

Chapter 276. Site Plan Review

[HISTORY: Adopted by the Common Council of the City of Ithaca 11-7-2012 by Ord. No. 2012-14; amended in its entirety 8-7-2013 by Ord. No. 2013-12. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Design review — See Ch. **160**.

Environmental quality review — See Ch. **176**.

Fill, excavation and stockpiling — See Ch. **179**.

Flood damage prevention — See Ch. **186**.

Landmarks preservation — See Ch. **228**.

Stormwater management and erosion and sediment control — See Ch. **282**.

Subdivision of land — See Ch. **290**.

Zoning — See Ch. **325**.

§ 276-1. Intent.

The intent of this chapter is to provide for the review of site plans for certain land uses in the City of Ithaca for the purpose of:

- A. Preserving and enhancing neighborhood character.
- B. Achieving compatibility with adjacent development and uses.
- C. Mitigating potentially negative impacts on traffic, parking, drainage, the landscape and similar environmental concerns.
- D. Improving the design, function, aesthetics and safety of development projects and the overall visual and aesthetic quality of the City.
- E. Promoting environmental sustainability in new development, redevelopment and long term planning.

§ 276-2. Definitions.

- A. Definitions of specific terms or words as used in this chapter shall conform to the definitions of the same terms in the Zoning Ordinance, Chapter **325**, § **325-3**.
- B. In addition to the definitions in Chapter **325**, the following terms shall be used in this chapter as they are defined in this section:

AFFECTED SITE AREA

Any area (including new and modified gross floor space) that is physically changed as a result of the proposed development. Such changes do not have to be permanent or irreversible for the area to be considered affected. For example, a construction staging area will be considered an affected area if tree damage or significant soil compaction is likely to result.

BICYCLE PARKING FACILITY

Includes the bicycle parking spaces, one or more bicycle racks, and, when applicable, the access aisle(s) between groups of bicycle racks. Bike lockers and other secure, enclosed areas that can accommodate

bicycle storage may be considered bicycle parking facilities. "Bicycle parking space" refers to a location for which the parking of one bicycle is intended. A "bicycle rack" is an element of the bicycle parking facility that supports one or more bicycles and to which one or more bicycles may be locked.

BOARD

The Planning and Development Board, unless otherwise specified.

COMMISSIONER

The Building Commissioner for the City of Ithaca, New York.

DEVELOPMENT

Any land use activity or project which requires a permit from the Building Department and will result in changes to the physical condition, appearance or type of use, or intensity of use, of property.

- (1) Development projects include but are not limited to:
 - (a) New construction, reconstruction, modification or expansion of existing structures or site improvements.
 - (b) Landfilling, excavation, grading, parking lot construction or any other disturbances to the natural or existing topography or vegetation of the site.
 - (c) Demolition of structures or site improvements.
- (2) A project shall not be considered a development if it is one or a combination of the following:
 - (a) Replacement in kind only;
 - (b) Interior construction only; or
 - (c) Infrastructure maintenance only.

DIRECTOR

The Director of Planning and Development for the City of Ithaca, New York or his/her designee.

EXPANSION

An enlargement of, or addition to, an existing structure or a paved area, including driveways, parking areas and sidewalks.

MODIFICATION

Rearrangement of site layout or an exterior alteration to an existing structure (including any changes to a building facade, except replacement in kind).

PERFORMANCE GUARANTY

Any security that may be accepted by the City as a guarantee that the improvements required as part of site plan approval will be satisfactorily completed.

RECONSTRUCTION

Construction of buildings or site plan improvements following total demolition of a previous development.

REPLACEMENT IN KIND

Replacement of materials (for maintenance purposes) which does not have an effect on the appearance of the existing building and site.

SITE IMPROVEMENT

Features including but not limited to planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, signs and any other accessory structures, devices or landscape materials on the site.

SITE PLAN

The development plan showing the existing and proposed conditions, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; submitted along with building plans, elevations and building materials; and any other information that may be reasonably required to allow an informed decision to be made by the Board or the Director.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan to identify and mitigate stormwater impacts as defined in Chapter 282.

§ 276-3. Applicability; exceptions.

A. General applicability.

- (1) Site plan review (SPR) applies to all new construction and reconstruction of both residential and nonresidential development (except that excluded by § 276-3C), including parking areas of three or more spaces in residential zoning districts.
- (2) Upon the concurrence of the Director and the Superintendent of Public Works or upon the direction of Common Council, site plan review (SPR) applies to construction of landscape and infrastructure improvements which do not normally require a building permit, but nevertheless have an extensive public use, prominent visibility, or a potentially large environmental impact, such as construction of trails or trailheads; development of, or improvements to, existing parks; construction or reconstruction of bridges; and rebuilding of public or private streets that involve streetscape improvements.

