



LINCOLN PARK PLANNING COMMISSION

April 8, 2020 at 7 p.m.

REMOTE MEETING VIA ZOOM

Call: 1 646 558 8656

Meeting ID: 713 583 529

Participant ID is #

AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Previous Minutes**
- IV. **Approval of Agenda**
- V. **Old Business**
- VI. **New Business**
- VII. **Policy Review and Discussion**
 - A. §1296.01, Site Plan Review
- VIII. **Education and Training**
 - A. Site Plan Review Training: April 21, 2020 – moved to Zoom
- IX. **Reports from Department and Other Boards and Commissions**
- X. **Public Comments**
- XI. **Comments from Planning Commissioners**
- XII. **Adjournment**

The City of Lincoln Park will provide necessary reasonable auxiliary aides and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park MI 48146; 313-386-1800 ext. 1296

City of Lincoln Park Planning and Development
First Zoom Planning Commission Meeting

April 3, 2020

The Lincoln Park Planning Commission will hold its first remotely-conducted Planning Commission meeting on Wednesday, April 8. In keeping with Governor Whitmer's Executive Order 2020-15, this and all future meetings will be held in a manner which permits two-way communication between the public body and the general public. This meeting is the first in the City to be conducted in such a manner and will strive to meet both the spirit and the letter of the Order; patience and forbearance with these new processes are kindly requested.

- Audio observance of the Planning Commission meeting is available by calling +1 646 558 8656 and enter the meeting ID (the meeting ID is 713 583 529 and the Participant ID is #). Those calling in will be able to hear the audio of the Planning Commission meeting, and their microphone will be muted. (Please note, that for a brief period of time, when calling in, the caller's full telephone number may be visible for those using the Zoom platform. We will endeavor to manually, yet as quickly as possible, alter what is visible to just the last four digits of the caller's telephone number.)
- These meetings may be streamed at the City's regular YouTube page, or at a link which is provided on the meeting agenda. The stream may lag the meeting by as much as 20 seconds. Streaming may not be available for each meeting, but the audio observance will be.
- Chair Kevin Kissell will call the meeting to order and then the Planning Consultant will be facilitating the meeting and will call on individual members of the Planning Commission and staff participants to speak who "virtually raise their hand," which will occur through the Zoom platform
- Callers wishing to give public comment may call in before the meeting starts and wait in a "virtual waiting room." When the Commission accepts public comment, in the order calls were received, the Planning Consultant will identify the caller by the last four digits of their telephone number and ask them if they would like to make a comment.
- The agenda of future meetings may be reordered to take public comment at the beginning of the meeting.

**CITY OF LINCOLN PARK
COUNTY OF WAYNE, STATE OF MICHIGAN
PLANNING COMMISSION MEETING OF FEBRUARY 12, 2020**

A Planning Commission meeting of March 11, 2020, Lincoln Park City Hall, 1355 Southfield Road, Lincoln Park, Michigan was called to order at 7:00 p.m. by Mr. Kissel, Commencing with the Pledge of Allegiance.

PRESENT: Palmer, Horvath, Graczyk, Persinger, Kelsey, Kissel, LoDuca

ABSENT:

EXCUSED:

ALSO PRESENT: Leah DuMouchel, John Meyers, Lylia Ross

APPROVAL OF MINUTES

a. February 12, 2020

Motion by Kelsey to approve minutes, support by Palmer

MOTION CARRIED

APPROVAL OF AGENDA

Approve agenda as submitted

OLD BUSINESS:

None

NEW BUSINESS

A. **PUBLIC HEARING:** Screening Wall Alternatives -Ordinance Amendment

Development review staff have noted that the cost of implementing the solid masonry wall requirement has been cited by potential applicants in several instances as the primary factor in choosing not to proceed with a development proposal. It is also frequently challenging to implement on smaller sites; in no recent case have all three protective measures (wall, greenbelt, and landscape screen) been implemented.

Discussion to remove the Ornamental language from the proposed amendment.

Motion by Kelsey to recommend approval to amend Section 1294.28 of the Lincoln Park Zoning Code to permit specific substitutions for the requirement of a masonry wall to screen commercial and industrial properties from abutting residential zones, namely decorative recycled rubber soundproofing material such as Eco-Wall and 15-foot greenbelt planted with 1 five-foot evergreen for every 8 lineal feet of boundary, support by Loduca

MOTION CARRIED

POLICY REVIEW AND DISCUSSION

A. **WASTE MANAGEMENT –** Ordinance Amendment

The Zoning Ordinance should have a clear requirement for trash management so that developers

know what is expected and so that the City has legal justification for any requirements.

Discussion

No action taken

EDUCATION AND TRAINING

A. Site Plan Review Training: April 21, 2020 – Tuesday 5:30pm – 8:30pm

The location for the training will be at the Community Policing Building

REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONS

None

PUBLIC COMMENTS

None

COMMENTS FROM PLANNING COMMISSIONERS

Gerald inquired about the former Chase bank progress, work in process.

Party store on Fort by BC pizza, renovation drawings submitted, operating without a C of O

Southfield & Lafayette, near smoke shop. Produce store operating with no Certificate of Occupancy

Emmons Shopping Center, the plaza is selling commercial space, but the property does not meet the commercial code, the property changed owner but not use.

Kissell, inquired about Sears, John Meyer gave a brief overview of the requirements for a retention pond from the County.

ADJOURNMENT

Moved by Persinger to adjourn, support by Kelsey

MOTION CARRIED

Meeting adjourned at 8:30 PM

MICHAEL HORVATH, Secretary

City of Lincoln Park Planning and Development Best Practices Review: Site Plan Review

April 3, 2020

Section 1296.01 of the City of Lincoln Park Zoning Ordinance outlines the City's site plan review standards, criteria, processes, and requirements. The section is quite long at 15 pages, and it is somewhat tedious to follow. Redevelopment Ready Communities (RRC) outlines recommendations for the development review process – "Community leaders should look to simplify and clarify policies, operate in a transparent manner and increase efficiency to create an inviting development climate that is vital to attracting investment."¹ Evaluation Criteria 3.1.1 states that the Zoning Ordinance needs to articulate a thorough site plan review process. Furthermore, the American Planning Association emphasizes the importance of having specific and clear guidelines for both regulators and developers.² Therefore, the City of Lincoln Park is due to simplify and clarify its site plan review standards in the Zoning Ordinance in order to be more concise and transparent.

REVIEW OF OTHER ORDINANCES

Upon review of three zoning ordinances (City of Dearborn, City of Albion, Acme Township), the sections listed below are typical in terms of general organizational content of site plan review requirements.

1. Intent and purpose
2. Identifying when site plan review is or is not required
3. Standards for site plan approval
4. Required application and site plan information
5. Review process and procedure
6. Administrative items such as amendments, appeals, and expiration

The City of Dearborn is an RRC-Best-Practice-identified zoning ordinance due to its "clear and uncomplicated" site plan review process. The City of Albion recently adopted its updated zoning ordinance in November of 2019, and its site plan review process is clear with accompanying tables and concise language describing the requirements and processes. The Acme Township Zoning Ordinance is a Beckett & Raeder, Inc. draft in process that has been written in compliance with all RRC best practice guidelines. Therefore, the combination of these three zoning ordinances provides an excellent guide for reformatting the City of Lincoln Park's site plan review standards.

¹ Redevelopment Ready Communities. "Best Practices." Michigan Economic Development Corporation.

<https://www.miplace.org/4a14ea/globalassets/documents/rrc/rrc-best-practices.pdf>. P. 10.

² American Planning Association. "Site Plan Review." PAS QuickNotes. July 2007. <https://planning-org-uploaded-media.s3.amazonaws.com/document/PASQuickNotes10.pdf>.

RECOMMENDATION

Based on the review of other ordinances combined with the currently length and lack of clarity in the existing Site Plan Review section of the City of Lincoln Park Zoning Ordinance, it is recommended to reorganize §1296.01 into the following sections:

- A. Purpose and Intent
- B. General Requirements
- C. Standards for Site Plan Approval
- D. Site Plan Application Requirements
- E. Application Submission Procedures
- F. Approval, Conditions and Denial
- G. Record of Actions
- H. Expiration, Revocation, and Reapplication
- I. Amendments and Modifications
- J. Fees and Performance Guarantees

The table below summarizes the content of the above-listed sections for all three example ordinances. The strong sections, identified in **blue text**, of each ordinance may be used as a guide for revisions to §1296.01 of the City of Lincoln Park’s Zoning Ordinance.

Section	City of Dearborn	City of Albion	Acme Township
<i>Purpose & Intent</i>	One sentence – short and concise.	Paragraph describing general purpose of site plan review.	Short paragraph that also clarifies who has final approval (Township Board on SUPs and PUDs, Planning Commission for all other site plans).
<i>General Requirements</i>	Clearly identifies when site plan review is required (7 listed items) and when it is not (4 listed items).	Table that lists type of use and type of review that it requires – very clear. Section 5.4 clearly distinguishes between a minor and major project but would make more sense organizationally if it were with the table that identifies the use and type of review it requires.	Clearly identifies when site plan review is required (5 listed items) and when it is not (5 listed items).
<i>Standards for Site Plan Approval</i>	All three ordinances have very similar, if not identical, language and standards.		

Section	City of Dearborn	City of Albion	Acme Township
<i>Site Plan Application Requirements</i>	List of requirements with the following categories: application form, descriptive and identification data; site data; building and structure details; information concerning utilities, drainage, and related issues; information concerning residential development; and additional information. The content is detailed and accurate, though it would be less overwhelming in table format rather than a long list of items.	Table of application and site plan requirements. The table is easy to read, but the requirements are more general – it is not a detailed list, which may not be abundantly clear to developers in terms of what exactly they need to provide on the application and site plan.	Very clear table with required item’s description and whether it should be part of the narrative or site plan.
<i>Application Submission Procedures</i>	Clearly lists the four items that must be submitted including number of copies, fees, and proof of other department review.	Describes steps to the process: pre-application conference, submission requirements (includes number of copies required and fees), review for completeness by zoning administrator, distribution to other departments or agencies, representation at scheduled review, preliminary site plan review, final site plan review. Detailed information, but too long.	Describes steps to the process: pre-application conference, conceptual review, completeness review, technical review.

Section	City of Dearborn	City of Albion	Acme Township
<i>Approval, Conditions & Denial,</i>	Lists and defines the four possible results: approval, approval with conditions, denial, and tabling.	Within the procedures section, there is a list of possible planning commission actions: approval, approval with conditions, and denial.	Has a section describing administrative review and what types of projects qualify for administrative review. The Planning Commission reviews all other site plans. There are three possible results: approval, approval with conditions, and denial.
<i>Record of Actions</i>	Concise, 1-paragraph description of how the City must maintain records of site plan review.	Section 5.8 states that the Planning Department must prepare a report for every submitted site plan.	Concise list of what the Township must maintain: minutes, findings of fact, final site plans, and development agreement.
<i>Expiration, Revocation, & Reapplication</i>	All included in one paragraph called "Revocation."	Section 5.11 describes the circumstances under which an expiration would occur.	Short and clear paragraph for each of the three options: expiration, revocation, & reapplication.
<i>Amendments & Modifications</i>	Defines what a "minor modification" is and the process for pursuing one.	Describes what a minor amendment is and what acceptable minor amendments are.	Clearly defines the procedure for insignificant deviations, minor amendments and major amendments.
<i>Fees & Performance Guarantees</i>	Fee is mentioned in application requirement, but performance guarantees are referenced in the special land use and PUD chapters specifically, not the site plan review section.	No mention of performance guarantees, though a fee is required for the site plan application.	One sentence indicating that fees and performance guarantees are associated with the site plan review process.

ARTICLE 32.00 - GENERAL PROCEDURES AND RELATED STANDARDS

Sec. 32.01. - Purpose.

It is the purpose of this Article to provide procedures and related standards for the review and regulation of land uses and uses of structures within the City.

(Ord. No. 93-553, § 32.01, 2-2-1993)

Sec. 32.02. - Site plan review procedures and standards.

A. Site plan review.

1. **Site plan required.** Except as provided in subsection (2), the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations, and all other building or development activities shall require site plan approval prior to construction and/or occupancy pursuant to this Article. The city plan commission shall have jurisdiction regarding site plans for use of land for Multiple Family Development, Cluster Residential Development, and in the OS, Business-Office District. All other land uses and zoning districts where site plans are required shall be submitted for review and approval to the city planner. For example, site plan review is required for any of the following activities:

(a) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family dwelling.

(b) Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as a single-family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single-family dwellings.

(c) Development of nonsingle-family residential uses in single-family districts.

(d) Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.

(e) The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family dwelling.

(f) Any use or construction for which submission of a site plan is required by any provision of these regulations.

(g) Establishment of any regulated use.

2. **Site plan not required.** Notwithstanding the preceding subsection (1), site plan approval is not required for the following activities.

(a) Construction, moving, relocating or structurally altering a single- or two-family home, including any customarily incidental accessory structures.

(b) Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single family uses described in this Section for which site plan approval is not required.

(c) A change in the ownership of land or a structure.

(d) A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations and that the site maintains full and continuing compliance with these regulations.

B. Site plan applications.

1. **Submission of site plan for review by Plan Commission and/or the City Planner.** In order to initiate formal review by the plan commission and/or the city planner, the applicant is required to submit the following materials to the City Planner:

(a) Three (3) completed and signed copies of an application for site plan review,

(b) Fifteen (15) individually folded copies of the site plan,

(c) Evidence that the plan has been submitted for review to affected county, state, and federal agencies, including but not limited to the Wayne County Department of Roads, Wayne County Drain Commissioner, Wayne County Health Department, and Michigan Department of Transportation, and

(d) The required review fee.

These materials must be submitted to the city planner in sufficient time to allow review by City staff and consultants prior to the plan commission workshop at which the review will occur. The city planner shall determine what is "sufficient time", based on the scope and complexity of the proposal.

2. **Distribution of plans.** Upon submission of all required application materials and following completion of all items

required by the adopted Site Plan Review Manual, the proposed site plan shall be placed on the next open Plan Commission workshop agenda. The site plan and application shall be distributed by the city planner to appropriate city officials for review. If deemed necessary by the city planner, the plans may also be submitted to the city engineer for review.

