its decision.

All work shall be completed as shown on the approved site plan.

2. Simultaneous Applications. If a project requires both site plan review and subdivision approval under Chapter 236, Subdivision of Land, then this application for site plan approval and the application for subdivision of land (separate application form) may be reviewed concurrently by the Planning Commission. The applicant must indicate its intention to submit simultaneous applications on the attached application form.

3. Submittal Deadlines and Subsequent Meetings. No site plan application will be put on the agenda for a "preliminary review" unless there exists at least a minimum of twenty-eight (28) days from the date the application and City Building Inspector's report are forwarded to the Planning Commission. Just because an application is placed on the Planning Commission's agenda for "Preliminary Review" does not mean that no additional information is needed or that there are no legal or factual issues that require further clarification; that is a determination that the Code requires to be made by the Planning Commission during the Preliminary Review. The following examples are merely illustrative, and not all-inclusive:

Example A*:

Application submitted	11-15-13 (28 calendar days before 12-13-13 regular meeting)
Planning Commission regular meeting	12-13-13 (stage 1 – preliminary review)
Planning Commission regular meeting	1-10-14 (public hearing and final vote taken)

Example B*:

Application submitted	11-30-13 (13 calendar days before 12-13-13 regular meeting)
Planning Commission regular meeting	12-13-13 (no consideration of application)
Planning Commission regular meeting	1-10-14 (stage 1 –preliminary review)

Planning Commission regular meeting	2-14-14 (stage 2 – public hearing and final vote taken)

* Examples A and B assume there are no problems with the application that would delay consideration at the preliminary review, that at the preliminary review the Planning Commission that no additional information is needed and that no factual and legal issues need clarification, and that all other requirements have been met.

Example C:

Application submitted	11-15-13 (28 calendar days before 12-13-13 regular meeting)
Planning Commission regular meeting	12-13-13 (agenda is already filled with other applications or Planning Commission matters so that preliminary review of this application will not occur)
Planning Commission regular meeting	1-10-14 (stage 1 – preliminary review; Planning Commission requires that additional information must be submitted by 1-26-14 and clarification of certain legal issues must be obtained before public hearing is held)

Additional information is submitted on 1-30-14

Clarification of legal issues received from counsel for Planning Commission on 2-5-14

Planning Commission regular meeting	2-14-14 (late submittal of additional information and timing of legal clarification preclude public hearing)
Planning Commission regular meeting	3-15-14 (public hearing and final vote taken)

Example D:

Application submitted	11-15-13 (28 calendar days before 12-13-13 regular meeting)
Planning Commission regular meeting	12-13-13 (stage 1 – preliminary review; Planning Commission requires that additional information must be submitted by 1-26-14))

Additional information is submitted on 1-26-14

Planning Commission regular meeting	1-10-14 (stage 2 – public hearing; Planning Commissioners and public raise significant issues that leads Planning Commission to request additional information by 1-22-14 and requires Planning Commission to have more time to deliberate)

Additional information is submitted on 1-22-14

Planning Commission regular meeting	2-14-14 (stage 2 – public hearing continued and final vote taken)

4. Additional Information Required. A major component of the Preliminary Review is to afford the Planning Commission an opportunity to determine whether additional information is needed to advance the application. Applicants are expected to answer ALL questions on the application and to provide ALL required accompanying materials.

Where the Planning Commission determines that additional information is needed or further clarification is required for certain legal or factual issues, the application will not be placed on the Planning Commission agenda for a public hearing until such additional information or clarification is received in a timely fashion.

5. Amendments, Additions, and Exemptions. If any information becomes incorrect, or is discovered to be incorrect after an application has been submitted, the applicant must inform the Planning Commission in writing of the correct information before any application will be acted upon.