B. Projects of limited scope.

- (1) The Director shall have the authority to review and act on a development proposal if the proposed project meets the description in § 276-3A but is below the thresholds described below. For such projects of limited scope, reviewed by the Director, a public hearing is not required. The Planning and Development Department shall be the lead agency in the environmental review of such projects, except for projects that meet the description in § 276-3A(2), which shall follow environmental review laws or regulations for determination of lead agency. There shall be no requisite review of the environmental assessment forms (EAF) by the Parks, Recreation, and Natural Resources Commission in these cases. See § 276-5C for situations when projects of limited scope will be referred to the Board for a full review. The upper thresholds for projects of limited scope are:

[Amended 7-5-2017 by Ord. No. 2017-15]

- (a) All new construction and reconstruction of single-lot residential development of a single-family detached or semidetached dwelling or a two-family dwelling.
 - (b) Modification and expansion of residential development involving 4,000 square feet of total affected site area.
 - (c) New construction, reconstruction, modification or expansion of nonresidential development in residential zones involving 3,000 square feet of total affected site area.
 - (d) Modification and expansion of nonresidential development in nonresidential zones, involving 10,000 square feet of total affected site area.
 - (e) Construction of landscape and infrastructure improvements as described in § 276-3A(2).
- (2) When an application is received for site plan review under the provisions for projects of limited scope as noted above, the Director shall, within 10 working days of the date of the submission of the application, notify the Council members in whose ward the project is to be located.

C. Exemption:

- (1) Existing uses and developments which in their present configuration and use are legally authorized as of the date of this legislation shall not be subject to SPR.
 - (2) Exterior modifications to an existing single-lot residential development of a single-family detached or semidetached dwelling or a two-family dwelling, including additions, porches, facade changes, landscaping and site improvements, excluding the development of parking areas for three or more cars as required under § 325-20.
- D. City and other government projects. For City and other government projects, the threshold of applicability, the review procedure and the review criteria shall be the same as for all SPR applicants unless the Common Council decides that any particular government project shall be reviewed on an advisory basis only. However, even if a project is subject to advisory review only, no construction shall begin until the Board or the Director has completed the review, including the issuance of any findings and recommendations that the Board or the Director determines to be appropriate. Projects subject to advisory SPR only shall be presented to the Board for review beginning as early as possible, and in any case no later than when the environmental review is started. The Board may or may not be the lead agency of the environmental review of projects subject to advisory SPR only.

§ 276-4. Other permits and approvals.

An approved site plan shall be binding on all further permits and approvals needed for the project. The Board or the Director's decision to approve a site plan does not excuse an applicant from complying with all other permits and approvals that may be needed, including but not limited to street and sidewalk permits, utility permits and tree permits.

- A. Permits from Building Department. For projects subject to SPR, a permit from the Building Department shall be issued only after SPR approval has been granted. In a case where a conditional SPR approval has been given, no certificate of occupancy or completion shall be issued until final SPR approval has been given and all conditions of such final approval have been met. See also § 276-9.
- B. Variances.
- (1) Any required variance must be obtained from the Board of Zoning Appeals before the Planning Board will issue preliminary or final site plan approval.
 - (2) For projects that require both a variance and site plan approval, the Planning Board will act as lead agency in the environmental review for both actions. The Board of Zoning Appeals cannot grant a variance until the Planning Board has completed the environmental review.
- C. Storm Water Pollution Prevention Plans (SWPPP). All Storm Water Pollution Prevention Plans must be approved by the Stormwater Management Officer (SMO) in accordance with § 282 before final site plan approval is granted.

§ 276-5. Authorization to review site plans.

- A. The Planning and Development Board is authorized to conduct SPR according to the procedures described in § 276-6.
- B. The Director is authorized to conduct SPR of projects of limited scope as defined in § 276-3B.
- C. In projects of limited scope the Board shall conduct SPR according to the procedures described below in § 276-6, when the following conditions arise:
- (1) There is public controversy concerning the proposed development, as determined by the Board or the Director.
 - (2) The application is referred to the Board by the Director.

- (3) The applicant appeals to the Board after decision by the Director is made.

§ 276-6. Site plan review (SPR) procedures.

A. Process initiation.

- (1) The Director of Planning and Development or his/her designee shall determine whether SPR is required when an application for a building permit, a demolition permit, or a fill permit is filed. Such determinations may be appealed to the Planning and Development Board within 30 days of the written notification that SPR is required.
[Amended by Ord. No. 2013-15, effective 1-1-2014]
- (2) For projects which do not require a building permit, as described in § 276-3A(2), the Director may request of the Superintendent of Public Works that a project be subject to SPR. If the Superintendent and Director concur, then the project shall be subject to SPR. If they do not agree, the Director may request that Common Council decide if SPR shall apply. The Director shall, in accordance with § 276-5C, determine if the project requires review by the Board.