C. Review and action.

1. **Request for revisions.** Upon review of the site plan proposal, the plan commission or city planner may require the applicant to revise the plans or supply additional information. The applicant shall submit any requested information or revised plans for review prior to formal action being taken. If a traffic study is requested, it shall be prepared by the City's traffic consultant, at the applicant's expense. All review fees must be paid prior to any review. It shall be the applicant's responsibility to consult with City staff and consultants during this revision process. Action on the site plan shall remain tabled until the next regular plan commission meeting following review of a substantially complete plan at a commission workshop.

2. **Public hearing.** A site plan involving use(s) subject to special land use approval or PUD, Planned Unit Development shall require a public hearing. After payment of appropriate fees, the city planner may set the date of the public hearing for a regular or special meeting of the plan commission. No hearing may held before the plan commission has had an opportunity to review the plan at a workshop session.

3. **Submission of plans for final review.** Eighteen (18) individually folded copies of the revised plan shall be submitted for final review at least ten (10) days prior to the plan commission meeting at which review is scheduled. The revised plan shall be distributed to the appropriate reviewing parties by the city planner.

4. **Final action.** The plan commission and/or the city planner is authorized to take the following final action on a site plan, subject to guidelines in the Zoning Ordinance:

- Approval,
- Approval with conditions,
- Denial, or
- Table the site plan.

(a) **Approval.** Upon determination that a site plan is in full compliance with the standards and requirements of these regulations and other applicable City regulations and laws, approval shall be granted.

(b) **Approval with conditions.** Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. Conditions may include the requirement to obtain variances or obtain approvals from other agencies. For example, as a condition of approval, the plan commission may delegate the responsibility for final approval of engineering and other technical issues to the city engineer or other appropriate staff. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating full compliance with the required conditions.

The plan commission and/or the city planner may require that the applicant resubmit the site plan for final approval by the plan commission after conditions have been met. The plan commission may waive its right to review the revised plan, and delegate authority to the city planner to review and approve a revised site plan on the commission's behalf after required conditions have been addressed. The plan commission may require that the city planner secure a favorable recommendation from city engineer prior to final approval of the revised plan.

(c) **Denial.** Upon determination by the plan commission and/or the city planner that a site plan does not comply with the standards and regulations set forth in these regulations, or that the submittal requires extensive revision to comply with standards and regulations, approval of the site plan shall be denied.

(d) **Tabling.** Upon determination by the plan commission and/or the city planner that a site plan is not sufficiently complete for approval or rejection, or upon a request by the applicant, the plan commission may table or the city planner may delay consideration of a site plan until a later meeting and/or until the necessary information is provided by the applicant.

5. **Recording of site plan review action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the plan commission or in the files of the city plan department. The grounds for action taken upon each site plan shall also be recorded.

After the plan commission has taken final action on a site plan, the plan commission secretary shall clearly mark three (3) copies of the application and final site plans APPROVED or DENIED, as appropriate, with the date that action was taken. One (1) marked copy will be returned to the applicant and the other two (2) copies will be kept on file by the City. In the case of review and approval by the city planner, a similar procedure shall be followed.

6. Procedure after site plan approval.

(a) **Building permit.** Following final approval of the site plan by the plan commission and/or the city planner, the applicant may apply to the City for a building permit. The issuance of a building permit shall be subject to the review of construction plans by the building and safety department, and, if deemed necessary by the building official, the city engineer. It shall be the responsibility of the applicant to obtain all applicable City, county, or state permits prior to issuance of a building permit.

(b) **Approval expiration.** Site plan approval becomes null and void if substantial improvement has not commenced within twelve (12) months following the final approval of the site plan following the issuance of a building permit. In such a case, the applicant shall file a new application. Review by the plan commission and/or the city planner of the new application and site plan shall be required.

(c) **Approval extensions.** Upon written request of the applicant, prior to the expiration of a previously granted approval, the city planner may review the circumstances surrounding a failure to meet the required deadlines. The city planner may grant an extension of up to twelve (12) months to an approval, if he finds that the approved site plan continues to adequately represent current conditions on and surrounding the site and that the site plan conforms to the standards of the City regulations in effect at the time of the applicant's request for an extension.

(d) **Application for Certificate of Occupancy.** Following building construction and completion of site work, the applicant may apply to the City for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the building official in accordance with the procedures set forth in Section 32.07. It shall be the applicant's responsibility to obtain the required certificates prior to any occupancy of the property.

(e) **Site maintenance after approval.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until:

- The property is razed,
- New zoning regulations supersede the regulations upon which site plan approval was based, or
- A new site design is approved following City review.

Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the plan commission and/or the city planner according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be subject to the penalties stated in Section 32.09.

7. **Revocation.** An approved site plan may be revoked by the plan commission and/or the city planner if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the site plan shall be placed on the agenda of a plan commission meeting for a public hearing. The city planner shall cause written notice to be provided to the applicant at least ten (10) days prior to the meeting and shall publish notice of said hearing no later than five (5) days prior to the date and time. The notice shall reduce all alleged inconsistencies and violations to writing. The city planner, the building official, the applicant, and other interested persons shall be allowed to present information and testimony to the plan commission at the hearing. If the plan commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the plan commission may revoke the approval of the site plan and order the site returned to its original condition by a date certain. Failure to comply with such an order shall be deemed a violation of the use provisions of these regulations and shall be subject to the penalties stated in Section 32.09.

8. **Modification to approved plan.** A previously approved site plan may be subsequently modified, subject to the following requirements:

(a) **Review of minor modifications.** Minor modifications to an approved site plan may be reviewed and approved by the city planner, provided that the modifications do not involve any one of the following items:

- A request for a Variance,
- A special land use,
- A discretionary decision such as a PUD, Planned Unit Development Mixed Use plan, or

(1) **Minor modification defined.** Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

- An addition to an existing building that does not increase or decrease the floor space by more than twenty-five percent (25%) or three thousand (3,000) square feet, whichever is less.
- Reoccupancy of a building by a similar use permitted by these regulations.
- Changes to building height that do not add an additional floor.
- Additions or alterations to the landscape plan or landscape materials.
- Relocation or resizing utility supply lines or service connections.
- Relocation or screening of the trash receptacle.
- Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.

Construction of a new building or structure, adding or deleting parking spaces, constructing additional stories or the introduction of additional curb cuts onto a public road are examples of modifications that are not considered minor.

(2) **Determination of minor modification.** The city planner shall determine if the proposed modifications are minor in accordance with the guidelines in this Section. In order to make a determination, the city planner may solicit

comments and recommendations from the city attorney, city engineer, and public safety officials, as deemed necessary.

(b) **Modifications not deemed "minor."** In the case where a site plan was approved by the plan commission, and modifications are not deemed minor by the city planner, then review and approval of the changes by the plan commission shall be required. Plan commission review shall be required for all site plans that involve:

- A request for a variance,
- A Special Land Use,
- A discretionary decision such as a PUD, Planned Unit Development Mixed Use 32.04 plan, or,

(c) **Recording of action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the city planner. The city planner shall have the authority to require a new site plan for the purposes of clarity. The plan commission shall be advised of all minor site plan modifications approved by the city planner and such modifications shall be noted on the site plan.

D. **Required information on site plans.** The following information shall be included on all site plans, where applicable:

1. **Application form.** The application form shall contain the following information:

- (a) Applicant's name and address.
- (b) Name and address of property owner, if different from applicant.
- (c) Common description of property and complete legal description including the parcel tax identification (Sidwell) number(s).
- (d) Total gross and net acreage of the site.
- (e) Existing zoning.
- (f) Proposed use of land and name of proposed development, if applicable.
- (g) Proposed buildings to be constructed, including square feet of gross floor area.
- (h) Proof of property ownership.
- (i) Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- (j) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

2. **Descriptive and identification data.** Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one (1) inch = twenty (20) feet for property less than one (1) acre, one (1) inch = thirty (30) feet for property larger than one (1) acre but less than three (3) acres, and one (1) inch = fifty (50) feet for property larger than three (3) acres. Sheet size shall be at least twenty-four (24) inches by thirty-six (36) inches. The following descriptive and identification information shall be included on all site plans:

- (a) Applicant's name and address, and telephone number.
- (b) Title block indicating the name of the development.
- (c) Scale.
- (d) North point.
- (e) Dates of submission and revisions (month, day, year).
- (f) General location map drawn to scale with north point.
- (g) Legal and common description of property, including parcel identification (Sidwell) number(s).
- (h) The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
- (i) A schedule for completing the project, including the phasing or timing of all proposed developments, if applicable.
- (j) Identification and seal of an architect, engineer, land surveyor, licensed community planner or landscape architect who prepared plan.
- (k) Written description of proposed land use.
- (l) Zoning classification of applicant's parcel and all abutting parcels.
- (m) Proximity to driveways serving adjacent parcels.
- (n) Proximity to major thoroughfare(s).
- (o) Notation of any variances that have or must be secured.

- (p) Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth (1/10) acre.
- (q) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

3. **Site data.**

- (a) Existing lot lines, building lines, structures, parking areas, and other improvements on the site and on parcels within one hundred (100) feet of the site.
- (b) Front, side, and rear setback dimensioned from minimum location(s).
- (c) Topography on the site and within one hundred (100) feet of the site at two (2) foot contour intervals, referenced to a lake survey datum benchmark.
- (d) Proposed site plan features, including buildings, roadway widths and names, and parking areas.
- (e) Dimensions and centerline of existing and proposed roads and road rights-of-way.
- (f) Acceleration, deceleration, and passing lanes, where required.
- (g) Proposed location of driveway entrances and on-site driveways with dimensioned minimum and maximum widths.
- (h) Typical cross-section of proposed roads and driveways, if applicable.
- (i) Location of existing drainage courses and drains, open or enclosed and with elevations and/or inverts.
- (j) Location of existing or proposed underground improvements such as storage tanks, culverts, and water gates.
- (k) Location of sidewalks within the site and within the right-of-way.
- (l) Exterior lighting locations and method of shielding.
- (m) Trash receptacle locations and method of screening, if applicable.
- (n) Transformer pad location(s) and method of screening, if applicable.
- (o) Parking spaces, including delineated handicap spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
- (p) Information needed to calculate required parking in accordance with Zoning Ordinance standards.
- (q) The location of lawns and landscaped areas, including required landscaped greenbelts. The percentage of the site used for open space.
- (r) Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material. A maintenance plan for landscaping shall be stated on the plan.
- (s) Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot above grade, before and after proposed development.
- (t) Cross-section of proposed berms.
- (u) Location, description, and County Registrar of Deeds filing identification of all easements for public right-of-way, utilities, access, shared access, and drainage.
- (v) Designation of fire lanes.
- (w) Delineation of dedicated loading/unloading area.
- (x) The location of any outdoor storage of materials and the manner by which it will be screened.
- (y) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

4. **Building and structure details.**

- (a) Location, height, and outside dimensions of all proposed buildings or structures.
- (b) Indication of the number of stores and number of commercial or office units contained in the building.
- (c) Building floor plans.
- (d) Total floor area.
- (e) Proposed usable floor area.
- (f) Location, size, height, and lighting information of all proposed signs.
- (g) Proposed fences and walls, including typical cross-section and height above the ground on both sides.
- (h) Architectural elevations of building facades and walls, drawn to a scale of one-quarter (1/4) inch equals one (1) foot, or another scale approved by the city planner and adequate to determine compliance with the requirements of these regulations. Elevations of proposed buildings shall indicate type of building materials, roof design, dimensions of projections

and architectural features, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers and related screening. The city planner may permit photographs in lieu of evaluations for existing buildings where minor or no change to the facade is proposed.

- (i) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

5. Information concerning utilities, drainage, and related issues.

(a) Schematic layout of existing and proposed sanitary sewers connections; water mains, and water service leads; hydrants locations that service the site; and, the location and size or capacity of gas, electric, and telephone lines supply lines and building leads.

(b) Location and size or capacity of exterior drains, catch basins, retention/detention areas, culverts and other facilities designed to collect store, or transport storm or waste water. The point of discharge for all drains and pipes must be specified on the site plan. Compliance with City discharge standards must be noted.

(c) Indication of site grading, drainage patterns, and proposed contours.

(d) Soil erosion and sedimentation control measures.

(e) Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.

(f) Listing of types and quantities of hazardous substances and polluting materials that will be used or stored on-site at the facility in quantities greater than twenty-five (25) gallons per month.

(g) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.

(h) Location of underground storage tanks.

(i) Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.

- (j) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

6. Information concerning residential development.

(a) The number, type and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).

(b) Density calculations by type of residential unit (dwelling units per acre).

(c) Lot coverage calculations.

(d) Floor plans of typical buildings with square feet of floor area.

(e) Garage and carport locations and details, if proposed.

(f) Details of the pedestrian circulation system.

(g) Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan must indicate whether proposed roads are intended to be private or dedicated to the public.

(h) Community building location, dimensions, floor plans, and architectural elevations, if applicable.

(i) Swimming pool fencing detail, including height and type of fence, if applicable.

(j) Location and size of recreation open areas.

(k) Indication of type of recreation facilities proposed for recreation area.

- (l) Any additional information required by the Site Plan Review Manual adopted by the plan commission.

7. Additional information.

(a) **Information related to condominium development.** The following information shall be provided with all site plans that include a development involving condominium ownership:

(1) Condominium documents, including the proposed master deed, condominium by-laws, restrictive covenants, and easements or examples thereof illustrating the intent of the developer for such documents to apply to the proposed development.

(2) Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

- (b) **Items not applicable.** If any of the items listed are not applicable to a particular site, the following must be

provided on the site plan:

- (1) A statement of each item considered not applicable.
- (2) The reason(s) why each listed item is not considered applicable.

