ARTICLE 6

SITE PLAN REVIEW

SECTION 601 PURPOSE AND JURISDICTION

A. It is the purpose of this Article to specify improvements requiring Site Plan review and approval under this Ordinance prior to commencement and implementation of said improvement, as well as to identify the standards and data requirements necessary in the preparation of a Site Plan to be submitted for review and approval. The intent of this Article and Site Plan review and approval process and procedure is to coordinate and apply the provisions of this Ordinance to develop the City in an orderly fashion to protect the public health, safety and welfare of the citizens, residents and businesses of the community.

B. Unless otherwise specifically addressed, the Planning Commission shall have the authority to review, approve, approve with conditions, or deny a preliminary and final Site Plan as required by this Ordinance.

C. Prior to issuance of a zoning permit, building permit or commencement of earth moving or construction for any of the following, Site Plan review and approval is required:

1. In residential districts, all non-residential uses or uses permitted by-right that are determined to have a greater impact to traffic, noise and dust than a single-family residence, such as, but not limited to churches, adult foster care, home based business, etc.

2. Proposed single-family residential development consisting of more than one (1) lot or parcel where road frontage and access is to be provided by a proposed shared drive, service road, private or public road.

3. Multiple-family structure(s) consisting of three (3) or more units.

4. Any use, structure or addition in a non-residential zoning district greater than two hundred (200) square feet in area. Multiple use areas, structures or additions shall not exceed twelve hundred (1,200) square feet over a period of five (5) years unless a Site Plan review is conducted and approval granted by the Planning Commission.

5. Any use requiring more than five (5) parking spaces.

6. All uses requiring Special Land Use review and approval. Pursuant to Section 702, Preliminary Site Plan review and approval is required by the Planning Commission and City Council for a Special Land Use. Following approval of

the Special Land Use and Preliminary Site Plan, the proposed use must receive Final Site Plan review and approval by the Planning Commission.

7. A Manufactured Housing Community.

8. Development petitioned as a Planned Unit Development.

9. For any conversion or expansion of a nonconforming use to either a conforming use or another proposed nonconforming use.

10. All site condo and condominium subdivisions developed pursuant to the Condominium Act (MCLA 559.101 et. Seq.).

D. The Zoning Administrator shall not issue a zoning permit for commencement of a use for any of the above structures or uses until a Final Site Plan has been approved and is in effect. No grading, removal of vegetation, cut, fill or excavation, or installation of infrastructure shall be commenced until a Final Site Plan has been approved and is in effect, unless otherwise provided by this Ordinance.

SECTION 602 SITE PLAN REVIEW COORDINATION

Prior to approving a Site Plan submitted under this Article, the Planning Commission may obtain, where applicable, the review and recommendation of the Shiawassee County Drain Commissioner, Shiawassee County Health Department, Michigan Department of Environmental Quality, and any other appropriate technical reviews as deemed appropriate by the Zoning Administrator and/or Planning Commission.

SECTION 603 SITE PLAN REVIEW APPLICATION

A. An application for Preliminary Site Plan, Preliminary & Final Site Plan, or Final Site Plan may be filed with the City to commence the Site Plan review process.

1. An applicant may file for Final Site Plan review and approval without filing for Preliminary Site Plan review and approval.

2. The Planning Commission shall have the authority to require submittal of a Preliminary Site Plan separate from a Final Site Plan where, in its opinion, the complexity and/or size of the proposed development so warrants.

3. A preliminary and final site plan shall not be combined for any development consisting of three (3) or more phases.

B. Any person with a legal interest in a property may apply for Site Plan review and approval. All site plans shall be submitted to the Zoning Administrator and must contain the following to be accepted for review by the Planning Commission:

1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.

2. Payment of review fees as adopted and published by the City Council.

3. Ten (10) copies of the Site Plan drawing(s). Additional copies may be requested by the Zoning Administrator as necessary to submit to other agencies as set forth in Section 415.

4. All items as required by Section 604. If information is noted as required under this Section and it is determined by the applicant to not be applicable, the applicant shall provide such determination in writing and provide explanation as to the applicability of the information.