B. The following procedures are required for both full site plan review and projects of limited scope:

- (1) Sketch plan conference with planning staff, or when appropriate, with the Board as a whole. This step may occur before the application for a building permit if it can be reasonably assumed that SPR would be required, in order to inform the applicant of the SPR process and to explain the standards for approval, before substantial time and effort are invested in the preparation of plans. The Director should determine at this stage whether the proposal is a project of limited scope as defined in § 276-3B.
- (2) Submission of application materials.
 - (a) Applicants must submit a complete site plan review application, including all applicable materials as described in the Site Plan Review Checklist, which may be obtained from the Department of Planning and Development.
 - (b) Additional application materials may be required by the Board. Depending on the scope and complexity of the project, the Board has the discretion to require applicants to engage the services of licensed design professionals and other experts such as architects, landscape architects, engineers, ecologists or surveyors.
 - (c) For all new construction and reconstruction of single-lot residential development of a single-family detached or semidetached or a two-family dwelling, applicants must complete the Residential Infill Neighborhood Compatibility Review Application, which may be obtained from the Department of Planning and Development.
- (3) Environmental review. An environmental review of the proposed development shall be conducted prior to SPR approval in accordance with Chapter 176 of the City Code.

C. The following procedures are required for full site plan review and not required for projects of limited scope:

- (1) Public notice.
 - (a) By mail. At least 20 days before the first meeting at which the Planning and Development Board considers either a determination of environmental significance or preliminary site plan approval, the applicant shall notify the record owners by mail of all properties within 200 feet of the project site. Such notice shall be in the form approved by the Board, briefly state essential facts about the proposal, include the proposed site plan, and inform recipients of the date, time and place of the meeting and the place where further information about the proposal and the review process may be obtained. Applicant shall provide the Board with certification of compliance for notice procedures.

- (b) By posting. At least 20 days before the first meeting at which the Planning and Development Board considers either a determination of environmental significance or preliminary site plan approval, the applicant shall post a sign at the center of each property line of the project site which fronts on a public or private roadway or public right-of-way. Such signs shall be continuously maintained and displayed facing the roadway until final action has been taken by the Board to approve or deny the site plan. The required signs shall be obtained from the Department of Planning and Development, and a nonrefundable fee shall be paid for each sign or replacement obtained. At the time such signs are obtained, the applicant or the applicant's representative shall indicate, in writing, the date on which the signs are to be erected.
 - (c) By newspaper. The hearing on the preliminary site plan shall be advertised in a newspaper of general circulation in the City at least five days before the hearing.
- (2) Coordination and consultation. SPR projects requiring the review and approval of the Board may also be reviewed by the Building Department, the Engineering Office, the Fire Department, the City Forester and any other City officials or non-City consultants deemed appropriate by the Planning Board or the Director. Any comments from these reviewers shall be summarized and forwarded to the Board to aid its decision on the proposal.
 - (3) Planning and Development Board meeting. Following timely receipt of a complete application for site plan approval, the Board shall schedule consideration of the application at its earliest possible scheduled meeting. The Board may establish its procedures and requirements, within the framework provided by this chapter, for conducting site plan review.
 - (4) Public hearing. Prior to rendering any decision on a SPR application, the Board shall first hold a public hearing on the proposed development. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. Public hearings are not required for projects of limited scope as defined in § 276-3B, unless the project is referred to the Board for SPR.
 - (5) Action on application for site plan approval.
 - (a) Within 65 days after completion of environmental review on a complete SPR application, the Board (or the Director if it is a project of limited scope as defined in § 276-3B) shall render one of the following decisions:
 - [1] Preliminary approval only.
 - [2] Preliminary approval with conditions.
 - [3] Preliminary and final approval.
 - [4] Preliminary and final approval with conditions.
 - [5] Disapproval of the site plan.
 - (b) In the case where a Board's action is required and where preliminary approval only is granted, final approval shall be considered at the earliest scheduled Board meeting subsequent to the applicant's submittal of an adequately revised site plan, whereupon the Board shall render one of the following decisions:
 - [1] Final approval.
 - [2] Final approval with conditions.
 - [3] Disapproval of the site plan.
- (6) Communication of decision. The Director of Planning and Development and the applicant shall be notified, in writing, of a site plan review decision no later than 10 working days after the date of decision.

When a site plan is approved, a stamped copy of the approved site plan, including any conditions of approval, shall accompany the notification to the Director of Planning and Development.

[Amended by Ord. No. 2013-15, effective 1-1-2014]

D. Changes to approved site plan. Proposed changes (whether before or after construction) to approved site plans must be submitted to the Department of Planning, Building and Development for review to determine whether the effect of the proposed changes warrants reconsideration of the project's approval status. The Director of Planning and Development or designee shall make one of the following determinations:

[Amended by Ord. No. 2013-15, effective 1-1-2014]

- (1) That the proposed changes do not affect the approval status of the site plan.
- (2) That the changes are significant and shall require a reopening of the review.
- (3) That the proposed changes are likely to have such an extensive or significant effect on the project that a new SPR application is required.

E. Extension of deadlines. All deadlines for decisions on an SPR application may be extended upon mutual agreement by the Board and the applicant.