(c) **Other data that may be required.** Any additional information required by the Site Plan Review Manual adopted by the plan commission must be supplied. Other data may be required if deemed necessary by the plan commission, or city planner to determine compliance with provisions in these regulations. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

E. **Standards for site plan approval.** The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. **Adequacy of information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
2. **Site design characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining land uses, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by these regulations.
3. **Appearance.** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
4. **Compliance with district requirements.** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations, Article 29.00, unless otherwise provided in these regulations.
5. **Privacy.** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
6. **Emergency vehicle access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
7. **Ingress and egress.** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
8. **Pedestrian circulation.** The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.
9. **Vehicular and pedestrian circulation layout.** The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.
10. **Drainage.** Appropriate measures shall be taken to insure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the director of public works or the city engineer.
11. **Soil erosion and sedimentation.** The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State (MDNR) Standards and City Code of Ordinances, Sections 5-186 to 203.
12. **Exterior lighting.** Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
13. **Public services.** Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
14. **Screening.** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.
15. **Danger from hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the City to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the City shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency

response plans and capabilities of the City.

Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

16. **Health and safety concerns.** Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

17. **Sequence of development.** All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

18. **Relationship to adjacent sites.** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be reviewed with regard to any common relationship with adjacent properties.

(Ord. No. 93-553, § 32.02, 2-2-1993; Ord. No. 98-737, 9-15-1998)

Sec. 32.03. - Special use regulations.

A. **Intent.** The procedures and standards in this section are intended to provide a consistent and uniform method for review of special use proposals. Special uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district.

These review procedures and standards are intended to accomplish the following purposes:

1. Ensure full compliance with the standards contained in this Ordinance and other applicable local law and ordinances, and state and federal laws.
2. Achieve efficient use of the land.
3. Prevent adverse impact on adjoining or nearby properties.
4. Protect natural resources.
5. Facilitate development in accordance with the City's land use objectives.

B. **Procedures and requirements.** Special use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the plan commission. Although a site plan must be submitted with a Special Use Application, approval of the Special Use is required prior to site plan approval.

1. **Applicant eligibility.** The application shall be submitted by the owner of an interest in land for which Special Use Approval is sought, or by the owner's designated agent. The applicant or a designated representative should be present at all scheduled review meetings or consideration of the proposal may be tabled.

2. **Application forms and documentation.** The application for Special Use shall be made on the forms and according to the guidelines in the City's site plan checklist, provided by the building or planning department.

3. **Application data requirements.** A site plan shall be submitted with the Special Use Application. In addition, the applicant shall complete any forms and supply any other data that may be required by the plan commission, or City staff to make the determination required, herein. The applicant shall provide all necessary written or graphic materials to document compliance with the standards set forth in Section 32.03 c.(c), and other regulatory guidelines specified for particular Special Uses elsewhere in this ordinance.

4. **Site plan preparation.** The site plan shall be prepared in the manner specified in Section 32.02, the Site Plan Manual, and on the Special Use Application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.

5. **Submission of a completed plan.** The Special Use Application materials, required fees, and six (6) copies of the completed site plan shall be submitted to the building department for review.

6. **Review by the City Officials.** The city planner shall review the site plan and application materials, solicit other appropriate city officials, and prepare a written review, which shall specify any deficiencies in the site plan and application and make recommendations as appropriate.

7. **Submission of a revised plan and Special Use Application.** The applicant shall revise the site plan and application materials, based on the recommendations set forth in the city planner's review. The applicant shall then submit fifteen (15) copies of the revised plan for further review by staff and the plan commission.

8. **Plan Commission consideration.** After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:

(a) **Acceptance for processing.** The application shall be placed on the agenda of the next available scheduled plan commission meeting and a public hearing shall be scheduled.

(b) **Public hearing.** Notice of the public hearing shall be prepared by the city planner, published in a newspaper which circulates in the City, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Such notification shall be made in accordance with the provisions in Section 4a3. of the City or Village Zoning Act, Michigan Public Act 207 of 1921, as amended.

(c) **Plan Commission review.** Following the public hearing, the Special Use proposal and plan shall be reviewed by the plan commission, based on the standards and regulations in this section.

(d) **Plan revision.** If the plan commission determines that revisions are necessary to bring the Special Use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. Following submission of revised application materials, the Special Use proposal shall be placed on the agenda of the next available scheduled meeting of the plan commission for further review and possible action.

9. **Plan Commission determination.** The plan commission shall review the application for Special Use, together with the public hearing findings and reports and recommendations from the city planner, building official, city engineer, public safety officials, and other reviewing agencies. The plan commission shall then make a determination on the Special Use Application, based on the requirements and standards of this ordinance. The plan commission may approve, approve with conditions, or deny a Special Use request as follows:

(a) **Approval.** Upon determination by the plan commission that the final plan for Special Use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.

(b) **Approval with conditions.** The plan commission may impose reasonable conditions with the approval of a Special Use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:

- Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

- Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.

(c) **Denial.** Upon determination by the plan commission that a Special Use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the Special Use proposal shall be denied. Any appeal to a decision of the plan commission must be taken to the Wayne County Circuit Court.

10. **Recording of Plan Commission.** Each action taken with respect to a Special Use shall be duly recorded in the minutes of the plan commission, as appropriate. The minutes shall record the findings of fact relative to each Special Use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.

11. **Effect of approval.** Upon approval, a Special Use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located.

12. **Zoning Board of Appeals authority.** The zoning board of appeals shall not have the authority to consider an Appeal of a decision by the plan commission concerning a Special Use proposal.

13. **Application for a building permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:

(a) Final approval of the Special Use Application.

(b) Final approval of the site plan.

(c) Final approval of the engineering plans.

(c) Acquisition of all other applicable City, county, or state permits.

14. **Expiration of Special Use approval.** If construction has not commenced within twenty-four (24) months of final approval, the approval becomes null and void and a new application for Special Use shall be required. Upon written request from the applicant, a twelve-month extension may be granted by the plan commission, if the plan commission finds that the approved Special Use Application and site plan adequately represent current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for Special Use review will be required.

15. **Revocation of Special Use Approval.** Approval of a Special Use proposal and site plan may be revoked by the plan commission if construction is not in conformance with the approved plans. In such a case, the city planner shall ask that the Special Use proposal be placed on the agenda of the plan commission. Written notice shall be provided to the applicant

at least five (5) days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The plan commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

16. **Performance guarantee.** The plan commission may require that a performance guarantee be deposited with the City to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in Section 2.18.

C. **Standards for granting Special Use Approval.** Approval of a Special Use proposal shall be based on the determination that the proposed use will comply with all applicable requirements of this ordinance, including site plan review criteria set forth in Section 32.03, applicable site development standards for specific uses set forth elsewhere in this ordinance, and the following standards:

1. **Compatibility with adjacent uses.** The proposed Special Use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

(a) The location and screening of vehicular circulation and parking areas in relation to surrounding development.

(b) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

(c) The hours of operation of the proposed use. Approval of a Special Use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

(d) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

2. **Compatibility with the Master Plan.** The proposed Special Use shall be consistent with the general principles and objectives of the adopted Dearborn Master Plan.

3. **Compliance with applicable regulations.** The proposed Special Use shall be in compliance with all applicable federal, state, and local laws and ordinances.

4. **Use of adjacent property.** The Special Use shall not interfere with the use and will not adversely affect adjacent property.

5. **Public services.** The proposed Special Use shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the Special Use is completed.

6. **Impact of traffic.** The location of the proposed Special Use within the zoning district shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

(a) Proximity and access to major thoroughfares.

(b) Estimated traffic generated by the proposed use.

(c) Proximity and relation to intersections.

(d) Adequacy of driver sight distances.

(e) Location of and access to off-street parking.

(f) Required vehicular turning movements.

(g) Provision of pedestrian traffic.

(h) If it is determined to be necessary by the plan commission that a detailed traffic study is needed, the cost shall be borne by the applicant.

7. **Enhancement of surrounding environment.** The proposed Special Use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

(a) The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this ordinance may be required as a condition of approval of a Special Use.

(b) The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.

8. **Impact on public health, safety, and welfare.** The proposed Special Use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

9. **Isolation of existing uses.** The location of the proposed Special Use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed Special Use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.

10. **Need for the proposed use.** The plan commission may find that a need for the proposed use does not exist in the community at the time the Special Use proposal is considered.

(Ord. No. 93-553, § 32.03, 2-2-1993)

Sec. 32.04. - PUD, Planned Unit Development Mixed Use procedures and standards.

A. **Intent.** The procedures and standards in this Section are intended to provide a consistent and uniform method for review of planned development proposals. The PUD, Planned Unit Development Mixed Use regulations are intended to provide design and regulatory flexibility so as to accomplish the objectives of this ordinance, using innovative and effective planning. The review procedures and standards set forth in this section are intended to ensure full compliance with the standards contained in this ordinance, particularly Article 23.00, and other applicable local law and ordinances, and state and federal laws. These regulations are further intended to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant so as to facilitate development in accordance with the City's land use objectives.

B. Procedures and requirements.

1. **Amendment required.** The approval of a PUD, Planned Unit Development Mixed Use application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as PUD, Planned Unit Development. Approval granted under this section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

2. **Review procedures.** Planned unit development applications shall be submitted in accordance with the following procedures and requirements, which provide for detailed review of PUD, Planned Unit Development Mixed Use proposals by the plan commission, followed by review and approval by the city council:

(a) **Applicant eligibility.** The application shall be submitted by the owner of an interest in land for which PUD, Planned Unit Development Mixed Use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled.

(b) **Application forms and documentation.** The application for PUD, Planned Unit Development Mixed Use shall be made on the forms and according to the guidelines specified in the City's site plan checklist, as provided by the city plan department.

(c) **Site plan preparation.** The site plan shall be prepared in the manner specified in this Section, in the City's site plan checklist, and on the PUD, Planned Unit Development Mixed Use application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.

(d) **Submission of a completed plan.** The PUD, Planned Unit Development Mixed Use application materials, required fees, and sufficient copies of the completed site plan shall be submitted to the city plan department for review.

(e) **Review by the City Officials.** The city planner and other appropriate city officials may review the site plan and application materials, and prepare a written review, which shall specify any deficiencies in the site plan and make recommendations as appropriate.

(f) **Submission of a revised plan and PUD, Planned Unit Development Mixed Use application.** The applicant shall revise the site plan and application materials, based on the recommendations set forth in the city planner's review. The applicant shall then submit sufficient copies of the revised plan for further review by staff and the plan commission. Copies of the site plan and application shall also be transmitted to the city council for information purposes.

(g) **Plan Commission consideration.** After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:

(1) **Acceptance for processing.** The application shall be placed on the agenda of the next available scheduled plan commission meeting and a public hearing shall be scheduled.

(2) **Public hearing.** The public hearing shall be scheduled in the same manner as required for Special Uses in Section 32.03 of this ordinance and Section 4a(3) of the City or Village Zoning Act, Michigan Public Act 207 of 1921, as amended. As stated in Act 207, the public hearing and notice required by this Subsection shall be regarded as fulfilling the public hearing and notice requirements for amendment of the Zoning Ordinance. The plan commission and city council may hold a joint public hearing on a PUD, Planned Unit Development Mixed Use application if they so desire.

(3) **Plan Commission review.** Following the public hearing, the PUD, Planned Unit Development proposal and plan shall be reviewed by the Plan Commission in relation to applicable standards and regulations and consistency with the intent and spirit of the PUD, Planned Unit Development Mixed Use concept.

(4) **Plan revision.** If the Plan Commission determines that revisions are necessary to bring the PUD, Planned Unit Development Mixed Use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the PUD, Planned Unit Development Mixed

Use proposal shall be placed on the agenda of the next available scheduled meeting of the plan commission for further review and possible action.

(h) **Plan Commission determination.** The plan commission shall review the application for PUD, Planned Unit Development Mixed Use, together with the public hearing findings and reports and recommendations from the city planner, building official, city engineer, public safety officials, and other reviewing agencies. The plan commission shall then make a recommendation to the city council, based on the requirements and standards of this ordinance. The plan commission may recommend approval, approval with conditions, or denial as follows:

(1) **Approval.** Upon determination by the plan commission that the final plan for PUD, Planned Unit Development Mixed Use is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, the plan commission shall recommend approval.

(2) **Approval with conditions.** The plan commission may recommend that the City Council impose reasonable conditions with the approval of a PUD, Planned Unit Development proposal, to the extent authorized by law, for the following purposes:

— To insure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.

— To protect the natural environment and conserve natural resources and energy.

— To insure compatibility with adjacent uses of land.

— To promote the use of land in a socially and economically desirable manner.

— To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.

— To achieve the intent and purpose of this ordinance.

In the event that the PUD, Planned Unit Development Mixed Use is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.

(3) **Denial.** Upon determination by the plan commission that a PUD, Planned Unit Development Mixed Use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the plan commission shall recommend denial.

The plan commission shall prepare and transmit a report to the city council stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

(i) **Submission of plans for city council review.** After the plan commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for city council review.

(j) **Public hearing.** Upon receipt of a PUD, Planned Unit Development Mixed Use recommendation from the plan commission, the city council may schedule a public hearing, unless a joint public hearing has already occurred, in accordance with subsection g., above. The public hearing shall be scheduled in the same manner as required for Special Uses in Section 32.03 of this Ordinance and Section 4a(3) of the City or Village Zoning Act, Michigan Public Act 207 of 1921, as amended.

(k) **City Council determination.** The city council shall make a determination based on review of the final plan together with the findings of the plan commission, and the reports and recommendation from the city planner, building official, city engineer, public safety officials, and other reviewing agencies. Following completion of its review, the city council shall approve, approve with conditions, or deny a PUD, Planned Unit Development Mixed Use proposal in accordance with the guidelines described previously Subsection (h), above. Upon determination by the plan commission that a Special Use proposal does not comply with the standards and regulations set forth in this ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the Special Use proposal shall be denied. Any appeal to a decision of the plan commission must be taken to the Wayne County Circuit Court.

(l) **Recording of plan commission and city council action.** Each action taken with respect to a PUD, Planned Unit Development Mixed Use shall be duly recorded in the minutes of the plan commission or city council, as appropriate. The grounds for the action taken shall also be recorded in the minutes.

3. **Effect of approval.** Approval of a PUD, Planned Unit Development Mixed Use proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the PUD, Planned Unit Development Mixed Use amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in Section 32.06. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD, Planned Unit Development Mixed Use unless an amendment is adopted by the city council upon request by the applicant or his/her successors.

4. **Zoning Board of Appeals authority.** The zoning board of appeals shall not have the authority to consider an appeal of a decision by the city council or plan commission concerning a PUD, Planned Unit Development Mixed Use proposal.