If an approved site plan application must be altered the requested revision will be reviewed to determine whether it is a minor or major amendment. If the requested revision is deemed to be a major amendment, the applicant will be required to submit to the process of a new application. The Planning Commission may approve a minor amendment if the amendment: (1) does not alter a recorded plat; (2) does not conflict with requirements set forth in the City of Rehoboth Beach Subdivision of Land and Site Plan Review Code; (3) does not change the general character or content of an approved development plan or use; (4) does not remove a condition or alter it in more than a minimal way – for those applications with an approved condition originating with the Planning Commission; (5) has no appreciable adverse impact on adjoin or nearby properties; (6) does not result in any change of major external access points in more than a minimal way; (7) does not increase the approved number of dwelling units or height of buildings; and (8) does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

6. Conditions. The law permits the Planning Commission to impose reasonable conditions as part of an approval of a site plan application. Some of these conditions may be part of a vote for conditional approval that is contingent on further action, but others may be permanent as part of a final approval. In cases where the Planning Commission grants a conditional approval contingent on further action, then satisfaction of that contingency will be required before the Planning Commission grants a final approval. When the contingency has been satisfied, it is the applicant's obligation to notify the Planning Commission with proof of such satisfaction, and the Planning Commission may seek independent verification. Thereafter, the Planning Commission will consider relevant information at a meeting and if it is demonstrated that the contingency has been satisfied, the Planning Commission may vote to turn the conditional approval into a final approval.

7. Appeals. A decision of the Planning Commission regarding a site plan may be appealed to the City Commissioners. Any such appeal, however, will be on the record, such that no additional factual evidence or legal arguments not previously presented to the Planning Commission will be considered. Appeals will be handled according to Section 236-6 of the Code for the City of Rehoboth Beach.

8. Expiration of Approval. An approved site plan is valid for one-year and will expire unless substantial building construction begins before the end of that one-year period. The Planning Commission may extend the approval for an additional one-year period if the applicant submits a written request for such extension within ninety (90) days of the expiration of the original one-year period.

APPLICATION FOR SITE PLAN REVIEW – City of Rehoboth Beach, Delaware

Application #: _____ **Submittal Date: _____**

The applicant has the burden to show that all requirements for site plan review are met. The Planning Commission will use the information submitted on this application, as well as other information properly submitted, to make an independent decision whether the application meets the requirements for approval. The submission of incomplete or incorrect information or information that is reasonably judged not to be credible may result in postponement of a decision, a further public hearing, or denial of the application. (Please check all appropriate boxes).

If any information required by this application is discovered by the applicant to be incorrect or happens to change after filing but before Planning Commission action, the applicant must notify the Planning Commission immediately in writing.

APPLICATION FOR SITE PLAN REVIEW – Fee: $500 (except for reviews referred to the Planning Commission by the Building Inspector)

Original signed application plus 12 copies of this application, all specified materials, and the proposed site plan are being submitted: ☐ Yes ☐ No

I. **Background Information** (*Please list all that apply – attach additional sheets if necessary*)

A. Project Address.		
B. Lot Number	Block	Tract
C. Applicant Name	Mailing Address	Phone Number
D. Property Owner (if different than C)	Mailing Address	Phone Number
E. Developer (if different than C)	Mailing Address	Phone Number
F. Contractor	Mailing Address and Reh. Lic. No.	Phone Number
G. Architect or Designer	Mailing Address	Phone Number
H. Civil Engineer	Mailing Address	Phone Number

APPLICATION FOR SITE PLAN REVIEW – City of Rehoboth Beach, Delaware

Application #: _____ **Submittal Date: _____**

II. **Basis for Review**

	A project involving four or more dwelling units
	A project involving the development or redevelopment of a parcel of land, or adjacent parcel of land, in excess of 20,000 square feet
	A commercial project over 15,000 square feet of gross floor area or which requires substantial renovation or increase in intensity of usage
	A development project requiring a change in zoning
	A project referred to the Planning Commission for site plan review by the Building Inspector

II.A. Does the project also require review under Chapter 236, Subdivision of Land? ☐ Yes ☐ No

III. **Applicant Authorization**

I am (we are) eligible to apply for site plan review and hereby request site plan review of the project described herein.