§ 276-7. Project review criteria.

A. General criteria:

(1) Avoidance or mitigation of any negative impacts. The following shall be emphasized in particular:

- (a) Erosion, sedimentation and siltation control in accordance with Chapter **282** of the City Code.
- (b) Protection of significant natural features and areas, including but not limited to trees, views, watercourses or bodies of water and land forms, on or near the site. The protection of existing mature vegetation, especially trees over eight inches DBH (diameter-breast-height) may be required unless a justification for their removal can be made by the applicant.
- (c) Protection of, and compatibility with, other nearby features and areas of importance to the community, including but not limited to parks, landmarks, neighborhoods, commercial areas, and historic districts.

(2) Compliance with all other regulations applicable to the development. These include, but are not limited to, the Zoning Ordinance, Sign Ordinance, Subdivision Regulations, Stormwater Regulations Ordinance, Landmarks Preservation Ordinance, Exterior Property Maintenance Ordinance and Environmental Quality Review Ordinance of the City of Ithaca,^[1] and the State Environmental Quality Review Act.^[2]

[1] *Editor's Note: See Ch. 325, Zoning, Ch. 272, Signs, Ch. 290, Subdivision of Land, Ch. 282, Stormwater Management and Erosion and Sediment Control, Ch. 228, Landmarks Preservation, Ch. 178, Exterior Property Maintenance, and Ch. 176, Environmental Quality Review, respectively.*

[2] *Editor's Note: See Environmental Conservation Law § 8-0101 et seq.*

(3) Improvement of the visual quality of the site and its vicinity through:

- (a) The presence of a perceivable form and order in the basic layout of the major architectural and landscape elements.
- (b) The proper and effective use of landscape architectural elements such as plantings, land forms, water features, paving and lighting, including the location and appearance of proposed signage.
- (c) An appropriate arrangement, form, scale, proportion, color, pattern and texture of buildings and other site improvements.

- (d) An appropriate relationship between the proposed development and the nearby streetscape, landscape, and the built environment.
 - (e) The integration of works of art on the site where appropriate and possible.
 - (f) The appropriate arrangement of landscape and architectural elements to preserve existing views both to, from and through the site.
- (4) Adequate wastewater and sewage disposal facilities. Calculations of the existing and estimated increased loads on the system may be required.
 - (5) Adequacy of fire lanes and fire and emergency access and the availability of fire hydrants.
 - (6) Safe arrangement of vehicular access, circulation, intersections and traffic controls. Analysis of the project's impact on parking and traffic may be required, including sight lines at curb cuts.
 - (7) Handicap accessibility of buildings, pathways and parking in accordance with ADA standards.
 - (8) Safe and convenient pedestrian and bicycle access and circulation, including provision for bicycle parking facilities and sidewalks along public streets, unless applicant demonstrates that a sidewalk is not feasible due to site constraints. This criterion is subject to the authority of the Board of Public Works as defined in the City Charter and City Code.
 - (9) Open space for play areas and informal recreation in the case of a residential development.
 - (10) Provisions for energy efficiency, renewable energy, and green design as determined by the Board.
 - (11) Conformance to any endorsed or adopted urban design plan or comprehensive plan relevant to the proposed site.
 - (12) For new construction of multiple dwellings, commercial buildings and office buildings, adequate and appropriately located facilities for the storage and collection of solid waste and recyclable materials shall be required. Developers of new commercial and mixed-occupancy buildings must design a waste management system that can support the needs of any allowable use in the building, including those uses that could result in maximum garbage generation. Screening of these facilities, as well as other actions relating to the appearance of the facilities, may be required in accordance with the Exterior Property Maintenance Ordinance, Chapter **178** of the City of Ithaca Municipal Code.
 - (13) Shielding or reduction of noise from mechanical equipment and other sources to the extent reasonably practicable.
 - (14) Screening or architectural integration of a building's or structure's exterior mechanical equipment.
 - (15) The scope and definition of the proposed development shall include all previous development on the property occurring within the past two years within 200 feet of the proposed development which, when considered together, may have a substantial aggregate effect on the surrounding properties. (See definitions of "development" and "affected site area" in § **276-2B**.)
- B. Criteria for tree preservation, plant selection and planting site construction, plant materials and maintenance. [Amended Ord. No. 2013-15, effective 1-1-2014; 6-7-2017 by Ord. No. 2017-05]
- (1) All projects shall provide for adequate types and arrangements of landscaping, both to enhance the site and to complement the architectural components of the development and to screen or buffer adjacent uses in public ways. Additional information and guidelines are available in the City's forestry master plan, Ithaca's Trees: Master Plan, Inventory & Arboriculture Guidelines for the Public Trees in the City of Ithaca, New York (available at: <http://www.cityofithaca.org/DocumentCenter/View/379>). Appendix II of Ithaca's Trees provides standard construction details relating to the best practices for tree planting in the City. Where feasible and applicable, these details should be incorporated into site designs:

- (a) Minimum Spacing for Street Trees.
 - (b) Typical Tree Planting in Ordinary Soil.
 - (c) Typical Tree and Shrub Planting in Continuous Bed.
 - (d) Typical Tree Lawn Planting Detail.
 - (e) Structural Soil Break-out Zone from Narrow Tree Lawn to Adjacent Property.
 - (f) Typical Tree Planting Pit with Structural Soil along Sidewalk.
 - (g) Typical Tree Planting Island in a Parking Lot with Structural Soil.
 - (h) Tree Protection Fencing Detail.
- (2) Preservation of existing trees.
- (a) Where possible and reasonable, any trees greater than eight inches in diameter at breast height of desirable species and in good health and sound structure, in consultation with the City Forester, should be retained on the site and protected during development per the requirements of ANSI A300, Trees and Shrubs, of Construction Management Standard Part 5 and the Best Management Practices, Managing Trees During Construction, published by the International Society of Arboriculture. See also Ithaca's Trees, Appendix II: Standard Tree Planting Details, Tree Protection Fencing Detail.
 - (b) The City Forester shall review a preconstruction tree inventory if required. The Forester may require the developer to survey some trees that lie outside of the property, as neighboring trees can be negatively impacted by construction. The preconstruction tree survey shall include trees on the private property as well as street trees adjacent to the property and shall note the location of the trees, their species, DBH (diameter at 4.5 feet above grade), and the critical root zone area (CRZ). The CRZ shall be noted as a radius of one foot for each diameter inch for trunk at DBH. All trees over eight inches in diameter shall be inventoried.
 - (c) The developer shall provide site plan review with a tree preservation plan including tree protection detail, during construction care (i.e., mulching, watering), post-construction monitoring and care using the specifications outlined in the ANSI A300, Construction Management Standard Part 5 and the Best Management Practices, Managing Trees During Construction, published by the International Society of Arboriculture. The tree preservation plan shall show the location of utility work and the construction work zone where it may conflict with the CRZ of preserved trees and identify trees that need preconstruction pruning to allow access for equipment and building construction. Tree protection fences shall be made of either chain link or wood fence barriers. No plastic fencing will be allowed. Signage on the fence labeling it as a tree protection measure is required.
 - (d) For all City-owned trees, the City Forester will review the plan and make comments on the proposed protection plan, and submit those comments to site plan review. For trees in the City right-of-way, the City Forester will approve the tree protection plan and issue a tree work permit prior to the issuance of a building permit. The City Forester may also visit the site during construction to ascertain that the tree protection plan is being implemented for both trees in the City right-of-way and trees on private property.
- (3) Planting site selection.
- (a) For the planting of trees in the City right-of-way, the City Forester shall be consulted regarding specifications governing tree species selection, size, spacing and method and location of planting. A tree work permit will be required for this work.
 - (b) Street trees.

- [1] As a guideline, street trees should not be planted within:
 - [a] Twenty feet from the corner of intersecting streets.
 - [b] Thirty-five feet in front of a stop sign.
 - [c] Fifteen feet from hydrants.
 - [d] Fifteen feet from a utility or street light pole.
 - [e] Fifteen feet of a driveway or curb cut.
- [2] Large or medium trees which mature at 30 feet or taller shall be spaced no less than 30 feet apart, unless part of a dense screening planting. Small trees which mature at 30 feet tall or less shall be spaced no less than 25 feet apart, unless part of a dense screening planting.
- [3] See also Ithaca's Trees, Site Selection for Tree Planting, and Appendix II: Standard Tree Planting Details, Minimum Spacing for Street Trees.
- (c) For planting of trees or shrubs in the City right-of-way or on private property, no tree or shrub is to be planted directly under or in competition with an existing large tree, or beneath building overhangs.
- (4) For projects on City property, the City Forester and the Parks, Recreation, and Natural Resources Commission shall be consulted in plant species selection and planting soil specification.
[Amended 7-5-2017 by Ord. No. 2017-15]
- (5) Tree and shrub species selection and quality.
 - (a) The City Forester and the Shade Tree Advisory Committee will be given the opportunity to review and make comments on all plant selections and planting soil specifications. Use of invasive species should be avoided. Species selection should consider available soil volume, overhead clearance and specific site conditions. For further guidance see also Ithaca's Trees, Tree Selection.
 - (b) For the planting of trees in the City right-of-way, large trees maturing at a height greater than 30 feet should be planted on all sites unless there are primary electric lines overhead or other structural conflicts. Where a conflict exists, trees maturing at a height of 30 feet or less should be planted.
 - (c) For the planting of trees in the City right-of-way, adequate soil volume must be provided based on the tree species selected (also see § 276-7B(4), Planting site construction and preparation.)
 - (d) For the planting of trees in the City right-of-way, when possible, small trees should have a mature shape and stature so that pedestrians may eventually walk under them.
 - (e) For all tree and shrub plantings, specifications shall adhere to the American Nursery and Landscape Association ANSI Z60.1 nursery standards. See also Ithaca's Trees, Appendix I: Specifications, "Nursery Stock Quality Guideline Specifications for Deciduous Street Trees.
 - (f) For all tree plantings, deciduous trees should be at least 1 1/2 inches caliper (diameter at 12 inches above grade) at the time of planting. Size of evergreen trees and shrubs may vary depending on location and species.
- (6) Planting.
 - (a) See also Ithaca's Trees, Tree Planting.
 - (b) All plant materials shall be installed to the following standards:
 - [1] All planting beds for shrubs shall be excavated to a minimum depth of two feet.

