

Section 6: Chapter 60 of the Code of Ordinances, City of Rogers, Arkansas, is hereby repealed.

Section 7: The Code of Ordinances, City of Rogers, Arkansas, is hereby amended by adding a new chapter to be numbered chapter 60, which shall read as follows:

CHAPTER 130

LARGE SCALE DEVELOPMENT PLAN REGULATIONS

This chapter establishes minimum design standards, providing minimum improvements to be made or guaranteed to be made by the developer, establishing overlay districts for certain highway corridors, establishing interstate signage districts for certain highway corridors, setting forth the procedure to be followed by the Planning Commission in applying these rules, regulations and standards and prescribing penalties for the violation.

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ARTICLE ONE

SECTION 1.00 GENERAL PROVISIONS

1.01 Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the development of land under the jurisdiction of the City of Rogers Planning Commission (hereinafter referred to as the “Planning Commission”).

1.02 Authority

These Large Scale Development Plan Regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas as amended.

1.03 Jurisdiction

The territorial jurisdiction of these regulations included the land within the corporate limits of the City of Rogers and the surrounding area designated on the most recent Growth Comprehensive Plan recommended by the Rogers Planning Commission and adopted by the Rogers City Council.

1.04 Application of Regulations

Large Scale Development Plan Regulations apply to the following:

- 1.04.01 All new construction or additions to existing commercial buildings in zones O (Office), C-1 (Central Business District), C-2 (Highway Commercial), C-3 (Neighborhood Commercial), C-4 (Open Display Commercial, W-O (Warehouse Office), I-1 (Light Industrial), I-2 (Heavy Industrial) and PUD (Planned Unit Development).
- 1.04.02 All new construction of, or additions to, multi-family housing (exceeding 5 units) in zones R-DP (Duplex and Patio Home), R-MF (Multi-Family), and R-MHC (Manufactured Home Community) and R-O (Residential Office).

- 1.04.03 All changes from residential use to any other use classification of a building, without consideration of the zoning district at that location.
- 1.04.04 All new construction or additions to existing buildings in the A-1 (Agricultural) zone where the building square footage exceeds 5,000 square feet.
- 1.04.05 All changes in use of a building on land that has been rezoned within the last twelve (12) months.
- 1.04.06 All placements of nonresidential trailers.
- 1.04.07 All parking lots.

1.05 Conformance to Official Plans

All development in the City of Rogers and the planning area shall conform to the official plans, standards, requirements and regulations that are in effect.

1.06 Definitions:

ARCHITECT: A registered architect in the State of Arkansas engaged in the practice of general architecture.

BUILDING SETBACK LINES: A line beyond which no buildings or structures may be erected and beyond which no portion of a building or structure or roof overhang shall extend.

CONSTRUCTION PLANS and SPECIFICATIONS: Detailed design plans and specifications to be used in the construction of streets, curb and gutter, sidewalks, drives, alleys, public utilities and other improvements.

DEDICATION: Land and improvements offered to the City, County or State and accepted by them for public use, control and maintenance.

DEVELOPER: A person, firm or corporation undertaking to develop a parcel of land, or any other type of land development as defined in the regulations.

DEVELOPMENT PLAN: A drawing showing all proposed improvements to a piece of property including, but not limited to, streets, parking lots, buildings, drives, signs, utilities, drainage, grading and planting by size and location.

EASEMENT: A grant by the property owner to the public, a corporation or person, of the use of a strip of land for specific purposes.

ENGINEER: A registered professional engineer in the State of Arkansas engaged in the practice of civil engineering.

IMPROVEMENTS: Physical changes made to property to prepare it for development, such as but not limited to, streets, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, buildings and similar items.

LAND DEVELOPMENT: Development including, but not limited to, subdivisions, mobile home parks, mobile home subdivisions, large scale developments, tract splits, lot splits, farm divisions, streets, roads, bridges, storm drainage systems, water and sanitary sewer systems, off-site improvements, landfills, commercial farms, airports, public utilities, etc.

