

## **CHAPTER 61 DEVELOPMENT CONTROLS**

### **61.00 PURPOSE**

It is the intent and purpose of this section to provide for orderly development of land to safeguard life, health, safety, property, and public welfare by regulating and controlling all development within the City. This section shall be in addition to the requirements of any other provisions of the Municipal Code regulating such development.

### **61.01 APPLICATION OF DEVELOPMENT CONTROLS**

All proposed industrial, commercial, and residential developments and expansions of existing facilities, except developments where public utilities and streets have previously been installed and the erection of no more than two detached single-family dwellings are planned, must be reviewed by the City Planning Commission and approved by the City Council, as conforming to this section. The term development as used herein shall mean all construction, public and private improvement, expansion or alteration of facilities and land within the City.

### **61.02 DEVELOPMENT PLAN**

- (A) The owner or developer shall submit for review a development plan which sets forth plans for utility service, drainage, streets, parking, landscaping, screening and buffering, lighting, setbacks, exterior construction design and materials, trash disposal, construction timetable, and such other matters as the Council may require.
  
- (B) The owner or developer shall submit with the development plan an Abstract of Title, Registered Property Report, or such supporting Affidavits or documents that establish ownership of any other parties of interest in the property involved.

### **61.03 DEVELOPMENT CONTRACT**

- (A) A development contract which sets forth all of the terms, conditions, requirements, agreements, guarantees and plans for the orderly development of said land shall be entered into between the developer and the Municipality prior to the final approval of any subdivision, rezoning, special use permits, license, or any building permits required for the construction, alteration, expansion, or improvement of said land.
  
- (B) Before execution of the development contract, the owner or developer shall submit certification from the County Department of Taxation that all taxes and special assessments due on the property involved have been paid in full.
  
- (C) Said development contract shall include provisions for supervision of details of construction by the City and grant to the City authority to inspect all work performed pursuant to said contract to assure satisfactory performance and completion of the work.

#### **61.04 FINANCIAL GUARANTEE**

The development contract shall require, as provided hereinafter, the developer to make a cash deposit or in lieu thereof furnish a performance bond in an amount based upon the total cost, as estimated by the City Engineer, of all public improvements, utilities and other improvements pursuant to said contract to be constructed and installed by the developer. The total cost shall include the cost of inspection by the City of all such improvements. Upon the report of the City Engineer that special problems exist, which potentially could make the development more costly or difficult than estimated, the Council may require a cash deposit or performance bond greater than that provided hereinafter but not to exceed 150 percent of the total cost. Said bond shall be subject to approval of the City Attorney.

#### **61.05 PAYMENT OF EXPENSES**

The owner or developer shall pay, prior to issuance of any building permit for a development, the expenses incurred by the City in the processing, review, and evaluation of proposed developments and development contracts and in the inspection of all work performed pursuant to said contracts. Such costs shall include, but not be limited to, those for professional engineering. Legal and planning services, city staff time, materials and other services. A deposit in an amount sufficient to pay such expenses, as estimated by the Clerk, may be accepted by the City whenever exact expenses have not been determined at the time the building permit is issued.