5. **Application for a building permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:

- (a) Final approval of the site plan and PUD, Planned Unit Development Mixed Use application.
- (b) Final approval of the engineering plans.
- (c) Acquisition of all other applicable city, county, or state permits.

6. **Expiration of PUD, Planned Unit Development approval.** If construction has not commenced within twenty-four (24) months of final approval, the approval becomes null and void and a new application for PUD, Planned Unit Development Mixed Use shall be required. The city council may grant a twelve-month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date. In the event that an approved PUD, Planned Unit Development Mixed Use plan becomes null and void, the City shall initiate proceedings to amend the zoning classification of the site.

7. **Performance guarantee.** The plan commission or city council may require that a performance guarantee be deposited with the City to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in Section 2.18.

8. **Revision to approved plans.**

(a) **General revisions.** An approved PUD, Planned Unit Development Mixed Use proposal and plan may be revised in accordance with the procedures set forth for approval of a new proposal.

(b) **Minor changes.** Notwithstanding subsection a., above, minor changes may be permitted by the city planner following normal site plan review procedures outline in Section 32.02, subject to the city planner finding that:

- (1) The proposed changes will not affect the initial basis on which initial approval was granted.
- (2) The proposed minor changes will not adversely affect the overall PUD, Planned Unit Development Mixed Use in light of the intent and purposes of such development as stated in Section 18.01.
- (3) The proposed changes will not affect the character or intensity of use, the general configuration of buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

Examples of minor changes include, but are not limited to:

- Additions or alteration to the landscape plan or landscape materials.
- Alterations to the internal parking layout of an off-street lot, provided that the total number of spaces does not change.
- Relocation of a trash receptacle.
- An increase in floor area of less than twenty percent (20%) of the initial total floor area up to five thousand (5,000) square feet.

(c) **Application data requirements.** Applications for PUD, Planned Unit Development Mixed Use approval shall include all applicable data required for site plan review as specified in Section 32.02 and the City's site plan checklist. In addition, the application shall include the following:

(1) An overall plan for the planned development. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other nonresidential use; each type of open space; community facilities and public areas; and other types of land use.

(2) A map and written explanation of the relationship of the proposed PUD, Planned Unit Development Mixed Use to the City's Master Plan.

(3) Information concerning traffic generated by the proposed PUD, Planned Unit Development Mixed Use. Sufficient information shall be provided to allow the City to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided: estimates of the volume of traffic generated by each use, the peak hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.

(4) Analysis of the fiscal impact of the proposed PUD, Planned Unit Development Mixed Use on the City and the school district.

(5) Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the plan commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.

(6) Legal documentation of single ownership or control. The documentation shall be in the form of agreements, contracts, covenants, and deed restriction which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.

(7) A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.

(8) A draft of ownership and governance documents. These documents shall include the following:

(a) Deeds of ownership.

(b) Warranties guaranteeing ownership conveyed and described in the deeds.

(c) A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the PUD, Planned Unit Development Mixed Use.

(d) Association by-laws (for example, condominium association by-laws) which describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the PUD, Planned Unit Development Mixed Use; and, the duties of individual shareholders to manage and maintain their own units.

Sec. 32.05. - Variances and Appeals.

A. **Intent.** The purpose of this Article is to provide guidelines and standards to be followed by the zoning board of appeals in considering requests for variances and appeals, where the jurisdiction of the zoning board of appeals has been established by these regulations or by Michigan Public Act 207 of 1921, as amended.

B. Membership.

1. The city council shall appoint a board of appeals consisting of not less than five (5) members, each to be appointed for a term of three (3) years. Appointments of the first members shall be for terms of one (1), two (2), and three (3) years, respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three-year term.

2. Members of the zoning board of appeals shall reside within the City of Dearborn.

3. Members of the zoning board of appeals are nominated by the mayor and confirmed by the city council. Members serve at the discretion of the mayor and may be removed in the sole discretion of the mayor at any time for any reason prior to expiration of his/her term.

C. Purpose of Variances and Appeals.

1. **Appeals.** Generally, an appeal may be taken to the zoning board of appeals by a person, or by any office, department, board, or bureau aggrieved by a decision of any administrative or enforcement official or body charged with enforcement of these regulations.

2. **Variances.** Where there are practical difficulties preventing a property owner from conforming with the strict letter of the Zoning Ordinance, the zoning board of appeals shall have the power to authorize Variances from the standards in these regulations, with such conditions and safeguards as it may determine to be necessary so that the spirit of these regulations is observed, public safety secured, and substantial justice done. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") may be permitted provided the application is reviewed by the city planner with reference to the standards in this ordinance and the Master Plan of the City. In the case of all variances, the zoning board of appeals shall be the body charged with deciding requests for deviation(s) from any provisions in the City's Zoning Ordinance in order to maintain integrity and compatibility within new and existing neighborhoods, structures and land uses in the City. Each member of the zoning board of appeals shall attend a basic training class offered by the Michigan Municipal League within one (1) year of appointment. Current members of the zoning board of appeals must attend the training class within one (1) year from the effective date of this amendment.

When reviewing a variance request, in addition to the criteria set forth in subsection (F), the zoning board of appeals shall determine whether:

(a) Granting a deviation from the provisions of the Zoning Ordinance in a particular case will lead to uneven application of the Zoning Ordinance for all citizens, or

(b) Undermine the value of these laws that are intended to provide orderly and predictable development within the community.

(c) Each request for a variance will be strictly scrutinized, in order to prevent a negative impact on surrounding land uses and structures, and to preserve the citizenry's ability to rely on the provisions of the Zoning Ordinance.

3. The zoning board of appeals shall establish rules and procedures (by-laws) in accordance with the provisions of this ordinance, and the applicable state law.

D. **Stay of proceedings.** An appeal must be filed within ten (10) days of citation of a violation by the director of building and safety. An appeal to the zoning board of appeals shall stay all proceedings in furtherance of the appealed action, unless the director of building and safety certifies to the zoning board of appeals, that by reason of the facts stated in the appeal, a

stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Wayne County Circuit Court.

E. Application and procedures.

1. **Application to the zoning board of appeals.** Variances and appeals for which zoning board of appeals action is sought shall be commenced by a person filing an application to the zoning board of appeals on forms as specified by the director of building and safety and accompanied by required fees. The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number(s) containing the standards from which a variance is sought and the nature and extent of such variance.

2. **Plot plan requirements.** Applications involving a specific site shall be accompanied by a plot plan drawn to scale that includes the following information, where applicable:

- (a) Applicant's name, address, and telephone number.
- (b) Property identification Sidwell number, scale, north point, and dates of submission and revisions.
- (c) Zoning classification of petitioner's parcel and all abutting parcels.
- (d) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
- (e) For variances requested from any dimensional standard of these regulations, the plot plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
- (f) Any additional information required by the city planner or the zoning board of appeals to make the determination requested herein.

Where an application to the zoning board of appeals involves a variance sought in conjunction with a site plan review by the plan commission and/or the city planner, the application data requirements for site plan review as set forth in Section 32.02 shall be followed.

3. **Review by the Zoning Board of Appeals.** The building official shall forward the application, along with any supporting materials and plans, to the zoning board of appeals in accordance with subsection 32.05C.2.

The director of the building and safety department or the zoning board of Appeals shall fix a reasonable time for the hearing of the appeal or variance request, give due notice to the parties to whom real property within three hundred (300) feet of the premises in question is assessed, tenants of the real property within three hundred (300) feet, and decide the appeal or variance within a reasonable time. At the hearing, a party may appear in person or by agent or by attorney.

4. **Decision by the Zoning Board of Appeals.** A three-vote majority of the members of the ZBA shall constitute a quorum for the transaction of business and shall be necessary to reverse an order, requirement, decision, or determination of the administration official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to effect any variation on an Ordinance adopted pursuant to Michigan Public Act 207 of 1921, as amended. The concurring vote of four (4) members of the ZBA shall be necessary to approve any use variance.

The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the zoning board of appeals shall have all the powers of the officer or body from whom the Appeal was taken and may issue or direct the issuance of a permit. With an affirmative decision, the board may impose conditions pursuant to Section 4c(2)(a) of Michigan Public Act 207 of 1921, as amended. The decision of the zoning board of appeals shall be final, but any person having an interest affected by a decision of the board may appeal to the Wayne County Circuit Court.

5. **Record of decision and order.** The zoning board of appeals shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:

- (a) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
- (b) The notice of the appeal.
- (c) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the ZBA for its consideration.
- (d) The written findings of fact, the decisions, the reasons pursuant to subsections (E)(1) and (2), and the conditions imposed by the zoning board of appeals in acting on the appeal shall be entered into the official record, after being signed by the secretary of the board.

6. **Approval period.** If construction has not commenced within twelve (12) months after the zoning board of appeals grants a variance to permit the erection or alteration of a building, then the variance becomes null and void.

F. Standards for Variances and Appeals. Variances and appeals shall be granted only in accordance with Michigan Public Act 207 of 1921, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the ZBA, however, at least one (1) of the applicable criteria must be

found by the ZBA.

1. **Criteria applicable to Variances.**

(a) **Practical difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

(b) **Substantial justice.** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(c) **Public safety and welfare.** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.

(d) **Extraordinary circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

(e) **Preservation of property rights.** A variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.

(f) **No safety hazard.** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety.

(g) **No impact on land values.** The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.

(h) **Neighborhood character.** The granting of a variance or appeal will not alter the essential character of the neighborhood.

(i) **Light and air.** The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property.

(j) **Promotes orderly development.** The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.

(k) **Traffic flow.** A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.

(l) **No nuisance impacts.** A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.

(m) **Impact on adjacent properties.** The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.

(n) **Relationship to adjacent land uses.** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.

(o) **Relationship to Master Plan policies.** The granting of the variance should be reviewed in reference to the adopted Master Plan policies of the city plan commission, and the zoning board of appeals shall find that the variance will not adversely affect said policies.

2. **Criteria applicable to Appeals.** The ZBA shall reverse an order of an enforcement official only if it finds that the action or decision appealed:

(a) Was arbitrary or capricious, or

(b) Was based on an erroneous finding of a material fact, or

(c) Constituted an abuse of discretion, or

(d) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

(e) Appeals from denial of zoning board of appeals may be taken to Wayne County Circuit Court.

(Ord. No. 93-553, § 32.05, 2-2-1993; Ord. No. 01-860, 12-18-2001; Ord. No. 02-904, 4-16-2002; Ord. No. 02-924, 12-3-2002; Ord. No. 03-976, 8-5-2003)

Sec. 32.06. - Amendments.

A. Initiation of amendment. Amendments to the Zoning Ordinance may be proposed by the owner of property, city planner, city plan commission and city council. After the City Plan Commission has considered the proposed amendment, conducted at least one hearing, and issued its final report, the city council may amend the district boundaries or regulations established by the Zoning Ordinance.

When the proposal related to land and a zoning classification which has been included in a petition for rezoning within six (6) months from the date of withdrawal or final action upon the prior application, the city plan commission and city council shall not consider the new petition. This limitation shall not prevent the city plan commission and city council from considering a petition for rezoning when significantly altered circumstances, including the land area, zoning classification and new detailed plans for use of the property are raised in the subsequent petition and determine to exist by the city planner.

Amendments to district boundary lines shall be numbered and accompanied by a map clearly indicating the position of the new or altered district boundaries. The city planner shall periodically incorporate amendments to district boundaries and regulations into the Zoning Ordinance and map through reprinting.

B. Application for amendment. A petition for an amendment to the text of this ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition with the planning department, on the forms and accompanied by the fees specified. The petition shall explicitly describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

1. Applicant's name, address, telephone number, statement of ownership, and copy of deed, option, land contract or similar document.
2. Scale, north point, and dates of submission and revisions.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site.
5. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
6. Location of existing drainage courses, floodplains, lakes and streams, woodlots, and large trees greater than eight (8) inches in diameter.
7. All existing and proposed easements.
8. Location of sanitary sewer systems, existing and proposed.
9. Location and size of water mains and building service leads, existing and proposed.

C. Review procedures. After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

1. **Plan commission review.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the plan commission. The plan commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 4a and other applicable Sections of Michigan Public Act 207 of 1921, as amended.

If an individual property or several adjacent properties are proposed for rezoning, the Plan Commission shall give notice of the proposed rezoning to the owner of the property and to all owners of record located within three hundred (300) feet of the property in question at least ten (10) days before the hearing.

In addition, any petition for amendment shall require a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the City. Notice of the time and place of the hearing shall also be given by mail to each utility company and railroad operating within the district affected.

2. **Action by the plan commission and city council.** Following the hearing on the proposed amendment, the plan commission shall make written findings of fact which it shall transmit together with the comments made at the public hearing, and its recommendations to the city council.

The city council may hold additional hearings if the council considers it necessary. The city council may by majority vote of its membership:

- (a) Adopt the proposed amendment.
- (b) Reject the proposed amendment.
- (c) Refer the proposed amendment back to the plan commission for further recommendation within a specified time period. Thereafter, the city council may either adopt the amendment with or without the recommended revisions, or reject it.
- (d) Protest. Whenever a written protest against a proposed amendment is presented in writing to the city clerk, signed by the owners of at least twenty percent (20%) of the area included in the proposed change, or by the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point

on the boundary of land included in the proposed change, excluding publicly owned land in calculating the twenty-percent requirement, such amendment shall not be passed except by the favorable vote of three-fourths (¾) of the entire city council.

3. **Review considerations.** The plan commission and city council shall, at minimum, consider the following before taking action on any proposed amendment:

- (a) The proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
- (b) The proposed amendment further the comprehensive planning goals and be consistent with the Master Plan.
- (c) Have conditions changed since the Zoning Ordinance was adopted, or was there a mistake in the Zoning Ordinance that justifies the amendment?
- (d) The amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- (e) The amendment result in unlawful exclusionary zoning?
- (f) The amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- (g) A rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- (h) A rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

4. **notice and record of amendment adoption.** following adoption of an amendment by the City Council, notice shall be published in newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with Section 4(7) of Michigan Public Act 207 of 1921, as amended. The notice shall include: either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the item and place where a copy of the ordinance may be purchased or inspected. A record of all amendments shall be maintained by the City. A Master Zoning Map shall be maintained by the city planner, which shall identify all map amendments by number and date.