B. Upon receipt of an application for Site Plan review and approval, the Zoning Administrator and/or their assigns shall review the application for completeness. Upon determination of a complete application, the Zoning Administrator shall place the application on the next available Planning Commission meeting agenda for review. The application must be submitted no less than twenty-one (21) days before the next available Planning Commission meeting to be considered for placement on the agenda.

C. Upon scheduling of a Site Plan for review and approval, the Clerk shall provide public notice under Section 306.A.1 & 2.

D. By submittal of an application for Site Plan review and approval, the applicant grants permission to the Zoning Administrator and/or assigns and members of the Planning Commission the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

SECTION 604 PRELIMINARY SITE PLAN

A. A Preliminary Site Plan submitted for review and approval shall contain in proper form all of the following data prior to its submission to the Planning Commission for review.

1. A Site Plan shall consist of drawings and plans showing all proposed and necessary improvements at a scale not greater than one (1) inch equals twenty (20) feet, nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning Commission can readily interpret the plan. Large projects requiring presentation on separate sheets within the aforementioned range of scales shall be provided with appropriate match lines.

2. Location (vicinity map) and description of site; dimensions and area.

3. Name, address, and phone number of the property owner; applicant's name, address, and phone number, and interest in property, owner's signed consent for preliminary site plan approval, if the applicant is not the owner. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, community planner or land surveyor, unless waived by the Planning Commission.

4. Scale, north arrow, dates of plan, dates of revisions.

5. Proposed structures and uses areas; location, outline, general dimensions, distances from proposed structure to property lines and other structures, number of floors, etc.

6. General topography, soil information, general grading and drainage patterns.

7. Location and size of open space, conservation or recreation areas.

8. Proposed streets/drives, general alignment, right-of-way, and easements (where applicable), surface type, construction cross-section and width.

9. Proposed parking, including dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces, number of spaces and a table showing preliminary parking calculations.

10. Table showing zoning classification of the subject property, required yards and a project description to include such information as use, number of structures, units, anticipated gross square footage, anticipated usable floor area, employees by shift and other related information to assess compliance with this Ordinance.

11. Location and size of required future transition and landscape strips, if applicable.

12. Existing building/structures and drives and existing natural and man-made features to be retained or removed.

13. Adjacent land uses and zoning, location of adjacent buildings and drives/streets within fifty (50) feet of development site boundary.

14. General description of proposed water, sanitary sewer, and storm water catchments and drainage systems, as well as general location of existing and anticipated easements.

B. The Planning Commission shall study the Preliminary Site Plan and shall approve, approve with conditions, table or reject the Preliminary Site Plan. The Planning Commission or its assigns shall advise the applicant in writing of its actions on a Preliminary Site Plan.

C. Approval of a Preliminary Site Plan by the Planning Commission shall indicate its acceptance of the general character of the proposed development and of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas.

1. The Planning Commission may, at its discretion, and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and land balancing on the basis of an approved Preliminary Site Plan.

2. The conditions to be attached to such an authorization shall include, but are not limited to, provisions for control of soil erosion and sedimentation, written exemption to the City from any liability if a Final Site Plan is not approved, and the furnishing of surety for restoration of the site if work does not proceed to completion.

D. Approval of a Preliminary Site Plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a Final Site Plan for all or part of the area included in the approved Preliminary Site Plan is filed within that time period.

1. If a Final Site Plan is submitted for only a part of the area included in the approved Preliminary Site Plan, successive Final Site Plans shall be filed no later than two (2) years from the date of approval of the previously approved Final Site Plan.

2. If such period is exceeded, the Zoning Administrator shall place the issue as an item on the next available meeting of the Planning Commission. The Zoning Administrator and/or assigns shall review with the Planning Commission the changed conditions in the area and possible revisions to the Ordinance since initial approval. The Planning Commission may extend the expiration period if good cause can be shown for the delay, or may allow for the Preliminary Site Plan to expire necessitating a new application for Preliminary Site Plan in compliance with changed conditions and current Ordinance.