LARGE SCALE DEVELOPMENT: The development of a tract, lot or parcel developed as a single improvement. The term “development” shall include but not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a revision of land use which results in the need for access and utilities.

LANDSCAPING: The location, arrangement, planting and maintenance of trees, shrubbery, grass and other plant materials.

LOT: A portion of a subdivision or other tract or parcel of land intended as a unit for transfer of ownership or for development.

NON-RESIDENTIAL TRAILER: Trailer(s) used in support of project development, for temporary offices or for temporary storage of tools or materials.

PARCEL: An area of land under one ownership.

PLANNING OFFICIAL: The person designated by the City Council to have overall responsibility of the entire policy or particular portion(s) of the policy.

RIGHT-OF-WAY: The land opened, reserved or dedicated for a street, walk, drainage way or other public purpose.

STREET: A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.

ARTICLE TWO

SECTION 2.00 APPROVAL PROCEDURES FOR LARGE SCALE DEVELOPMENT PLANS

2.01 Large Scale Development Plan Submission

The developer shall submit Large Scale Development Plans to the Planning Authority office for distribution to the affected agencies. The Planning Authority office will determine the number of plans required for distribution and agencies notified will include, but not be limited to, the Planning Commission, Inspection Division, Fire Department, Police Department, Water and Sewer Department, Street Department, Telephone Company, Electric Company, Gas Company, Television/Cable Company, School Board, Airport Manager and the Arkansas State Highway and Transportation Department.

The Large Scale Development Plan shall include the following data:

2.02 Large Scale Development Plan submission data:

- 2.02.01 Receipt for filing fee paid to the City of Rogers.
- 2.02.02 A copy of the Large Scale Development Plan submittal checklist with all items checked or status noted is required on all submissions.
- 2.02.03 Drawings to scale not smaller than 1 inch equals 100 feet indicating all required information. Twenty (20) copies must be submitted according to the TAC review schedule provided by the Planning Authority.
- 2.02.04 Owner name and address and building usage for verification with zoning requirements.
- 2.02.05 An architect's or engineer's stamp is required on the drawings when the building cost is seventy-five thousand dollars (\$75,000.00) or greater (less land costs) or on multi-family housing, including five (5) or more units.
- 2.02.06 If project costs exceed twenty thousand dollars (\$20,000.00), an Arkansas State Contractor's License is required.

- 2.02.07 Storm drainage design must meet the minimum Drainage Requirements as defined by City Ordinance. Drainage improvements must be indicated on the plans and a drainage report will accompany plans. An engineer's certified calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record prior to the issuance of a Certificate of Occupancy.
- 2.02.08 Developments within a flood plain or floodway must provide flood plain data certified by an engineer or architect and must meet all FEMA requirements for new construction in Flood Plains or Floodways.
- 2.02.09 Where applicable, verify impact of development with the Airport Zoning and Hazard Map. Notification of the FAA may be necessary prior to construction.
- 2.02.10 Provide a signature line for the Chairman of the Rogers Planning Commission.
- 2.02.11 Obtain a new address from the Benton County 911 office. Verify an existing address with the Building Inspection Division. Address must be shown on the plan prior to Planning Commission approval and be indicated on the building before a Certificate of Occupancy will be issued.
- 2.02.12 Provide a legal description of the property with exact dimensions indicated. Attach survey when possible.
- 2.02.13 Provide a vicinity map indicating major streets and landmarks.
- 2.02.14 List the zoning designation of the subject property and all adjacent properties.
- 2.02.15 Indicate the location of all existing and proposed buildings. Provide dimensions for all buildings and dimensions from the building roof overhangs to property lines and to adjacent buildings.
- 2.02.16 For residential buildings, provide the number of units and the number of bedrooms per unit.