(Ord. No. 93-553, § 32.06, 2-2-1993)

Sec. 32.07. - Permits and Certificates.

A. Permits.

1. **Permit required.** A building permit or other appropriate permit shall be required as follows:
 - (a) Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.
 - (b) Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.
 - (c) Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
 - (d) Prior to any change in use of an existing building or structure to a different class or type.
2. **Definition of alteration and repair.** For the purposes of this section, the terms "alteration" and "repaired" shall include any change to the structure, which may include such elements as stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the adopted City Building Code and any amendments thereof, the Housing Law of Michigan (Public Act 167 of 1917, as amended), these regulations or other applicable regulations of the City.
3. **Application requirements.** No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements conform with the provisions of these regulations and with the City Building Code.

Applications for permits required by this Section shall be filed with the building official on forms prescribed by that official. Each application shall be accompanied by a written explanation of the proposed improvements, and, if applicable, a plan of the site drawn to scale. Submitted plans shall be of sufficient detail for the Official to determine whether the proposed improvements conform with these regulations, the Building Code, the State Construction Code Act (Michigan Public Act 230 of 1972, as amended), and other applicable local and federal laws and ordinances.

A site plan submitted and approved by the plan commission in accordance with these regulations shall satisfy the requirements of this section. At a minimum, the applicant must supply the following information:

- (a) The location, dimensions and parcel identification Sidwell number of the land parcel.
- (b) Existing buildings or structures, plus the shape, size, and location of all buildings or structures to be erected, altered, or moved.
- (c) The existing and intended use of the parcel.
- (d) On residential parcels, the number of dwelling units contained within each building.

(e) The name and address of all persons having an ownership interest in the premises upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.

(f) All information required by the adopted City Building Codes.

(g) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of these regulations will be complied with.

4. Conformity with applicable Ordinances and approved plans. A building permit shall be issued only if, after thorough inspection of the application materials and plans, the building official finds that the proposal conforms with these regulations, the State Construction Code Act, Michigan Public Act 230 of 1972, as amended, City-adopted codes, and other applicable laws and ordinances, except where the building official receives written notice of a variance having been granted by the zoning board of appeals or building code board of appeals.

A building permit issued on the basis of a site plan approved by the plan commission shall incorporate full compliance with the approved site plan as a condition of the issuance of the permit. Modifications to an approved site plan shall be in compliance with these regulations. Use, layout, or construction at variance with approved plans or application materials shall be deemed in violation of these regulations, and subject to penalties in accordance with Article 32.00.

5. Expiration of permits. A building permit issued pursuant to the provisions of these regulations shall be consistent with the procedures stated within the adopted Building Code of the City. Expiration and notification requirements of the applicable code shall be followed.

6. Inspection of completed work. The holder of any building permit issued pursuant to the requirements in this Section shall notify the Building Official for a required inspection and request a Certificate of Occupancy upon completion of the work authorized by the permit and prior to occupancy.

B. Certificates of Occupancy. A Certificate of Occupancy shall be required prior to occupancy or reoccupancy of any use of land, building or structure. It shall be unlawful for any person, firm or corporation to hereafter occupy or reoccupy or for any owner or agent thereof to permit the occupation or reoccupation of any building or addition hereto, or part thereof, for residential purpose until a Certificate of Occupancy has been issued by the department of building and safety. The following guidelines shall apply to Certificate of Occupancy:

1. General requirements.

(a) **Purpose.** The purpose of a Certificate of Occupancy is to permit the occupancy or use of land, buildings, or structures. The Certificate of Occupancy can be issued only upon the determination by the city planner and the building official that the site is in compliance with the provisions of these regulations, the requirements of the adopted City building and construction codes, adopted city engineering standards, and that all outstanding City fees or other charges have been paid.

(b) **Certificates for new and existing buildings.** Certificates of Occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land if, after inspection, the building official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of these regulations and other regulations of the City, and that provided further that the proposed use is fully in compliance with these regulations. Failure to obtain a Certificate of Occupancy prior to commencing the use of property shall constitute a violation of these regulations, subject to the penalties set forth in Article 32.00.

(c) **Temporary Certificates.** A Temporary Certificate of Occupancy may be issued by the building official for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of these regulations and other applicable regulations of the City, and provided further that no threat to public safety exists. A performance guarantee may be required by an enforcement official in accordance with Section 2.18 as a condition of obtaining a Temporary Certificate. No Temporary Certificate of Occupancy shall be granted for a period in excess of six (6) months on time extensions. The time may be extended with approval of the director of the building and safety department or authorized building official, with such request being received in writing. The date of expiration shall be indicated on the Temporary Certificate; failure to obtain a final Certificate of Occupancy or extension thereof within the specified time shall constitute a violation of these regulations, subject to the penalties set forth in Article 32.00.

(d) **Certificates for accessory buildings to dwellings.** Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

2. Period of validity. A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, as long as the specific operation conducted within the building or structure or use of the land continues. A Certificate of Occupancy shall be required of any new occupant upon a change in occupancy of the building, structure, or land.

3. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the building official. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

4. **Application requirements.** An application for a Certificate of Occupancy shall be made on forms supplied by the building official and must be accompanied by the fees specified. A Certificate of Occupancy may be processed concurrently with an application for a building permit, if a building permit is required. The city planner shall determine if a nonresidential occupancy change requires site plan review and approval by the plan commission pursuant to Section 32.02.

5. **Issuance of Certificate.** The enforcement official shall inspect a building or structure within fifteen (15) working days after notification by an applicant of the completion of a building or structure or other improvements. The building official and city planner shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land conforms with an approved site plan and the provisions of these regulations. If the request for a Certificate of Occupancy is denied, the applicant shall be notified in writing of the denial and the reasons for denial.

(Ord. No. 93-553, § 32.07, 2-2-1993; Ord. No. 94-617, 1-3-1995)

Sec. 32.08. - Fees.

Any application for an amendment to this ordinance, site plan review, review of a Special Land Use proposal, review of a Planned Unit Development Mixed Use proposal, request for a variance, request for an inspection, request for a building or zoning permit, request for a Certificate of Occupancy, or other request for other action pursuant to the regulations set forth in this ordinance shall be subject to and accompanied by a fee as established by the city council. Such fees shall be collected in advance of any reviews, inspections, or issuance of any permits or approvals. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the ordinance shall cause any permits to be suspended and reject applications for new permits directly associated with the project.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 2.18.

There shall be no fee in the case of applications filed in the public interest by a municipal department or city official.

(Ord. No. 93-553, § 32.08, 2-2-1993)

Sec. 32.09. - Violations and penalties.

A. **Public nuisance.** Buildings erected, altered, razed or converted, including tents, mobile homes, and trailer coaches, or uses carried on in violation of any provision of these regulations are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

B. **Violation.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of these regulations or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of these regulations by an enforcement official shall be deemed in violation of these regulations.

C. **Penalties.** Any violation of these regulations shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the court. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of these regulations may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

The imposition of any sentence shall not exempt the offense from meeting compliance with the requirements of these regulations.

D. **Authority to pursue court action.** The city attorney is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the circuit court, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of these regulations, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the City in such an action to abate the violation.

E. **Other remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by Law, including any additional rights of the City to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of these regulations, or to correct, remedy, or abate such noncompliance.

F. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of these regulations, and failure or omission to prosecute any violations of these regulations, shall not constitute a waiver of any rights and remedies provided by these regulations or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of these regulations.

(Ord. No. 93-553, § 32.09, 2-2-1993)

Sec. 32.10. - Records.

Permanent and current records of this ordinance, including but not necessarily limited to, all maps, amendments,

variances, appeals, Special Land Uses, Certificates of Occupancy, and related applications, shall be maintained in the office of the City administrative official having jurisdiction.

Every rule or regulation, decision, finding of fact, condition of approval, resolution, or other transaction of business of the plan commission or zoning board of appeals shall be duly recorded and filed in the public records of the office of the city clerk.

A copy of any application, permit, certificate, transcript of a public meeting, or other item of the public record, may be obtained from the appropriate City office upon payment of copying costs.

(Ord. No. 93-553, § 32.10, 2-2-1993)

Article 5

Plot Plan and Site Plan Review

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Section 5.1 Purpose & Approval Table

Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to specify documents and review processes required so as to ensure that a proposed development activity is in compliance with this Ordinance and to provide for consultation and cooperation between the developer/property owner and the Planning Department so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Albion will be assured and the City will develop in an orderly fashion.

Table 5.1: Approval Table *Approving body determined by Major Project or Minor Project per §5.4

Type of Use	Type of Review
1. Single-Family Detached Dwellings	Plot Plan Review by ZA
2. Single-Family Attached Dwellings, Two-Family Dwellings	Site Plan Review by PC/ZA*
3. Multiple-family dwelling units	Site Plan Review by PC/ZA*
4. Special Uses	Review by PC
5. Parking Lots – In cases where the use is conforming and parking lot will be located on the same property as the principal use.	Site Plan Review by the ZA (ZA, at their discretion, may refer the review and approval to the PC)
6. Parking Lots – In cases where: a. The use is nonconforming; or b. The parking lot will be located on public property; or c. The parking lot will be located off-premise from the principal use.	Site Plan Review by the PC
7. Change of Use – permitted uses within district between or within use categories	Approval by ZA
8. Accessory Structures	Plot Plan Review by ZA
9. Accessory Structures for Non-Residential Buildings	Site Plan Review by PC/ZA*
10. Fences	Plot Plan Review by ZA
11. Essential Services (construction of buildings)	Site Plan Review by PC/ZA*
12. Non-Residential Uses	Site Plan Review by PC/ZA*
13. Expansion of an existing use, other than one single-family and two-family	Plot Plan Review by ZA

dwelling, which increases the existing floor area.	
14. Planned Unit Developments	Site Plan Review by PC
15. All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure and which do not fall under the requirements of the Subdivision Control Act of 1967 as amended.	Site Plan Review by PC

PC = Planning Commission ZA = Zoning Administrator

Section 5.2 Plot Plan Review & Approval

A. Plot Plan Submittal Requirements.

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a Site Plan, be accompanied by a Plot Plan, drawn to scale, showing the items listed below. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same are clear and legible and that the information listed in [Table 5.2](#) is provided.

Table 5.2: Plot Plan Requirements

1. Address/Contact	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
2. Lot Lines	The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. Structures	The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
4. Access	The location and configuration of the lot access and driveway, drawn to scale.
5. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
6. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
7. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

B. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to [Table 5.1](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to [Section 9.3](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

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Section 5.3 Site Plan Data Required

An application for Site Plan Review shall be submitted to the Planning Department. The detailed site plan presented for consideration shall contain all information required in this Ordinance.

A. Data Required on Site Plan.

Each submittal for Site Plan Review shall be accompanied by an application and site plan. The application shall at a minimum, include the following information:

Table 5.3: Application and Site Plan Requirements

General Information

1. The applicant's name, address, and phone number in full.
2. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
3. The address or parcel identification number of the property.
4. Name and address of the developer (if different from the applicant). Name and address of engineer or architect.
5. Project description, including the total number of structures, square feet, total and usable floor area, parking spaces, garages, open space and related information as pertinent or otherwise required by the Ordinance.
6. A vicinity map with north point indicated.
7. The gross and net acreage of all parcels in the project.
8. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 150 feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. North arrow, scale and date of original submittal and last revision.

Site Development Features

9. **Structures.** Existing structures on the subject parcel.
10. **Dimensions.** Location of proposed and/or existing property lines, dimensions, legal descriptions and setback lines.
11. **Topography.** Existing topographic elevations at two foot intervals, proposed grades and direction of drainage flows.
12. **Vegetation.** Location and type of significant existing vegetation.
13. **Water.** Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands.
14. **Buildings.** Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.

15. **Other Structures.** Proposed location of accessory structures, buildings and uses, including but not limited to flagpoles, light poles, docks, storage sheds, transformers, air conditioners and the method of screening where applicable.
16. **Roads/Easements.** Location of existing public roads, rights-of-way and private easements of record and abutting streets.
17. **Parking.** Location of and dimensions of existing and/or proposed curbing, carports, barrier free access, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
18. **Loading.** Location, size and characteristics of all loading and unloading areas.
19. **Pedestrian Access.** Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
20. **Utilities.** Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
21. **Screening.** Location and specifications for all fences, walls, and other screening features. Location for all proposed perimeter and internal landscaping.
22. **Trash.** Location, and size for screening of all trash receptacles and other solid waste disposal facilities.
23. **Material Storage.** Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
24. **Natural Features.** Identification of any significant site amenities or unique natural features.
25. **Groundwater Protection.** Provide information and address standards found in [§3.15 Groundwater Protection](#). Flood maps are available at the City Planning Department.

B. Supplemental Material or Studies.

The Planning Commission may request additional information to assist in the consideration of the proposed development. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social, or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.

Section 5.4 Designation of Major Projects & Minor Projects

A. Major Projects.

All developments greater than ten thousand (10,000 ft²) square feet of structure or larger than two and one-half (2 ½) acres in size and all PUD's are major projects which require site plan review by the Planning Commission. **All other projects are either minor projects subject to review and approval by the Planning Department or amendments to existing site plans.**

B. Minor Projects.

1. The Planning Department (or Zoning Administrator) may review and approve minor project site plans or amendments without their submission to the Planning Commission provided that the proposed modification or amendment does **not**:
 - a. Increase required parking or decrease parking below that which is required;
 - b. Change the approved vehicular or pedestrian circulation pattern on the site; and
 - c. Include other site modifications that do require Planning Commission review and approval.
2. The Planning Department reserves the right to bring any “Minor Project” to the Planning Commission for final approval.

Section 5.5 Site Plan Review Procedures

A. Pre-Application Conference.

The Zoning Administrator alone or in conjunction with the Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern. Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Submission Requirements.

The applicant shall complete and submit the required number of copies of an application for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements of the Zoning Ordinance is mandatory. The procedure for processing major project site plans includes two phases: preliminary site plan review and final site plan review. Site plans shall be acted upon within thirty (30) days of receipt by the City of Albion Planning Department of a complete application and final site plan meeting the requirements of [Section 5.6](#). This timeline may be extended if, in the opinion of the Planning Commission or Planning Department, more information is needed to make a final decision.