- [2] Tree pits in lawn to be excavated to depth of the tree root ball and shall be three times the width of the root ball in all directions
- [3] All trees in lawn areas to receive a three-inch-deep covering of mulch, covering at least the extent of the root ball. Mulch must remain clear of the trunk of the tree. See also Ithaca's Trees, Appendix II: Standard Tree Planting Details, Typical Tree Planting in Ordinary Soil.
- [4] B&B trees must have metal cages of the root ball removed prior to planting, and the biodegradable burlap covering the root ball should be pulled down and removed on at least the top 1/3 of the root ball. The remainder can remain. If nonbiodegradable covering material is used it must be completely removed from the root ball.
- [5] At time of planting the topmost structural root of the root ball should be no more than a few inches below the finished grade; excess soil should be removed from the top of the root ball so the trunk flare is clearly visible.
- [6] Guying is not generally required for newly planted trees. Any trees that require guying will be done using nylon straps (or similar) rather than wire in hose. Guying must be removed after 1-2 years.

(7) Maintenance.

- (a) All newly planted trees should have irrigation bags, which are to be filled weekly during their first growing season.
- (b) A two-year guarantee for any tree or shrub is required. Replacement of trees and shrubs that are dead, dying or seriously damaged is required for the first two years after project completion.
- (c) The owner shall replace dead, dying and/or seriously damaged plant materials of the approved site plan, within a reasonable time period during the current (or immediate next) planting season. Any other damaged or missing elements, including but not limited to fences, bollards, signs, shrubs, street furniture, etc., of the approved plan must be similarly replaced by the owner. This will ensure that landscaping remains in compliance with the final site plan as approved by the Planning and Development Board.

(8) Changes to approved site plan. Notwithstanding any provision in this chapter or any other City ordinance or regulation to the contrary, an approved site plan may not be modified without express written approval of the Planning and Development Board except as approved by the Director of Planning and Development or designee as specified herein above.

C. Criteria for automobile parking areas. All parking areas shall be designed in conformance with § 325-20 of the City Ordinance. The Board may make such additional reasonable stipulations as it deems appropriate to carry out the intention of this chapter.

[Amended 6-7-2017 by Ord. No. 2017-05]

- (1) Parking areas in residential zoning districts. In order to protect the character of residential areas, plans for parking areas with the capacity of three or more cars within residential zoning districts must conform to either the setback compliance method or, at the discretion of the Planning Board, the landscaping compliance method described respectively in § 325-20E(5)(a) and (b). Such plans must also comply with all other general and specific standards of § 325-20. Where turnarounds, or other maneuvering spaces not required for access to parking spaces, are provided that meet minimum size for a parking space, they shall be counted as a parking space for the purposes of this subsection.
- (2) Screening of parking areas. There shall be screening with a minimum eight-foot-wide planting area or fences between a motor vehicle parking area and adjacent properties and public ways, except where there is motor vehicle parking that is shared by more than one property or where commercial properties abut. In such cases the Board may require landscaping as it deems appropriate.

- (3) Division of long rows of parking spaces. For parking areas with more than 30 adjacent interior parking spaces in a row, the design must incorporate planting areas so that there are no more than 10 continuous parking spaces between planting areas.
 - (4) Internal plantings. In motor vehicle parking areas, a minimum of 25% of the interior ground area (i.e., excluding any peripheral planting area) shall be planting areas that include trees with a potential mature height of at least 50 feet and a caliper of at least 1 1/2 inches at the time of planting. Interior planting areas shall be a minimum of 80 square feet of porous opening with no dimensions being less than eight feet. The planter shall be curbed with a minimum three-foot depth of excavation and shall have a minimum available soil volume of 760 cubic feet of sandy loam soil (which may include structural soil under adjacent pavement) allotted to each tree. See also Ithaca's Trees Appendix I: Specifications, Soil Volume for Trees, Surrounded by Pavement.
 - (5) Pervious paving.
 - (a) Applicants are encouraged to design parking areas with pervious paving when feasible. Use of pervious paving in combination with structural soil that is accessible to tree roots, a practice that supports the health and longevity of tree plantings, is encouraged. See also Ithaca's Trees, Appendix II: Typical Tree Planting Island in a Parking Lot with Structural Soil.
 - (b) If porous pavement is used in conjunction with tree planting, less interior parking area may be set aside for open tree planting islands.
- D. Criteria for bicycle parking facilities. Bicycle parking shall be required for all uses requiring site plan review as per § 276-3(A)(1) except as may be determined by the Board or the Transportation Engineer. Covered bicycle parking is strongly recommended. The Planning and Development Board may make such additional reasonable stipulations as it deems appropriate to carry out the intention of this chapter. The Planning and Development Board shall use the following standards in its consideration of the location and the type/design of bicycle parking facilities.