- 2.02.17 For non-residential buildings, provide the gross floor area; if there are multiple uses, provide the floor area devoted to each type of use.
- 2.02.18 Indicate the location, typical dimensions and arrangement of parking and loading areas. Indicate traffic flow patterns, if applicable.
- 2.02.19 Indicate the number of required and provided parking spaces. Handicap spaces provided must meet local, state and ADA requirements including truncated domes at all handicap ramps.
- 2.02.20 Dimension the width(s) of all curb cuts and the distance(s) from the property line.
- 2.02.21 Any existing or proposed signage should be indicated on the plan with dimensions from the property line and/or ROW line. The height and sign face area will be governed by the zoning classification of the property and should be indicated on the plan. A separate sign permit is required for any signage.
- 2.02.22 Indicate the location of existing and proposed utility lines, septic fields, fire hydrants and utility easements.
- 2.02.23 Indicate the location and type of trash removal service. Screening is required on all sides for any trash dumpster locations.
- 2.02.24 Indicate the location of new sidewalks as required by the LSDP Ordinance. Sidewalks must be installed or a letter of credit posted prior to issuance of a Certificate of Occupancy.
- 2.02.25 Indicate the location of all non-residential trailers to be used on or for a project. Trailers must be removed within five (5) days of the issuance of a Certificate of Occupancy or at the expiration of the Temporary Trailer Permit issued by the Planning Commission.
- 2.02.26 Indicate all other site improvements, if any.

- 2.02.27 Provide a plan indicating proposed landscaping and site grading. Indicate the type, number and location for all plants. Landscaping and green space provisions are required per the LSDP Ordinance. Landscaping must be installed or a letter of credit posted prior to issuance of a Certificate of Occupancy. A three (3) year guarantee on all plant materials will be required once installation is complete.
- 2.02.28 Locate all trees 6” or greater in diameter that will be removed as a result of development. Existing trees that will remain without damage after development may qualify as part of the landscape requirement. Qualification must be verified with the Planning Authority Office.
- 2.02.29 Locate and dimension all landscape buffer zones, indicating screening fences or walls where required. Satisfaction of the requirement should be verified with the Planning Authority Office.
- 2.02.30 Developer may be required to upgrade existing city streets bordering the property to meet current city standards. Dedication of additional right-of-way may also be required in accordance with the City Master Street Plan. Street improvements and/or ROW dedication must be completed or a letter of credit posted prior to issuance of a Certificate of Occupancy.
- 2.02.31 New construction, drives and curb cuts on State and Federal highways will require written approval of the Arkansas Highway and Transportation Department. Copies of the approval must be provided to the Planning Authority prior to the issuance of a building permit.
- 2.02.32 Three (3) sets of building plans shall be submitted to the Building Inspection Division two (2) weeks prior to a request for a building permit.
- 2.02.33 The Large Scale Development Plan approval letter issued by the Planning Authority must be signed by the owner and the Planning Authority and submitted to the Building Inspection Division prior to issuance of a building permit.

2.02.34 All commercial developments and developments that include plumbing exceeding fifteen (15) fixture-units (two bathroom groups) and all public food service establishments require the review and approval of the Arkansas State Health Department. The Health Department approval letter is required prior to issuance of a building permit.

2.02.35 Large Scale Development Plans are valid for six (6) months following approval by the Planning Commission.

2.03 Large Scale Development Plan Submission Fees

To initiate Planning Authority Office services, a Large Scale Development Plan submission will require a fee in accordance with the current Fee Schedule approved by the Planning Authority.

2.04 Large Scale Development Plan Approval

2.04.01 Within fifteen (15) days of receipt of a Large Scale Development Plan by the Planning Authority, such office shall refer the plan to the Planning Commission. When the plan is referred to the Planning Commission, the Planning Authority shall give the appropriate notice to the developer and shall schedule the plan for hearing before the Planning Commission at its next regular meeting. If disapproved or approved with conditions, the reasons for disapproval or the conditions of approval shall be put in writing and provided to the developer. Failure of the Planning authority to take action within forty-five (45) days, unless the developer agrees in writing to an extension of time, shall result in automatic approval of the development plan.