1. **Number of Copies for Major Projects.** The Application for Site Plan Approval must be obtained from the Planning Department. The applicant shall return the original and a minimum of two (2) copies of the application and site plan to the Planning Department at least fifteen (15) days prior to the next regularly scheduled meeting of the Planning

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Commission for the purpose of preliminary site plan review. The Planning Department may require a digital copy of the site plan.

2. **Number of Copies for Minor Projects.** The Application for Site Plan Approval must be obtained from the Planning Department. The applicant shall return the original and a minimum of one (1) copy of the application and site plan to the Planning Department. The Planning Department may require a digital copy of the site plan.
3. **Fees.** Application fees as found in the Albion Fee Resolution must be paid when the application is submitted.

C. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If a *Major Project* site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least fifteen (15) days prior to the meeting. If the site plan was submitted less than fifteen (15) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

D. Distribution to Other Departments or Agencies.

Prior to any final decision on a Major Project, the Planning Department and Planning Commission shall seek the recommendations of the City Inspector, City Engineer, Public Safety Chief, Fire Marshal, and Water and Sewer Department. The Planning Department may also distribute the site plan to other departments or agencies for comment or recommendation prior to consideration for approval, if determined to be necessary. For Minor Projects, copies may be distributed to other reviewing departments and agencies as determined necessary by the Planning Department.

E. Representation at Scheduled Review.

The applicant or his/her representative must be present at each scheduled Planning Commission review or the matter will be tabled for a maximum of two (2) consecutive meetings due to lack of representation.

F. Preliminary Site Plan Review (Major Projects only).

A preliminary site plan meeting the submittal requirements of this Ordinance is reviewed by the Planning Department, and the changes necessary, if any, for final site plan approval are indicated in writing to the applicant. Each preliminary site plan shall comply with the "Standards for Granting a Site Plan Approval" as described in [Section 5.6](#) of this Ordinance.

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G. Final Site Plan Review.

Each final site plan shall comply with the "Standards for Granting Site Plan Approval" as described in [Section 5.6](#) of this Ordinance. Each action taken with reference to site plan review shall be duly recorded in the official record of action by the Planning Department or in the minutes of the Planning Commission. Those site plans which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Planning Department as to conformity or nonconformity with Ordinance requirements and what revisions or conditions, if any, would be necessary in order to be in conformance.

1. **Major Projects.** Final Site Plan approval shall be by the Planning Department (Zoning Administrator) following approval by the Planning Commission. The Planning Commission will consider all applications for site plan review submitted to it for approval, revision, or disapproval at a scheduled meeting.
 - a. The Planning Commission shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this Ordinance.
 - (1) Upon determination of the Planning Commission that a final site plan is in compliance with the Zoning Ordinance and other plans or regulations, it shall be so indicated on the site plan along with a signature of the Zoning Administrator and a date of approval. The approving official shall indicate in writing that all requirements of the Ordinance have been met including any conditions that may be necessary.
 - (2) Upon determination of the Planning Commission that a site plan is in compliance, except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner shall resubmit the site plan for Final Site Plan Approval by the Planning Department.
 - (3) If extensive revisions to the site plan are necessary to meet the Zoning Ordinance, and other applicable plans and regulations, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated in the Planning Commission's resolution.
 - b. The Planning Commission, in its sole reasonable discretion, may approve site plans lacking all of the required items listed under [Section 5.6 Standards for Granting Site Plan Approval](#).
 - c. The Planning Commission may approve a deviation from the parking requirements as indicated in [Section 3.12.J](#).
 - d. Following approval of a site plan, the petitioner shall apply for the appropriate City of Albion, County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

2. Minor Projects.

- a. Approval of a final site plan shall be by the Planning Department unless the applicant or Planning Director has requested final approval by the Planning Commission.
 - (1) Upon determination of the Planning Department that a final site plan is in compliance with the Zoning Ordinance and other plans or regulations, it shall be so indicated on the site plan along with a signature of the Zoning Administrator and a date of approval.
 - (2) Upon determination of the Planning Commission that a site plan is in compliance, except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner shall resubmit the site plan for Final Site Plan Approval by the Planning Department.
 - (3) If extensive revisions to the site plan are necessary to meet the Zoning Ordinance, and other applicable plans and regulations, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated.
- b. Following approval of a site plan, the petitioner shall apply for the appropriate City of Albion, County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

H. Projects Dependent upon Zoning Board of Appeals Approval.

Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals is necessary before final site plan approval can be granted. An approved site plan shall include a note referencing the case number and date of all variances granted.

Section 5.6 Standards for Granting Site Plan Approval

A. Standards.

Each site plan shall conform to applicable provisions of this Zoning Ordinance and the standards listed below:

- 1. **Lot and Adjacent Property.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

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2. **Landscape.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. **Drainage.** Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. The use of permeable parking lots may be approved to facilitate site drainage.
4. **Privacy.** The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
5. **Emergency Access.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
6. **Access.** Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to public use.
7. **Pedestrian Circulation.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. **Loading/Unloading and Trash/Storage.** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen, consisting of structural or plant materials no less than six (6) feet in height.
9. **Lighting.** Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
10. **Streets.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. All streets shall be developed in accordance with the [Subdivision Control Ordinance](#) and the County Road Commission specifications.
11. **Other Laws and Permits.** Site plans shall conform to all applicable requirements of State and Federal statutes and approval may be conditioned on the applicant receiving necessary State and Federal permits before final site plan approval or an occupancy permit is granted.

B. Conditional Approvals.

The Planning Commission or Planning Department may condition approval of a site plan on conformance with the standards of another local, county or State agency. They may do so when such conditions:

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1. Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
2. Would protect the natural environment and conserve natural resources and energy, would insure compatibility with adjacent uses of land, and
3. Would promote the use of land in a socially and economically desirable manner.

The Planning Commission and Planning Director may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements. When so doing, the following finding shall be made and documented as part of the review process:

1. That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other properties in the area.

Section 5.7 Conformity to Approved Site Plan Required

Following Final Approval of a site plan by the Planning Department, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Ordinance and subject to the sanctions of [Section 9.13](#).

Section 5.8 Planning Department Report on Every Site Plan

The Planning Department shall prepare a report of each and every site plan submitted in accordance with this Section, containing a synopsis of the relevant facts contained in and related to this site plan, together with the Planning Department’s proposed determination. At each regular meeting of the Planning Commission, a member of the Planning Department shall make a presentation of said reports with respect to those site plans to be acted upon prior to the next regularly scheduled Planning Commission meeting. Upon request of a majority of members of the Planning Commission present, any pending site plan shall be fully reviewed by, and a recommendation made thereon by the Planning Commission.

Section 5.9 Amendments to Approved Site Plans

- A. Amendments to an approved site plan may be made by the Planning Commission or Planning Department provided that such changes conform to the Zoning Ordinance and the land owner agrees.
1. **Minor Amendments.** Minor changes to an approved site plan may be approved by the Planning Department after construction has begun provided no such change results in any of the following:
 - a. A significant change in the use or character of the development.

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- b. An increase in overall coverage of structures.
 - c. A significant increase in the intensity of use.
 - d. A reduction in required open space.
 - e. A reduction in required off-street parking and loading.
 - f. A reduction in required pavement widths or utility pipe sizes.
 - g. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
2. **List of Minor Amendments.** The following shall be considered minor amendments. No fee shall be charged for minor amendments.
- a. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved buildings(s). Relocation of building entrances or exits, or shortening of building canopies.
 - b. Changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided.
 - c. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below Ordinance requirements.
 - d. Moving of ingress and egress drives a distance of not more than one hundred (100') feet if required by the appropriate State, County or other local road authority with jurisdiction.
 - e. Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects.
 - f. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 - g. Increase in peripheral yards.
 - h. Changing the location of an exterior building wall or location not more than ten (10') feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.
- B. If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify as a minor change pursuant to [subsections A.1](#) and [A.2](#) above, he or she shall immediately notify the permit holder, the City Inspector, the Planning Department and the Planning

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Commission in writing that site plan approval has been suspended pending approval by the Planning Department or Planning Commission, as applicable, of the proposed amendment.

The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order shall be issued by the City Inspector for the portion of the project which is not in compliance with the Ordinance. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the Ordinance requirements, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector, the Planning Department and the Planning Commission that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

Section 5.10 Appeals of Final Site Plans

Any person aggrieved by a decision of the Planning Commission or Planning Department in granting or denying approval of a final site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within ten (10) days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable Ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

Section 5.11 Expiration of Site Plans

- A. Unless an alternate timeline has been approved by the Planning Commission during site plan review, failure to initiate construction of an approved site plan within one (1) year of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After a hearing, the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:
1. An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member of other agency;
 2. Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;
 3. A change in State law, local charter, or other local ordinance affecting the previous approval has occurred;
 4. Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

5. Any other circumstance which, in the opinion of the Planning Commission, warrants revocation of the approval. Such circumstances shall be stated in the minutes of the hearing.
- B. Thirty (30) days prior to expiration of an approved site plan pursuant to this Section, above, an applicant may make application for a one (1) year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.
- C. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The City Inspector shall also be notified to withhold any building permit until the new site plan is approved.
- D. Any subsequent resubmittal shall be processed as a new request with new fees, except for minor amendments pursuant to [Section 5.9](#).

Article 8: Site Plan Review

- 8.1. Intent and Purpose
- 8.2. General Requirements
- 8.3. Standards for Site Plan Approval
- 8.4. Site Plan Application Requirements
- 8.5. Application Submission Procedures
- 8.6. Approval, Conditions, and Denial
- 8.7. Record of Actions
- 8.8. Expiration, Revocation, and Reapplication
- 8.9. Amendments and Modifications
- 8.10. Fees and Performance Guarantees

8.1 INTENT AND PURPOSE

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for special uses and planned unit developments shall receive a recommendation from the Planning Commission and a final decision by the Township Board. The Planning Commission shall make the final decision on site plans that are not related to special uses.

8.2 GENERAL REQUIREMENTS

8.2.1 Site Plan Required

Site plans are required for the following uses:

- A. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, a single family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single family dwellings, excluding accessory dwelling units.
- B. Development of non-residential uses in a residential zoning districts.
- C. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a residential use in the AG, SFR, SFN, MHN, RMH and CS districts.
- D. Any use or construction for which submission of a site plan is required by any provision of these regulations.
- E. Establishment of any regulated use unless expressly exempted in this Article.

8.2.2 Site Plan Not Required

Site plan approval is not required for the following activities, however, payment of any or all applicable bonds is required for issuance of a building permit.

- A. Construction, moving, relocating or structurally altering a principal residential structure in the AG, SFR, SFN, MHN, RMH and CS districts, including any customarily incidental accessory structures.
- B. Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single family uses described in this

subsection for which site plan approval is not required.

- C. A change in the ownership of land or a structure.
- D. A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of this Ordinance and that the site maintains full and continuing compliance with these regulations.
- E. Permitted home occupations.

8.3 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of Information: The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics: All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3:, unless otherwise provided in these regulations.
- E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
- F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- H. Parking: The parking provided for an intended use meets the standards of Article 6 of this Ordinance.
- I. Drainage: Appropriate measures shall be taken to insure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system,

the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.

- J. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Grand Traverse County soil erosion control standards.
- K. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
- L. Public Services: Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- M. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height. All walls must be solid and constructed of masonry and shall be subject to the approval of the code official and cannot be located in required setbacks without written authorization from the code official.
- N. Danger from Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township . Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
- O. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
- P. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

8.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	√	
2.	The boundary lines of the property, to include all dimensions, gross and net acreage, and legal description.	√	
3.	The location and width of all abutting right-of-ways.	√	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.	√	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	√	
6.	Description of all existing and proposed structures referenced in item 5.		√
7.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	√	
8.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	√	√
9.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	√	
10.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		√
11.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	√	
12.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	√	
13.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	√	√
14.	Location, type and size of all above and below grade utilities.	√	
15.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	√	
16.	Location of any cross access management easements, if required.	√	
17.	Location of pedestrian and non-motorized facilities, if required.	√	
18.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.	√	
19.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		√
20.	Plans to control soil erosion and sedimentation, including during construction.	√	√
21.	The method to be used to serve the development with water.		√
22.	The method to be used for sewage treatment.		√
23.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	√	
24.	Elevations for all building facades.	√	
25.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		√
26.	Phasing of the project, including ultimate development proposals.	√	

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
27.	General description of deed restrictions and/or cross access management easements, if any or required.		√
28.	The name and address of the property owner.	√	√
29.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	√	√
30.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	√	

- A. The Planning Commission may waive any of the above required items at their discretion.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of submitted site plan.
- C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Grand Traverse County Road Commission, Grand Traverse Department of Public Works, Grand Traverse County Environmental Health Department, Grand Traverse Metro Fire Department, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (MDEGLE), and Michigan Department of Natural Resources (MDNR). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.
- D. All site plan drawings shall be submitted on sheets twenty four (24) inches by thirty six (36) inches and in digital PDF format.

8.5 APPLICATION SUBMISSION PROCEDURES

8.5.1 Pre-Application Conference

An applicant shall be required to hold a pre-application conference with the Zoning Administrator and/or Planner to discuss in general the substantive requirements for the application prior to submittal.

8.5.2 Conceptual Review

After a pre-application conference, an applicant may submit an application for conceptual review before the Planning Commission prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements of the Planning Commission. Feedback provided by the Planning Commission under a conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A conceptual review does not include a completeness or technical review by the Zoning Administrator.

8.5.3 Completeness Review

All required application materials shall be presented to the Zoning Administrator’s office by the property owner or their designated agent at least twenty one (21) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of

the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance.