- (1) Standards for the number of bicycle parking spaces to be provided for various uses. See chart below.

Use	Bicycle Parking Space Standards^{1,2,3}
Adult day-care home or group adult day-care facility	1 for client use, plus 1 per 20 employees ⁴
Dormitory	1 per 5 persons housed (6 minimum)
Dwelling unit	1 per 5 bedrooms or sleeping rooms (single-family and duplex encouraged but excepted)
Fraternity, sorority or group house	1 per 5 persons housed (2 minimum)
Rooming or boarding house	1 per 5 sleeping rooms (2 minimum)
Auditorium or theater	1 per 50 seats (4 minimum)
Bar, tavern or restaurant	1 per 500 square feet of net floor area of the assembly space (2 minimum)
Bed-and-breakfast home or bed-and-breakfast inn	1 per 10 sleeping rooms (2 minimum)
Bowling alley	1 per 2 bowling lanes
Church, funeral home or mortuary	2 minimum (spaces for 2% of expected attendance recommended)
Fitness center or health club	1 per 20 persons allowed as determined by the maximum occupancy load (6 minimum)
Home occupation requiring special permit	None
Hospital or nursing or convalescent home	1 per 20 employees ⁴ (6 minimum)
Hotel or motel	1 per 20 employees ⁴ (6 minimum)

Use	Bicycle Parking Space Standards
Medical or dental office	1 per 2,500 square feet of net assignable floor area (2 minimum)
Nursery school, child day-care center or private elementary or secondary school	1 per 20 employees ⁴ plus 1 per 20 pupils enrolled (4 minimum)
Office or bank	1 per 2,500 square feet of net assignable floor area (4 minimum)
Retail store or neighborhood commercial facility	1 per 2,500 square feet of net assignable floor area (2 minimum)
Wholesale or industry	1 per 30 employees ⁴ (2 minimum)
Boat launch	4 minimum
Boat storage or repair	4 minimum
Boatel	4 minimum
Marina	4 minimum
Yacht club	4 minimum
Human service agencies and centers	1 per 2,500 square feet of floor area (4 minimum)
Other uses not listed above	Whichever is greatest: 1 per 20 employees, ⁴ or 1 per 2,500 square feet or 1 per 10 motor vehicle spaces (2 minimum)

NOTES:

1. In the case of mixed use of a building or property, the bicycle parking space standards shall be computed for each use, and the total for all uses shall be provided in accordance with this section.
2. The Planning and Development Board may, upon consideration of relevant factors, including but not limited to, the easy availability of adequate proximate bicycle parking or the expectation that a lesser number of bicycle parking spaces will meet the parking needs of the use, determine that a lesser number of bicycle parking spaces is appropriate.
3. Bicycle parking facilities may be located inside or outside of structures.
4. Calculation to be based on the number of employees during the maximum work shift.

(2) Location of bicycle parking facilities.

- (a) Bicycle parking facilities should be located close to building entrances, and should be located at least as close and convenient to building entrances as the nearest nonhandicapped motor vehicle parking space. Bicycle parking facilities to be in a public right of way shall require approval by the Office of the City Engineer and the Board of Public Works.
- (b) Bicycle parking facilities that are not located within a building shall be located in highly visible and well-lighted areas to minimize theft and vandalism.
- (c) Bicycle parking facilities shall not intrude into pedestrian or vehicular circulation paths.
- (d) At least 25% of a bicycle parking facility intended primarily for residential uses shall be located within a garage and other secure indoor or covered areas.
- (e) Bicycle parking facilities shall be covered or otherwise protected from the elements whenever practical; especially where long-term (over four hours) residential and/or employee parking is anticipated.
- (f) A minimum clear distance of 24 inches shall be between bicycle racks and walls, other obstructions, and/or any unpaved surface. Vertical clearance of seven feet minimum is required for all bicycle parking facilities. There shall be a convenient, paved access route between the roadway network

and the bicycle parking area. (For example, bicyclists shall not be required to cross lawns or carry bicycles up stairways to reach bicycle parking facilities.)