2.04.02 The approval of a Large Scale Development Plan shall be effective for six (6) months from the date of approval by the Planning Commission unless a building permit is obtained and construction has commenced. Unless such action on the part of the owner or developer has taken place, the Large Scale Development expires unless prior to expiration of the original approval, the developer or owner applies for an extension to the Planning Commission. Said extension may not exceed six (6) months.

- 2.04.03 The Planning Authority office shall determine whether the submitted plan complies with the requirements for submission in Article Two above. Upon a determination that the requirements for submission have been complied with, the Planning Authority office shall accept the plan for consideration.
- 2.04.04 The Planning Authority office may refuse to accept a Large Scale Development Plan for any of the following reasons:
 - 2.04.04.a The development plan is not submitted in accordance with the requirements of this Article; or
 - 2.04.04.b The development plan is of insufficient scale to depict detail of the proposed development; or
 - 2.04.04.c The proposed development would violate a city ordinance, a state or federal law; or
 - 2.04.04.d The developer refuses to dedicate the street right-of-way, utility easements or drainage easements which may be required; or
 - 2.04.04.e The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a “dangerous traffic condition” shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern; or
 - 2.04.04.f City water and sewer services are not readily available to the property within the Large Scale Development and the developer has made no provision for extending such service to the development; or
 - 2.04.04.g Negative impact of the development on existing services, including utilities, streets, drainage systems or other municipal services, when taking into account density, scale of proposed development, the Comprehensive Growth Plan, the Master Street Plan, location and other qualities of the development.

ARTICLE THREE

SECTION 3.00 DESIGN STANDARDS, REGULATIONS AND REQUIRED IMPROVEMENTS FOR DEVELOPMENTS

3.01 Design Standards and Required Improvements

The proposed Large Scale Development shall meet the following regulations and required improvements. Also, it shall meet the State Health Department requirements. Unless specified, the following standards, regulations and required improvements apply to all developments.

- 3.01.01 Storm drainage design must meet the Minimum Drainage Requirements as defined by city ordinance. An engineer's certification calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record before a Certificate of Occupancy is issued.
- 3.01.02 Developments within a flood plain or floodway must meet all FEMA requirements for new construction in flood plains or floodways.
- 3.01.03 Where applicable, verify impact of development with the Airport Zoning and Hazard Map. Notification of the FAA may be necessary prior to construction.
- 3.01.04 Developments will require the approval of the Planning Commission and all affected service providers.
- 3.01.05 Proposed buildings must meet the setback requirements of the Zoning Ordinance.
- 3.01.06 Parking must meet the requirements of the Zoning Ordinance and must be paved. Handicap spaces provided must meet local, state and ADA requirements, including truncated domes at all handicap ramps.
- 3.01.07 Proposed streets or drives connecting to public streets must meet the requirements of the City and/or Arkansas Highway and Transportation Department.

- 3.01.08 Proposed signage must meet the requirements specified in the City Zoning Ordinance. A supplemental permit is required for any signage.
- 3.01.09 Proposed connections to City water or sewer systems must meet the requirements of the City Water and Sewer Department.
- 3.01.10 Proposed trash dumpster locations must be enclosed with a six (6) foot high vision-blocking screen on all four (4) sides.
- 3.01.11 Sidewalks shall be installed along both sides of all streets in all subdivisions and along one or both sides of the streets, as applicable, in all other developments requiring Large Scale Development Plan approval. All sidewalks will be constructed to the following specifications:
 - 3.01.11.a Sidewalks shall be located a minimum of three (3) feet behind the back of curb or up to five (5) feet from the back of curb. New sidewalks must align and be flush with existing sidewalks on adjacent properties.
 - 3.01.11.b Handicapped curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways and street intersections. All ramps must include truncated domes.
 - 3.01.11.c Sidewalks shall be constructed on a compacted subgrade which is free from dust pockets, ruts and other defects.
 - 3.01.11.d Sidewalks shall be constructed of Portland cement concrete with a minimum twenty-eight (28) day compressive strength of three thousand (3,000) pounds per square inch.
 - 3.01.11.e Sidewalks shall be constructed with a minimum traverse slope of one-fourth (1/4) inch per foot.
 - 3.01.11.f Sidewalks shall be forty-eight (48) inches wide on local streets and sixty (60) inches wide on arterial streets.
 - 3.01.11.g The concrete shall be four (4) inches thick. The Planning Authority or Street Authority may require four (4) inch base if the subgrade is not compacted.
 - 3.01.11.h Expansion joints shall be twenty-five (25) feet apart.