8.5.4 Technical Review

An application determined to be complete will undergo a technical review by the Zoning Administrator or Township designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

8.6 APPROVAL, CONDITIONS, AND DENIAL

The Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

8.6.1 Administrative Review

The Administrative Review Committee may review and make a decision on a qualifying site plan review application. The Administrative Review Committee shall consist of the Zoning Administrator, Planning Commission Chair and a Planning Commissioner, and shall perform the duties of the Planning Commission prescribed in this Article when conducting an administrative review. No part of this subsection shall prohibit the Zoning Administrator, Administrative Review Committee or Applicant from requesting the site plan be submitted to the Planning Commission for review and approval. A site plan review application qualifying for administrative review shall meet the following criteria:

- A. The use is permitted by right in the established zoning district;
- B. Will result in less than one thousand (1,000) square feet of new development or construction;
- C. Will be located at least five hundred (500) feet from Acme Creek or Yuba Creek;
- D. Will generate less than five hundred (500) trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers;

8.6.2 Planning Commission Review

All other uses requiring a site plan shall be reviewed and decided upon by the Planning Commission.

8.6.3 Approval

The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

8.6.4 Conditional Approval

The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies.

Conditions imposed shall meet each of the following objectives:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
- C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

8.6.5 Denial

If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

8.7 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

8.7.1 Minutes

All minutes from any meeting where the site plan was considered.

8.7.2 Finding of Fact

The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

8.7.3 Final Site Plans

An electronic pdf version and a full size print set (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.

- A. Approved site plans shall include any required revisions and the date of the revisions. The print set shall be marked "Approved" and signed and dated by the Applicant and Planning Commission Chair.
- B. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair if denied.

8.7.4 Development Agreement

An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Chair.

8.8 EXPIRATION, REVOCATION AND REAPPLICATION

8.8.1 Expiration

A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a building permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant an extension for a period of up to one (1) year.

8.8.2 Revocation

If a violation of any of the conditions or standards imposed on a an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

8.8.3 Reapplication

No application for a site plan review approval which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the ground of newly discovered evidence or proof of changed conditions.

8.9 AMENDMENTS AND MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

8.9.1 Insignificant Deviations

The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.

8.9.2 Minor Amendments

The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the

Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.

8.9.3 Major Amendments

All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

8.10 FEES AND PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

- 1296.02 Site design standards for uses permitted after special approval.
- 1296.03 Landscaping standards.
- 1296.04 Standards for architecture and building materials.

CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4(i)
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Districts generally and Zoning Map - see P. & Z. Ch. 1266

1296.01 SITE PLAN REVIEW.

(a) Purpose and Intent.

- (1) The purposes of site plan review are to determine the following:
 - A. Compliance with this Zoning Code;
 - B. To promote the orderly development/redevelopment of the City through an open and predictable review process.
 - C. To promote the stability of land values and investments and the general welfare;
 - D. To help prevent the impairment or depreciation of land values and development/redevelopment by the erection of structures or additions thereto without property attention to siting and appearance;
 - E. To require the gradual upgrade of existing site that do not conform with current standards of this Zoning Code; and
 - F. To ensure that the arrangement, location, design and materials within a site are consistent with the character of the City and the goals and design guidelines in the Comprehensive Development Plan.

(b) Requirement.

- (1) Submission of a site plan shall be required prior to the erection of any building or structure in any zoning district for any principal permitted use in the City, any land use requiring special approval, conditional rezoning, or planned unit development, other than one single-family residence and accessory buildings and structures thereto, subject to the procedures set forth in this section unless otherwise provided in paragraph (b)(2) hereof.

(2) A sketch plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district (i.e. special land uses, conditional rezoning, and planned unit developments are not eligible) including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards.

(c) Authority to Approve Site Plans.

- (1) Building Superintendent. The Building Superintendent or his or her designee shall have authority to review and approve site plans, or sketch plans where applicable, for the following uses in accordance with subsection (e) hereof:

A. An increase in floor area of building up to 1,000 square feet or 5% of existing floor area, whichever is less, with no required increase in parking area (only if the total number of expansions within the last five years, as determined by the Building Superintendent, do not exceed this amount).

B. A new use that is a principal permitted use in zoning district and requires no significant changes to the building footprint, facade, parking, landscaping, lighting, signs, or vehicular access.

C. An expansion, replacing or alteration of landscaping areas consistent with the requirements of this Zoning Code.

D. Improvements or installation of walls, fences, lighting or curbing consistent with the requirements of this Zoning Code.

E. Alterations to the off-street parking layout or installation of pavement or curbing improvements, except for Off-Street Parking A Areas, provided the total number of spaces shall remain constant, and the construction plans and lot construction are approved by the City.

F. Relocation of a waste receptacle to a more inconspicuous location, or the installation of screening, both consistent with the requirements of this Zoning Code.

G. Changes to a facade, architectural features or wall signs, provided such changes are consistent with the requirements of this Zoning Code and do not significantly and materially change the appearance of the building. (An elevation plan showing changes and construction materials is required).

H. A change from a nonconforming use, building or site to a more conforming situation consistent with the requirements of this Zoning Code.

I. Modifications to upgrade a building to improve barrier-free design, comply with Americans with Disabilities Act or other federal, state or county regulations.

J. Changes in use, as defined in this Zoning Code, that do not increase the gross floor area, provided all other improvements are consistent with the requirements of this Zoning Code.

K. Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a twelve month period does not exceed 50% of the building's state equalized value or affect parking requirements on a site.

L. Repairing, resurfacing, re-striping or curbing of parking lots.

M. Construction or erection of signs, retaining walls, fences, waste receptacles, sidewalks, antennae, lights, poles, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, landscaping or similar structures which conform to the requirements of this Zoning Code or other City standards, and where site plan review is not specifically required under other sections of this Zoning Code.

N. Modifications or amendments to an approved site plan, subject to paragraph (e)(6)H. hereof.

O. Approval of accessory uses associated with uses provided by right in the zoning district.

P. Bike path, pathway or sidewalk construction or relocation.

Q. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to 100 square-feet on a lot occupied by a residential dwelling.

R. Re-occupancy of a building that has been vacant for more than thirty days, where the proposed use will be conducted fully within an enclosed building and re-occupancy will not require significant additional parking demands, access changes or other substantial modifications.

S. Land division of un-platted land.

T. Other similar applications that are subject to administrative review and do not require a public hearing under state law.

(2) Planning Commission. Except as specified above in paragraph (c)(1), the Planning

Commission shall have authority to grant final approval of the site plans for the following uses in accordance with subsection (e) hereof.

A. Any building or structure in any zoning district for any principal permitted use in the City;

B. Any land use requiring special approval, conditional rezoning or any planned unit development.

(3) Application procedure, contents. The following information shall accompany all site plans and sketch plans submitted for all reviews:

A. An application for site plan review, supplied by the Building Department, shall be submitted to the Building Superintendent, along with the required application fee and six copies of the site plan at the following scales:

1. A scale of not less than one inch equals twenty feet for property less than one acre;
2. One inch equals thirty feet for property larger than one acre but less than three acres;
and,

3. One inch equals fifty feet for property larger than three acres.

B. A completed site plan application and site plan materials must be submitted at least twenty-one days prior to the Planning Commission or City Council meeting at which the review is requested. Upon confirmation from the City Planner, City Engineer, City Attorney and other City consultants and staff that the site plan substantially meets the requirements of this chapter, an additional ten copies of the site plan shall be submitted to the Building Department. The Commission may prepare forms and require the use of such forms in site plan preparation. A separate escrow deposit may be required for administrative charges to review the site plan submittal.

C. Current proof of ownership of the land to be utilized or evidence of a contractual arrangement to acquire such land, such as an option or purchase agreement, and a title search or other evidence of any applicable easements or deed restrictions.

(4) Distribution of plans. Upon submission of all required application materials, the site plan proposal shall be distributed, at the option of the Building Superintendent, to the City Planner, City Engineer, City Attorney and other City consultants and staff for review. Determination of compliance with City ordinances and regulations shall be made within fifteen days of receiving an application for site plan review. Site plans determined to be in substantial compliance proceed to final site plan review (subsection (d)(3) hereof). For site plans determined not to be in substantial compliance, the applicant may be required to complete revisions and re-submit the plans for further review prior to final action. Upon receipt of the revised site plans, determination of compliance shall be made within fifteen days.

(d) Review Procedure and Authorization.

(1) Pre-application meeting. In order to facilitate processing of a site plan in a timely manner, the City provides opportunities for potential applicants to meet with and discuss development/redevelopment proposals with City officials and staff for the purposes of obtaining information and guidance in the preparation of the required site plan and application materials. No formal action shall be taken on a site plan submitted for pre-application meetings. The following two options are available depending upon the type of proposal being considered:

A. Optional. The applicant may request a pre-application site plan meeting with the Building Superintendent, City Planner, and/or City Engineer. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The City

Planner's and City Engineer's fees for any such pre-application conference shall be paid by the applicant.

B. Mandatory. A pre-applicant meeting is required for all proposed developments within the Downtown Development Authority (DDA) District by the DDA or its designated representative, the Building Superintendent, City Planner and City Engineer. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The City Planner's and City Engineer's fees for any such pre-application conference shall be paid by the applicant.

(2) Conceptual review by Planning Commission.

A. An applicant may file a written request for conceptual review of a preliminary site plan by the Planning Commission, prior to submission of a site plan for formal (final) review. Conceptual site plan review is required for all special land use, planned unit development, condominium and conditional rezoning projects. A site plan submitted for conceptual review shall be drawn to scale, and shall show site development features in sufficient detail to permit the Planning Commission to evaluate the following:

1. Relationship of the site to nearby properties;
2. Density;
3. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and,
4. Conformance with City's development policies and standards.

B. Conceptual review fees shall be paid according to the fee schedule established by the City Council.

C. No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission shall be bound by any comments or suggestions made during the course of the conceptual review.

(3) Final sketch plan/site plan review. Upon determination that the site plans substantially complies with City ordinances and regulations, the site plans shall be placed on the next available Planning Commission agenda. All required revisions must be completed prior to the site plan being placed on the Planning Commission agenda for review.

(4) Public hearings. A public hearing conducted by the Planning Commission is required for all zoning amendments, and for all site plans involving uses that are subject to special land use approval, applications for conditional rezoning and planned unit developments. After payment of appropriate fees, the Building Superintendent shall set the date of the public hearing.

(5) Authorization.

A. The Planning Commission, or when applicable, the Building Superintendent or planning consultant (as per paragraph (c)(1) hereof) shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Building Official, City consultants, and/or other reviewing agencies.

B. The Planning Commission or Building Superintendent (as per paragraph (c)(1) hereof) is authorized to take the following action on the plan, subject to guidelines in the Zoning Ordinance: approval, approval with conditions, denial, or table the site plan, as follows:

1. Approval. Upon determination that a site plan is in compliance with the standards and requirements of this section and other applicable ordinances and laws, approval shall be granted.
2. Approval subject to conditions. Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant

shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions the Building Superintendent or Planning Consultant, for final approval stamp after conditions have been met.

3. Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this chapter or elsewhere in this section, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.

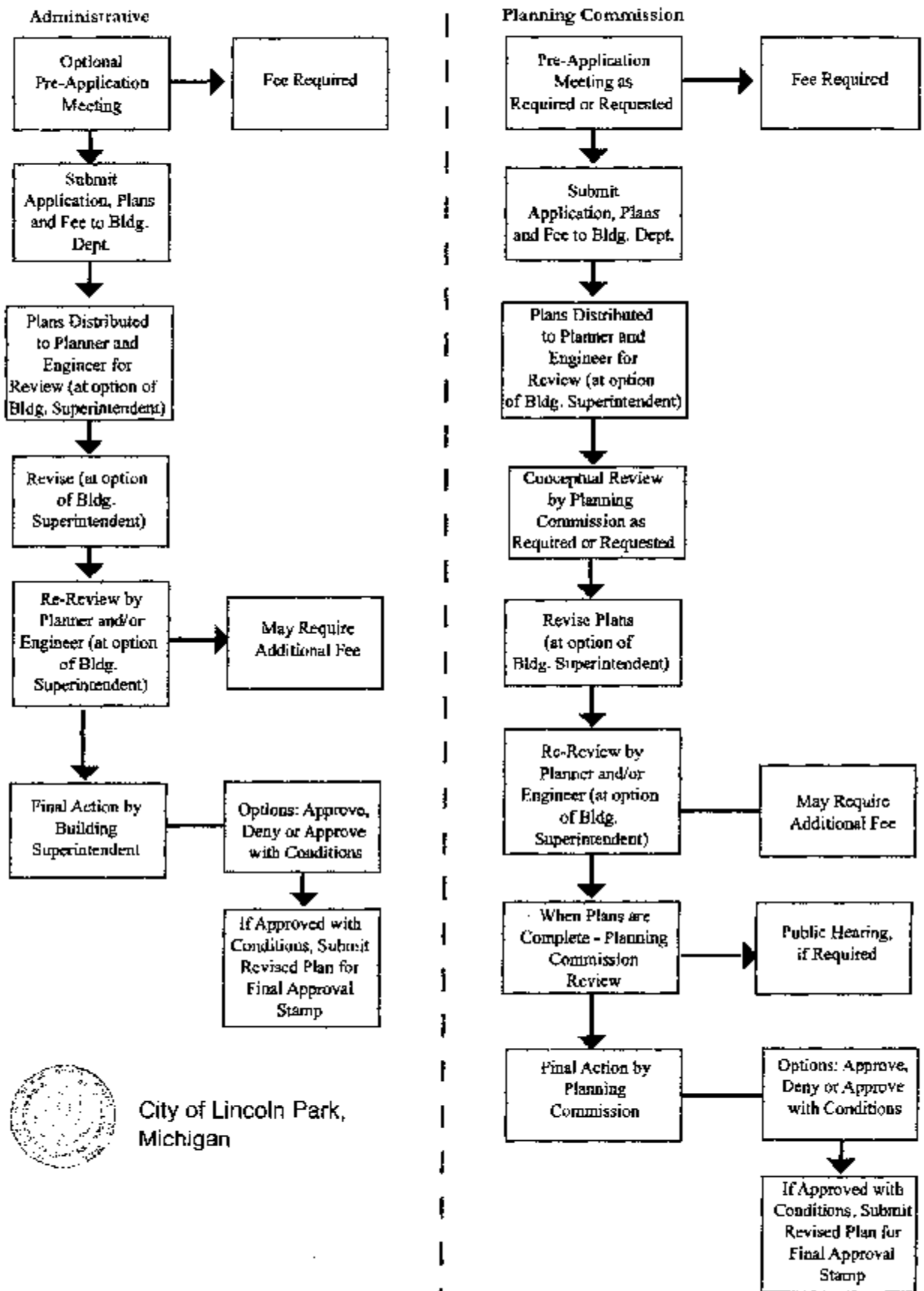
4. Tabling. Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a future meeting.

