

SECTION 8. THE BASIC FORMAT OF THE SITE PLAN REVIEW SYSTEM

■ THREE BASIC QUESTIONS

Prior to assembling the components of a **site plan review** system, decide on the basic format of the ordinance, then use that format as the framework that structures the ordinance. For example, if you choose to delegate **site plan review** to a new group such as a Site Plan Review Board or Staff Review Committee, the ordinance must include language for the creation and operation of the group. Similarly, if you choose to create a bilevel review process for minor and major developments, the ordinance must contain submission requirements and review procedures for each. To determine the basic format of your ordinance, answer the following three questions:

■ FREESTANDING OR NOT?

Issue: Should the site plan review provisions be in a separate, freestanding site plan review ordinance or be included within another ordinance?

You should decide if you will have a freestanding **site plan review** ordinance or incorporate the review provisions within a land use or zoning ordinance or other existing ordinance. This issue was discussed in Section 2. The answer to this question is important in developing the **site plan review** ordinance because it will determine what provisions need to be included. A freestanding ordinance will need provisions dealing with the following in addition to the core provisions:

- Definitions
- Administration and Enforcement
- Severability
- Interpretation
- Appeals of Decisions
- Amendments

These additional provisions are addressed in Section 9 Administrative Procedures.

If the **site plan review** provisions are incorporated into an existing ordinance, most or all of the above provisions can probably be omitted since they will already be in the current ordinance. In this case, the existing provisions should be reviewed to assure that there are no conflicts or gaps.

■ SINGLE OR BILEVEL REVIEW?

Issue: Should the community have a single review process that applies to all development covered by site plan review or should it create a bilevel review process with different requirements and procedures for smaller projects and for larger, more complex projects?

Sections 3 and 4 discussed bilevel review and its advantages and its limitations. You need to decide which approach to use. If a bilevel process is selected, the ordinance must include separate submission requirements and review procedures for the two types of developments; and it must include a process for deciding into which category a project falls.

■ WHO REVIEWS THE PROPOSAL?

Issue: Who will be designated to review site plans?

Section 4 discussed who should be designated to review site plans. Four possibilities exist, although in some communities staff involvement may not be an option. The four alternatives are:

- The Planning Board
- A newly created Site Plan Review Board
- A Staff Review Committee
- A staff sign-off system.

If you selected a bilevel review process, the community must decide who will review minor developments and who will handle major projects. The same body can handle both types of projects or the responsibility can be split between two bodies, one reviewing smaller projects and one reviewing larger projects.

BASIC FORMAT ALTERNATIVES - PROS AND CONS

Your answers to the preceding questions will determine the format of the site plan review ordinance. The following looks at the most likely options that result:

OPTION 1

- *A single level of review*
- *The Planning Board as the review body*

This option is most appropriate for a small community with limited staff support that expects to see a limited amount of small-scale, nonresidential development activity. It can be done as a freestanding ordinance or incorporated as part of a townwide land use or zoning ordinance. Section 9 includes the complete provisions for a site plan review system of this type.

OPTION 2

- *A single level of review*
- *A Site Plan Review Board as the review body*

This option is most appropriate for a small community with limited staff support and a busy Planning Board that expects to experience small-scale nonresidential development. Option 2 can be adopted as a freestanding ordinance or incorporated as part of a townwide land use or zoning ordinance. Section 10 provides the ordinance provisions needed to change the basic provisions set out in Section 9 from Planning Board review to review by a separate Site Plan Review Board.

OPTION 3

- *A bilevel system of review*
- *The Planning Board as the review body for both minor and major developments*

This option is best suited to small and mid-size communities with limited staff support that expect to see a limited level of larger scale nonresidential development. As with the other options, it can be set up as a freestanding ordinance or incorporated as part of a land use or zoning ordinance. Section 10 includes ordinance provisions to establish a bilevel review process.

OPTION 4

- *A bilevel system of review*
- *The Planning Board as the review body for major developments with minor projects delegated to staff review by a Staff Review Committee*

This option is best suited to middle and larger size communities that have full staff support, a range of types of nonresidential development, and an existing system of land use regulations into which the site plan provisions can be incorporated. This approach allows small projects to be reviewed by a Staff Review Committee, while larger projects go to the Planning Board. Section 10 contains ordinance provisions to establish this approach.

■ PULLING IT ALL TOGETHER

Once you have reviewed and discussed the options above, you will need to select the one that best suits your community’s needs. The following sections contain ordinance language for each option to help you create the type of ordinance you want. **For communities that are interested in Option 1, a basic site plan review ordinance is addressed in Section 9. For communities interested in the other options, alternative language is provided in Section 10 to allow you to customize your site plan review process to your needs.**

To be complete, all site plan review provisions must include the following sections:

- **Purpose Section** - This sets out the community’s reasons for requiring site plan review. It is an important legal basis for the ordinance.
- **Applicability Section** - This section identifies the types of development activities that are required to be reviewed.
- **Review and Approval Authority** - This section designates what municipal body or bodies will review site plans. If a new body such as a Site Plan Review Board or Staff Review Committee is required, provisions for establishing the body are included here.
- **Procedures Section** - This section sets out the procedures that should be used in handling applications, notifying the public, providing for public comment, and reviewing site plans.
- **Submission Requirements** - This section specifies what materials the applicant is required to provide. The scope of the requirements depends on the basic format of the review process.
- **Approval Criteria and Standards** - This section includes the standards that a project must meet to be approved. Standards are probably the most important part of an ordinance and should be carefully tailored to meet your local needs.
- **Post Approval Requirements** - This covers what happens after a site plan is approved and is addressed in the basic ordinance.
- **Appeals** - A mechanism may be provided to allow for appeal of an action to a local review body, otherwise appeals will be directed automatically to Superior Court.
- **Administrative Procedures** - If the site plan review provisions are adopted as a freestanding ordinance, other administrative provisions need to be included. These are covered in Section 9.