- 3.01.11.i Transverse joints between expansion joints shall be scored at five (5) foot intervals.
- 3.01.11.j Sidewalks shall be finished with a wood float to a smooth and even surface.
- 3.01.11.k Sidewalk subgrade shall be inspected and approved by the Street Authority prior to pouring the sidewalk.
- 3.01.11.l The Planning Authority Office or Street Authority Office shall have the discretion and authority to grant exceptions in order to accomplish reasonable continuity in sidewalks.
- 3.01.11.m The property owner shall be responsible for repair and maintenance of the sidewalk and this requirement shall be included in the protective covenants and on the face of the plat.
- 3.01.11.n In existing subdivisions that are covered by this ordinance, the developer shall submit sidewalk locations to the City Planner. The developer and the City Planner shall make the final decision on the location of sidewalks.
- 3.01.11.o In new subdivisions, sidewalks shall be laid out by the developer on the plat and presented to the Planning Commission for approval. The developer will have the flexibility to choose where the sidewalks will be located and to design his sidewalk system based on the terrain, necessity, functional utility, etc. Final sidewalk locations cannot be changed without approval of the Planning Commission.
- 3.01.11.p If there is a strip between the sidewalk and the curb, it shall be set in grass and be graded flush with the sidewalk and the curb.
- 3.01.11.q Shade trees must be provided if a grass strip eight (8) feet wide or greater exists between the sidewalk and the curb. Trees shall be set in rows in the center of the strip.
- 3.01.11.r In residential subdivisions the sidewalks will be installed by the developer.
- 3.01.11.s In the event that the sidewalk is not installed or a letter of credit posted per the Large Scale Development Plan as required above, the record owner of the land shall be

subject to a fine not to exceed two hundred fifty dollars (\$250.00) each day that the violation exists. In addition, the city shall have the right to install the sidewalks and charge the cost to the owner by placing a lien on the land.

3.01.12 A percentage of the total land area will be devoted to landscaping. If the total land area is two (2) acres or less, twenty (20) percent of the total land area will be required for landscape areas. If the total land area is more than two (2) acres, fifteen (15) percent of the total land area will be required for landscape areas. One-half (1/2) of the required landscape area will be located on the street side(s) or public approach side(s) of the development.

3.01.13 Drainage detention basins, if solid sodded, can be included as a portion of the required landscape areas up to a maximum of five (5) percent of the required landscape area. Public street and highway right-of-way may not be included as part of the required landscape area.

3.01.14 Criteria for Plant Materials

3.01.14.a At least one (1) new tree or shrub meeting the plant criteria herein must be provided for each one thousand (1,000) square feet of the total land area for developments up to two (2) acres. At least one (1) new tree or shrub must be provided for each two thousand (2,000) square feet of the total land area for developments over two (2) acres.

3.01.14.b New plants may be selected from the Recommended Plants List provided by the Planning Authority Office. Plants should be selected for hardiness in local zones. Plants should be arranged to facilitate growth and avoid damage by development.

Deciduous ornamental trees must be balled-and-burlaped, one and one-half (1 ½) inch caliper, minimum. Deciduous shade trees must be ball-and-burlaped, two and one-half (2 ½) inch caliper by six (6) feet tall, minimum. Shrubs are to be five (5) gallon size, minimum.

Perennials from the Recommended Plants List qualify as a plant selection to meet minimum requirements in the ratio of twenty-to-one (20:1). Twenty perennials, six (6) inch

pot size, equals one tree or shrub. Perennials qualify as plant selections to a maximum of twenty-five percent (25%) of the required number of plants.