- (3) Type/design of bicycle parking facilities.
 - (a) Bicycle parking facilities shall be designed in such a way so as to accommodate a standard bicycle (six feet in length, minimum). An eight-foot-long parking space is highly recommended to account for irregularly parked bicycles.
 - (b) Bicycle racks shall be securely anchored to concrete. The entire footprint of the bicycle parking facility shall be constructed of concrete. (Asphalt, brick, or other durable surface may be acceptable at the discretion of the Planning and Development Board.) The footprint shall be as level as practical.
 - (c) Bicycle racks should be the standard "inverted-U" rack design, approximately 36 inches high and with vertical elements 20 to 30 inches apart. When multiple "inverted-U" racks are grouped together, they shall be oriented parallel to one another and should be spaced 30 inches on center (exceptions for spacing as narrow as 24 inches on center and as wide as 36 inches on center shall be allowable in some instances at the discretion of the Planning and Development Board). Though the standard "inverted-U" rack design is highly recommended, other innovative and/or creative rack designs may be allowed at the discretion of the Planning and Development Board.
 - (d) Bicycle racks shall support the frame of each bicycle in two or more places, separated horizontally by 20 to 30 inches. (Designs that support bicycles by one wheel only, or at only one point of the bicycle, are not acceptable.)
 - (e) All rack designs shall permit the appropriate use of standard U-locks.
 - (f) Enclosed bicycle parking facilities, such as bike lockers and indoor storage rooms, do not necessarily require the inclusion of a bicycle rack element, depending on the design of the facility. Such enclosed facilities shall be lockable and otherwise secure.
- (4) Variations and exemptions to bicycle parking standards.
 - (a) Any property owner required to provide bicycle parking may propose to establish a shared bicycle parking facility with an adjacent property owner to meet the combined standards. Such a proposal requires approval by the Planning and Development Board.
 - (b) Possible variation from above standards under site plan review. The Planning and Development Board may, at its discretion, allow variations from the above standards.

§ 276-8. Fees.

- A. Application fees. The application fees shall be based on the total construction, site work, and landscaping cost and shall be charged in accordance with the following schedule.

Type of Approval	Project Cost	Application Fee
Full site plan review	Less than \$10,000	\$75
	\$10,000 to \$50,000	\$150
	\$50,000 to \$100,000	\$300
	Over \$100,000	\$1.50 per \$1,000
*Modified site plan review	Less than \$50,000	\$150
	\$50,000 or more	\$250
Limited site plan review	Any amount	\$50

NOTES:

*The fee schedule for modified site plan review applies only to modifications to the approved site plan that do not trigger reconsideration of the determination of environmental significance. Modifications that require additional environmental review shall follow the fee schedule for full site plan review.

- B. Payment of fees. For site plan review projects that require a use or area variance from the BZA, 50% of the fee is due at the time of application and 50% is due after the Planning Board completes environmental review. For all other projects, the full fee is due at the time of application.
- C. For all government projects and projects that fit the description in § 276-3A(2), the site plan review fee shall be waived.

§ 276-9. Performance guaranty.

[Amended by Ord. No. 2013-15, effective 1-1-2014]

No certificate of occupancy or certificate of completion shall be issued until all improvements required by site plan approval are installed, and including any conditions placed on such approval are fulfilled, or until a sufficient guaranty, in the form of a performance bond, letter of credit or other security, is in place. The Director of Planning and Development or his/her designee shall be responsible for the overall inspection of site improvements.

§ 276-10. Expiration of approval; extension of approval.

If the construction of a development has not commenced within two years of the date of the site plan approval, such approval shall expire, unless an extension has been granted by the Board following a written request by the applicant. An application for an extension of SPR approval shall not be considered a new SPR application. This regulation does not apply to government projects and projects that fit the description in § 276-3A(2).

§ 276-11. Enforcement; inspections; penalties for offenses.

Development projects may be periodically inspected for conformance to the approved site plan, including the maintenance of the viability of the planting required as part of the site plan approval. If there is nonconformance, or if any conditions of SPR approval are not fulfilled, no certificate of occupancy or certificate of completion shall be issued. Where a development reverts to nonconformance after the issuance of a certificate of occupancy or certificate of completion, current owners of the development shall be notified, in writing, and given the opportunity to correct the situation. If the Director determines that the corrective measures are inadequate, the City shall implement any necessary changes to the site to bring it into conformance, the cost of which shall be charged to the property owner. In addition, a fine of \$50/day may be imposed for any violations of the provisions of this chapter or of any conditions imposed by a permit issued pursuant to site plan approval. Development projects shall be inspected at least once two years after the issuance of a certificate of occupancy or certificate of completion.

§ 276-12. Appeals.

- A. The determination (by the Director of Planning and Development or his/her designee) of whether a development proposal is subject to SPR may be appealed to the Board within 30 days of the written notification that SPR is required.

[Amended by Ord. No. 2013-15, effective 1-1-2014]

- B. Any person aggrieved by any decision of the Director may appeal to the Board.
- C. Any person aggrieved by any decision of the Board, or any officer or agency of the City, regarding SPR, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

§ 276-13. Severability.

If any section, paragraph or provision of this chapter shall be determined to be invalid, such invalidity shall apply only to the section, paragraph or provision adjudged invalid, and the rest of this chapter shall remain valid and effective.