SECTION 605 FINAL SITE PLAN

A. A Final Site Plan submitted for review and approval shall contain in proper form all of the following data prior to its submission to the Planning Commission for review.

1. Information as required under Section 604.A.1-4.

2. Legal description of site, property dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.

3. Existing topography (contour interval of two (2) feet) and all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands. A clear indication of all natural features to remain and to be removed shall be provided. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of twelve (12) inches in diameter or larger and individual evergreen trees ten (10) feet in height or greater are to be accurately located on the plan.

4. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.

5. Owner, use, and zoning classification of adjacent properties and location and outline of buildings, drives, parking lots, other improvements on adjacent properties within fifty (50) feet of development site boundary.

6. Name of existing streets, on or adjacent to the site, and associated rights-of-way and/or easements.

7. Table showing zoning classification of the subject property, required yards and a project description to include such information as use, number of structures, units, anticipated gross square footage, anticipated usable floor area, employees by shift and other related information to assess compliance with this Ordinance.

8. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.

9. Location and exterior dimensions of all proposed buildings and structures and their location to be referenced to property lines or to a common base point. Distances between buildings, building height in feet, number of stories, finished floor elevations and contact grade elevations shall also be shown.

10. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.

11. Storm water management plan in compliance with municipal standards as established by the City.

12. Location and alignment of all proposed streets and drives and their rights-of-way (where applicable) are to shown. The site plan shall also clearly indicate surface type and width with a typical cross section of same showing surface, base, and sub-base materials, dimensions, and slope. The location and typical details of curbing and turning lanes (where applicable) with details, including location, width, surface elevations and grades of all entries and exits and curve-radii shall be provided.

13. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the Final Site Plan by the Planning Commission.

14. Location and dimensions of proposed parking lots and spaces, including number of spaces in each lot, orientation and angle, barrier free spaces, aisle ways, drainage pattern of parking lot, and typical cross-section showing surface, base, and sub-base materials.

15. Location, width, and surface of proposed sidewalks and pedestrian ways meeting municipal standards.

16. Location, use, size and proposed open space, conservation areas and recreation areas and maintenance provisions for such areas.

17. Location and type of proposed screens and fences, including height, typical elevation and vertical section of screens showing materials and dimensions.

18. Location of proposed outdoor trash container enclosures, including their size, typical elevation, description of trash hauler approach and vertical section of enclosure showing materials and dimensions.

19. Location, type, size, area, height, and sketch of proposed signs. Note that a separate permit is necessary for erection of sign.

20. Landscaping plan in compliance with Article 12.

21. Location and dimensions of proposed retaining walls, including typical vertical sections.

22. Location, type, direction, and intensity of outside lighting.

23. Additional Requirements for Residential Developments.

    a. Density calculations by type of unit by bedroom counts.

    b. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units.

    c. Amount and location of recreation spaces, including proposed recreational facilities, community building and other accessory uses, such as swimming pools, clubhouses, etc.

    d. Typical building facades and elevations.

24. Additional Requirements for Non-Residential Developments.

    a. Total and usable floor area.

    b. Loading/unloading areas.

    c. Number of employees at peak usage.

    d. Typical building facades and elevations.

B. The Planning Commission shall study the Final Site Plan and shall approve, conditionally approve, table, or reject the Final Site Plan. The Planning Commission may specify reasonable conditions, changes, or modifications to the Final Site Plan as needed to maintain compliance with the Ordinance and to meet the Standards for Review outlined in Section 606.

C. Following Planning Commission approval or conditional approval of the Final Site Plan, a revised Final Site Plan including all necessary revisions as required or conditioned by the Planning Commission shall be provided to the Zoning Administrator for compliance review.

1. Upon determination of compliance of the Final Site Plan with the Planning Commission's approval or conditional approval, two (2) copies of the Final Site Plan, with any conditions contained within, shall be maintained as part of

the City records for future compliance review and enforcement. One (1) copy shall be returned to the applicant.

2. Each copy shall be signed and dated with the date of approval by the Zoning Administrator to substantiate the identification of the approved Final Site Plan.

3. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the City records as a part of the Final Site Plan.

D. Approval of a Final Site Plan authorizes issuance of zoning and building permits, provided all other requirements for issuance of either permit have been met. In the case of uses without buildings or structures, approval of a Final Site Plan authorizes issuance of a zoning permit.

E. The approval of the Final Site Plan shall expire and be of no effect unless a use is commenced and/or a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the Final Site Plan. Approval of a Final Site Plan shall expire and be of no effect two hundred seventy (270) days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved Final Site Plan.

SECTION 606 STANDARDS FOR REVIEW

A. In reviewing either a Preliminary or Final Site Plan, the Planning Commission shall consider certain standards in its review and approval of the application. These standards as outlined below are provided with the same basic intent of the Ordinance as a whole in order to protect the public health, safety and welfare of the community.

1. That all required information has been provided.

2. That the proposed development conforms to all regulations of the Ordinance for the district in which it is located and to the Master Plan.

3. That the Site Plan, including all engineering drawings, meets specifications for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services as determined by the City or other agency with competent jurisdiction.

4. That the applicant may legally apply for the Site Plan review and approval.

5. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient. That parking layout will not adversely affect the flow of traffic within the site or to

and from the adjacent streets. Vehicular movement and traffic patterns shall conform to applicable fire safety and emergency vehicle access requirements of the Authority providing such services.

6. That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area. If the Site Plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.

7. That natural resources will be preserved and that the development as proposed will not cause soil erosion or sedimentation. If the Site Plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.

8. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments. If the Site Plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.

9. That the proposed development respects natural topography and minimizes the amount of cutting and filling required. Organic, wet, or other soils that are not suitable for development are to be left undisturbed, or engineered to be utilized in an acceptable manner meeting the intent of this Ordinance.

10. That the proposed development properly respects flood ways and flood plains on or in the vicinity of the subject property.

11. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. Site Plans shall conform to the published storm water standards of the Shiawassee County Drain Commission and shall conform to the Shiawassee County Soil Erosion and Sedimentation Control Ordinance.

12. Loading, unloading areas and trash receptacles shall be adequately screened. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. The Site Plan shall provide reasonable privacy for all dwelling units located therein or adjacent to the proposed site.

13. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

SECTION 607 COMPLIANCE WITH AND AMENDMENT TO APPROVED SITE PLAN

A. Property subject to Site Plan approval shall be developed in strict compliance with the approved Final Site Plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform to the approved Final Site Plan, the owner shall be cited with a violation of the Ordinance under Section 307 and a cease and desist order petitioned from a Court of competent jurisdiction.

B. No changes shall be made to an approved Final Site Plan prior to, during or after construction except upon mutual agreement between the applicant and the City and by application to the Zoning Administrator according to the following procedures:

1. Minor changes to an approved Final Site Plan involving changes in the location of buildings and structures within five (5) feet of location identified on the Site Plan, adjustment of utility location, walkways, traffic ways, parking areas, and similar minor changes may be approved by the Zoning Administrator provided they would not otherwise violate a requirement of this Ordinance or require a variance from the Board of Appeals.

   a. The Zoning Administrator shall advise the Planning Commission in a written communication the rationale for permitting the minor change and file such written communication with the approved site plan.

   b. The Zoning Administrator may, at their discretion, require that a proposal under this Section be reviewed as a Site Plan by the Planning Commission. Such reasoning shall be adequately documented to the applicant.

2. Major changes or amendments to an approved Final Site Plan involving movement of building or structure more than five (5) feet, change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, an increase in the gross floor area or heights of buildings, a reduction in the open space, or similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted and reviewed.

SECTION 608 PERFORMANCE GUARANTEE

A. In approving a Final Site Plan the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the applicant and/or property owner to ensure compliance with an approved Final Site Plan. Such guarantee shall be deposited with the City Clerk prior to issuance of any zoning or building permits.

B. In fixing the amount of such performance guarantee, the Planning Commission shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the community. Items included under the performance guarantee include, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee, or some other form of surety, is required pursuant to State law.