- 3.01.14.c Credit to the plant requirement will be considered for existing trees provided they are of a desirable type, are healthy specimens, they contribute to the compatibility of the development and they are not threatened by the construction or placement of the proposed development. Qualification or placement of the proposed plant material must be verified with the Planning Authority Office.
- 3.01.15 Landscape buffer zones, screening fences or walls will be required where non-residential zones abut residential zones. Landscape buffer zones, screening fences or screening walls may also be required where zones R-MF (Multi-family), R-MHC (Manufactured Home Community) and R-O (Residential Office) abut low density residential zones R-E (Residential Estate) and R-SF (Residential Single-family). The width of the required buffer should be verified with the Planning Authority Office.
- 3.01.16 Developer may be required to upgrade existing city streets bordering the property. Street improvements must meet city standards. Additional right-of-way, if required, must be dedicated to the city in accordance with the City Street Master Plan. Verification of this requirement should be coordinated with the Planning Authority Office.

3.02 Development Conformity

The approved Large Scale Development Plan must be put into effect before the Certificate of Occupancy is issued. The plan is considered as having been put into effect for this purpose if the following have been done:

- 3.02.01 compliance with the fire code;
- 3.02.02 compliance with the NFPA 101, Life Safety Code;
- 3.02.03 compliance with the Building Code

- 3.02.04 completion of all inspections of electrical, plumbing, mechanical and building drainage systems, the final building inspection, the fire and life safety inspections, and;
- 3.02.05 completion of installation of signs and completion of parking requirements, all parking and loading areas, driveways, streets, curbs, open spaces, water and sewer lines and any other improvements that have been fully installed and completed with a three (3) year landscape replacement guarantee to the Planning Authority and;
- 3.02.06 the developer submits a certification by a registered professional engineer of compliance with the requirements of the Rogers Drainage Code and FEMA requirements as adopted by the City, and;
- 3.02.07 the developer has constructed all improvements required or has posted a letter of credit for completion of elements of the Large Scale Development Plan which are not required to be completed prior to issuance of a Certificate of Occupancy.

3.03 Nonresidential Trailers

- 3.03.01 The Planning Commission may issue permits for the placement of nonresidential trailers as defined in Article One.
- 3.03.02 The Planning Commission may develop rules and regulations for the placement of nonresidential trailer. Factors that the Planning Commission may take into account in developing such rules and regulations are:
 - 3.03.02a Proposed use of the nonresidential trailer
 - 3.03.02b Location of the nonresidential trailer
 - 3.03.02c Length of period of placement of the nonresidential trailer
 - 3.03.02d Frequency of the use of the nonresidential trailer
 - 3.03.02e The Planning Commission may revoke a permit for noncompliance with the requirements of the section and noncompliance with federal, state or city law, ordinance or regulation. The permit may be

revoked for a use that varies from the stated purpose and use set forth in the permittee's application.

3.04 Enforcement

- 3.04.01 No building permit for development subject to the requirements of the Large Scale Development Plan Code shall be issued until the Large Scale Development Plan has been approved. A building permit shall not be issued if application for issuance of a building permit is made more than six (6) months from the date of approval of the Plan.

- 3.04.02 All improvements shown on the approved Large Scale Development Plan must be completed within six (6) months after the Certificate of Occupancy is issued.

- 3.04.03 Any revisions or changes in a submitted and accepted Large Scale Development Plan will require submission for approval.

- 3.04.04 Failure of any developer to comply with the requirements of the Large Scale Development Plan, or to implement the Large Scale Development Plan by completing and installing all improvements and landscape planting as shown on the approved Large Scale Development Plan within six (6) months after the issuance of the Certificate of Occupancy shall be cause for revocation of the Certificate of Occupancy.

- 3.04.05 It shall be unlawful for any person, firm or corporation to occupy the improvements made pursuant to the approved Large Scale Development Plan without first obtaining a Certificate of Occupancy. Failure to obtain a Certificate of Occupancy shall be a misdemeanor punishable by a fine not to exceed two hundred fifty dollars (\$250.00) per day that said violation exists.