(6) Recording of site plan review action.

A. Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission, as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

B. After the Planning Commission or Building Superintendent (as per paragraph (c)(1) hereof) has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped APPROVED and signed by the Building Superintendent or City Planner. One marked copy will be returned to the applicant and the other two copies will be kept on file in the City Hall.

SITE PLAN REVIEW



City of Lincoln Park,
Michigan

(e) Standards for Site Plan Approval. The following information shall be included on all site plans, where applicable:

(1) Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

(2) Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this section.

(3) Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

(4) Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations (Section 1294.32), except as provided elsewhere in this section.

A. Site condominiums.

1. In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit which shall be at least equivalent to the minimum yard area requirements.

2. In addition, site condominium projects shall comply with the applicable design standards which have been developed for similar types of development in the City, as described in the City Subdivision Ordinance, the City Engineering Design Specifications, and other applicable ordinances and regulations, including requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this section by reference.

B. Detached condominiums.

1. In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located.

2. In addition, site condominium projects shall comply with the applicable design standards which have been developed for similar types of development in the City, as described in the City Subdivision Ordinance, the City Engineering Design Specifications, and other applicable ordinances and regulations, including requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this section by reference.

C. Condominium document review and approval.

1. The Planning Commission shall review the final condominium documents to determine compliance with site plan approval and City and State of Michigan condominium

development requirements. The Planning Commission shall approve or deny the request for final approval of the condominium documents. Condominium documents include the Condominium Subdivision Plan (Exhibit B drawing), Master Deed and Bylaws.

2. An application for condominium document review must be submitted to the Building Superintendent according to the requirements of paragraph (c)(3) and (4) hereof, as applicable, within one year after the date of approval of the condominium site plan by the Planning Commission, or such approval shall be deemed null and void, unless an extension subject to the requirements of paragraph (e)(6)C. hereof is granted.

3. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final condominium documents have been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

(5) Site plan approval criteria. In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether or not the site plan meets the following criteria, unless the Commission determines that one or more of such criteria are inapplicable:

A. General. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code. The site plan shall conform with all requirements of this Zoning Code, including those of the applicable zoning district(s).

B. Building design. The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.

C. Preservation of significant natural features. Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as deemed in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.

D. Streets. All streets shall be developed in accordance with the City of Lincoln Park Subdivision Control Ordinance and construction standards, unless developed as a private road in accordance with the requirements of the City.

E. Access, driveways and circulation. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Lincoln Park Comprehensive Development Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Section 1290.10, Access Management Standards.

F. Emergency vehicle access. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Police Department.

G. Sidewalks, pedestrian and bicycle circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/ pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/ service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.

H. Barrier-free access. The site has been designed to provide barrier-free parking and pedestrian circulation.

I. Parking. The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Zoning Code. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.

J. Loading. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Zoning Code.

K. Landscaping, screening, and open space. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.

L. Soil erosion control. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.

M. Utilities. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.

N. Stormwater management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

O. Lighting. 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. Flashing or intermittent lights shall not be permitted.

P. Noise. The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

Q. Mechanical equipment. Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.

R. Signs. The standards of the City's Sign Code are met.

S. Hazardous materials or waste. For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

T. Other agency reviews. The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

(6) Procedure after site plan approval.

A. Application for building permit.

1. Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, or State permits prior to issuance of a building permit.

2. A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded master deed has been provided to the City. However, the Building Superintendent may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the master deed. No permit issued or work undertaken prior to recording of the master deed pursuant to this section shall grant any rights or any expectancy interest in the approval of the master deed.

B. Performance guarantee. Performance guarantees shall be required subject to the standards in Section 1262.09.

C. Expiration of site plan approval. If construction has not commenced within twelve months of final approval of the site plan, or if construction has not been completed within twelve months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The Building Superintendent may grant an extension of up to twelve months, upon written request from the applicant, if he or his designee finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards.

D. Application for certificate of occupancy. Following completion of site work and building construction, the applicant may apply for a certificate of occupancy or a temporary certificate of occupancy from the Building Superintendent. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

E. Property maintenance after approval.

1. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this section and shall be subject to the same penalties appropriate for a use violation.

2. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public

entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this section and shall be subject to the same penalties appropriate for a use violation.

F. Recorded and as-built condominium documents.

1. Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the city with the following:

- a. One copy of the recorded master deed, and
- b. One copy of any condominium bylaws and restrictive covenants.

2. Upon completion of the project, the condominium project developer or proprietor shall furnish the city with the following:

- a. Two copies of an "as built survey", and
- b. One copy of the site plan on a mylar sheet of at least thirteen by sixteen inches with an image not to exceed ten and one-half by fourteen inches.

3. The as-built survey shall be reviewed by the City Engineer for compliance with City ordinances. Fees for this review shall be established by the City Council.

G. Revocation. Approval of a site plan may be revoked by the Planning Commission or Building Superintendent if construction is not in conformance with the approved plans. In this case, at the discretion of the Building Superintendent, the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten days prior to the meeting. The Building Superintendent, applicant, and any other interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.

H. Modification to approved plan. A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:

1. Review of minor modifications. Minor modifications to an approved site plan may be reviewed by the City Building Superintendent or his or her designee.

a. Minor modification defined.

i. Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

- An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than 25% or 3,000 square feet, whichever is less.
- Re-occupancy of a vacant building that has been unoccupied for less than twelve months.

- Changes to building height that do not add an additional floor.
- Additions or alterations to the landscape plan or landscape materials.
- Relocation or screening of the trash receptacle.
- Alterations to the internal parking layout of an off-street lot.

ii. The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

b. Determination of minor modification. The Building Superintendent, or his or her designee, shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make the determination, the Building Superintendent shall solicit comments and recommendations from the Planner, Engineer, and public safety officials, as deemed necessary.

2. Modifications not deemed "minor." If the modifications are not deemed minor by the Building Superintendent, then full and approval review by the Planning Commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, a special land use, conditional rezoning, and planned unit development proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

I. Recording of action. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the Building Superintendent. The Planning Commission shall be advised of all minor site plan modifications approved by the Building Superintendent and such modifications shall be noted on the site plan and in the minutes of the Planning Commission.

J. Fees. Fees for the review of site plans and inspections as required by this section shall be established and may be amended by resolution by the City Council.

(f) Site Plan Contents. Each site plan submitted for review shall have a sheet size of at least twenty-four inches by thirty-six inches and shall include the following information:

(1) Descriptive and identification data.

- A. Applicant's name and address, and telephone number.
- B. Title block indicating the name of the development.
- C. Scale.
- D. Northpoint.
- E. Dates of submission and revisions (month, day, year).
- F. Location map drawn to scale with northpoint.
- G. Legal and common description of property.

H. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.

I. A schedule for completing the project, including the phasing or timing of all proposed developments.

J. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.

- K. Written description of proposed land use.
- L. Zoning classification of applicant's parcel and all abutting parcels.
- M. Proximity to driveways serving adjacent parcels.
- N. Proximity to section corner and major thoroughfares.
- O. Notation of any variances which have or must be secured.
- P. Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre.

(2) Site data.

A. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.

- B. Front, side, and rear setback dimensions.
- C. Topography on the site and within 100 feet of the site at two foot contour intervals,

referenced to a U.S.G.S. benchmark.

D. Proposed site plan features, including buildings, roadway widths and names, and parking areas.

E. Dimensions and centerlines of existing and proposed roads and road rights-of-way.

F. Acceleration, deceleration, and passing lanes, where required.

G. Proposed location of driveway entrances and on-site driveways.

H. Typical cross-section of proposed roads and driveways.

I. Location of existing drainage courses, floodplains, lakes and streams, with elevations.

J. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.

K. Location of sidewalks within the site and within the right-of-way.

L. Exterior lighting locations and method of shielding lights from shining off the site.

M. Trash receptacle locations and method of screening, if applicable.

N. Transformer pad location and method of screening, if applicable.

O. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.

P. Information needed to calculate required parking in accordance with Zoning Code standards.

Q. The location of lawns and landscaped areas, including required landscaped greenbelts.

R. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.

S. Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot off the ground, before and after proposed development.

T. Cross-section of proposed berms.

U. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.

V. Designation of fire lanes.

W. Loading/unloading area.

X. The location of any outdoor storage of materials and the manner by which it will be screened.

(3) Building and structure details.

A. Location, height, and outside dimensions of all proposed buildings or structures.

B. Indication of the number of stores and number of commercial or office units contained in the building.

C. Building floor plans.

D. Total floor area.

E. Location, size, height, and lighting of all proposed signs.

F. Proposed fences and walls, including typical cross-section and height above the ground on both sides.

G. Building facade elevations, drawn to a scale of one inch equals four feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this section. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights-of-way. Such

screening shall be designed to be perceived as an integral part of the building design.

(4) Information concerning utilities, drainage, and related issues.

A. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.

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

C. Indication of site grading and drainage patterns.

D. The following information shall be submitted as part of an application for permission to commence any type of development within a flood hazard area:

1. The elevation in relation to mean sea level of the floor, including basement, of all structures.

2. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

3. Proof of development permission from appropriate local, state, and federal agencies as required by this Zoning Code, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, the Flood Plain Regulatory Authority.

4. Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967, the Subdivision Control Act, or greater than five acres in size.

E. Additional information which may be reasonably necessary to determine compliance with the provisions of this Zoning Code.

F. Soil erosion and sedimentation control measures.

G. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.

H. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than twenty-five gallons per month.

I. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.

J. Underground storage tanks locations.

K. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

(5) Information concerning residential development.

A. The number, type and location of each type of residential unit (one- bedroom units, two-bedroom units, etc.).

B. Density calculations by type of residential unit (dwelling units per acre).

C. Lot coverage calculations.

D. Floor plans of typical buildings with square feet of floor area.

E. Garage and carport locations and details, if proposed.

F. Pedestrian circulation system.

G. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.

H. Community building location, dimensions, floor plans, and facade elevations, if applicable.

I. Swimming pool fencing detail, including height and type of fence, if applicable.

J. Location and size of recreation open areas.

K. Indication of type of recreation facilities proposed for recreation area.

(6) Information applicable to mobile home parks.

A. Location and number of pads for mobile homes.

B. Distance between mobile homes.

C. Proposed placement of mobile home on each lot.

D. Average and range of size of mobile home lots.

E. Density calculations (dwelling units per acre).

F. Lot coverage calculations.

G. Garage and carport locations and details, if proposed.

H. Pedestrian circulation system.

I. Location and names of roads and internal drives.

J. Community building location, dimensions, floor plans, and facade elevations, if applicable.

K. Swimming pool fencing detail, including height and type of fence, if applicable.

L. Location and size of recreation open areas.

M. Indication of type of recreation facilities proposed for recreation area.

(7) Additional information. Information related to condominium development. The following information shall be provided with all site plans including condominium development:

A. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.

B. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

(8) Items not applicable. If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

A. A list of each item considered not applicable.

B. The reason(s) why each listed item is not considered applicable.

C. Such other information as may be required by the city to assist in the consideration of the proposed development, including but not limited to an analysis of the planning implications of the proposed development including the methodology of how the planning implications were determined. The analysis shall be carried out by qualified individuals and shall include, but need not be limited to:

1. Estimated population holding capacity of any residential land uses to be included in the proposed development and general impact on community facilities such as primary and secondary schools and parks.

2. A traffic analysis which relates the trip generation of the proposed development to existing and projected traffic capacities, volumes and patterns on surrounding streets.

(g) Sketch Plan Contents. The sketch plan for administrative approval shall contain the following information, unless the Building Superintendent or his or her designee determines that some of the required information is not reasonably necessary:

(1) The applicant's name.

(2) The name of the development.

- (3) The preparer's name and the professional seal of the architect, engineer, surveyor, or landscape architect registered with the State of Michigan.
 - (4) The date of preparation and any revisions.
 - (5) A north arrow.
 - (6) Property lines and dimensions.
 - (7) A complete and current legal description and the size of the property in acres and square feet.
 - (8) A small location sketch of sufficient size and scale (within a one-quarter mile is suggested) showing the location of the area in relation to surrounding properties, streets, freeways, schools, schools sites, and other significant features of the city, where appropriate.
 - (9) A narrative indicating the period of time within which the project will be completed.
 - (10) One copy of the final site plan, reduced in size to eight and one-half inches by fourteen inches.
- (Res. 98-340A. Passed 9-21-98; Res. 01-429A. Passed 7-2-01; Res. 06-210A. Passed 6-19-06.)

1296.02 SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL.

The following standards are in addition to the requirements of Section 1296.01, Site Plan Review:

Note: The requirements noted in this section are in addition to, or, where in conflicts, supersede, those general requirements by zoning districts, as indicated in Section 1296.01, Site Plan Review. For all uses permitted after special approval, see the processing requirements in Section 1262.08, Special Approvals.

A. Adult Foster Care Group Homes

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.
2. No foster care group home shall be located closer than one thousand five hundred (1,500) feet to any other foster care group home or foster care family home, measured from the nearest wall of each such structure.
3. No additional facility shall be approved which would contribute to an excessive concentration of foster care group homes within a neighborhood.

B. Automobile and Other Vehicle Wash Establishments

1. A minimum front yard setback of twenty (20) feet shall be required for all structures.
2. Required off-street parking and vehicle waiting areas shall be provided in accordance with Chapter 1290, Off-Street Parking and Loading.

C. Automotive Fueling and Service Stations

1. See Section 1294.14, Automotive Service Stations, Repair Centers and Public Garages, for detailed regulations.

D. Automotive Repair Centers

1. See Section 1294.14, Automotive Service Stations, Repair Centers and Public Garages, for detailed regulations.

E. Bed and Breakfast Inns, Boarding Houses, Rooming Houses, and Lodging Houses

1. The site shall be evaluated for the degree of potential residential and commercial use conflicts.
2. Parking areas shall be located off-street and shall not be located in any required front yard.
3. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.