Print Name	Signature	Date
Print Name	Signature	Date

APPLICATION FOR SITE PLAN REVIEW – City of Rehoboth Beach, Delaware

Application #: _____ **Submittal Date: _____**

IV. **Property Owner Authorization** (*if different from the Applicant*)

I am (we are) the owner(s) of the property that is the subject of this site plan review application and hereby consent to the site plan review of the project described herein

Print Name	Signature	Date
Print Name	Signature	Date

IV. **Proposed Site Plan**

Please attach the proposed site plan and related materials to be reviewed. Site plans and related materials must be legible, drawn to scale, and must include the following (*either check to acknowledge the inclusion of each item or attach a written explanation supporting the item's exclusion)*:

	1. A title block, including the name of the project or development and the names of the property owner, developer, engineer, and architect.
	2. The name of the subdivision and the lot(s) and block(s) numbers.
	3. A North arrow, scale of drawing (sufficient to show proper detail) and date of the drawing.
	4. Vicinity map of the immediate and nearby areas within the City with the site noted.
	5. The existing zoning of the site, adjacent properties and nearby areas, and any proposed zoning changes.
	6. The existing and proposed structures and uses, including: (a) Location of all existing and proposed buildings, accessory and main, including dimensions of buildings and setbacks from property lines and between structures; (b) Existing and proposed use of all structures, accessory, and main; (c) The existing use of and approximate location of existing structures on adjacent properties, and such information about nearby properties as the reviewing official(s) may require.
	7. The boundaries or property lines of the property involved, including bearings and distances, county or municipal boundaries, the general location of all existing easements, streets, buildings, dune lines or waterways, and other existing physical features in or adjoining the subject development.
	8. The approximate location and sizes of all existing and/or proposed sanitary and storm sewers, water mains, stormwater structures, retention ponds, culverts, catch basins, and other underground structures in or near the project.

APPLICATION FOR SITE PLAN REVIEW – City of Rehoboth Beach, Delaware

Application #: _____ **Submittal Date: _____**

	9. The location and sizes of all existing and/or proposed transformers and poles
	10. Location, size, and screening details of all existing and proposed dumpster pads
	11. Calculations of required and provided off-street loading spaces, and their locations.
	12. Parking, specifically: (a) Calculations of required and provided off-street parking spaces and their locations; (b) Dimensions of all off-street parking spaces; (c) Provisions, as required, for handicapped parking areas; (d) Specifications as to construction of parking areas; (e) Location, height, type, and direction of lighting required to illuminate off-street parking areas; (f) Location of curbing and/or wheel stops in parking areas.
	13. Dimensions of all interior drives, and their locations
	14. Specifications as to construction of entrances and drives.
	15. Indications of proposed traffic flows within interior drives and for ingress/egress to the project.
	16. Location of existing or proposed traffic signals nearby to the site.
	17. The approximate location and size of recreational and open space areas, if any.
	18. Location of all existing and proposed fire hydrants.
	19. Location, size, height, and orientation of all existing and proposed signs.
	20. Location and size of HVAC condensers and compressors.
	21. Occupancy and use density calculations: (a) Residential Use: the proposed maximum occupancy and, within each building or structure, the number of units, and within each unit, the number of bedrooms; or (b) Nonresidential Use: the proposed maximum occupancy and, within each building or structure, the number of units/suites and designation of proposed use of each room.
	22. Scaled and dimensioned floor plans of each unit. Typical floor plans may be used for identical units.
	23. Elevations and dimensions of each side of structure, including locations and sizes of doors and windows.
	24. Indicate landscape materials to be used (including location, botanical name, common name, and installation size).
	25. Such information about existing trees as prescribed in Chapter 253 of the City of Rehoboth Beach Code
	26. A sealed survey, prepared by a professional engineer or land surveyor, licensed in the State of Delaware