



OFFICE OF COMMUNITY DEVELOPMENT

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STAFF REPORT

To: Chairman Kowalski and Planning Commission
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

RE: Revised Article IV, Non-Conformities

Date: May 2, 2016

CWA provided draft #3 of the non-conformities article for Planning Commission discussion. Minor modifications, including our earlier conversation regarding 50% of the assessed value, as determined by the City Assessor have been incorporated, but need further discussion. Additionally, page 4-5, Section 4.06, Non-Conforming Sites requires additional discussion, as well.

Article IV

NON-CONFORMITIES

Section 4.01 INTENT

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such legal non-conforming lots, structures, or uses to continue until they are removed, but not to encourage their survival or where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved.

Section 4.02 NON-CONFORMING LOTS OF RECORD

Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record -at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance requests from district yard requirements may be applied for through the City of Dexter Zoning Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes

compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

Upon application, the Zoning Administrator may permit the combination, in whole or in part, of non-conforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of non-conformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

Section 4.03 NON-CONFORMING USES OF LAND

The lawful use of any land existing on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform to the provisions of this Ordinance or amendments subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. If such non-conforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with Article XXII.

Section 4.04 NON-CONFORMING BUILDINGS AND STRUCTURES

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Restriction on Creating Non-conformities:** No such building or structure may be enlarged or altered in a way which increases its non-conformity.

- B. **Restriction on Movement:** Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- C. **Restrictions on Alteration or Modification:** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.
- D. **Restrictions on Replacements:** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance.

Any non-conforming building which has been damaged substantially or destroyed may be repaired, rebuilt or replaced within 18 months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing non-conforming structure.

Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire or act of God is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

FOR DISCUSSION:

A non-conforming structure, except a single-family dwelling and its accessory structures, which are damaged by any means to an extent of more than 50% of its assessed value as determined by the City Assessor, shall not be reconstructed except in conformity with the regulations of the district in which it is located. Any non-conforming structure, except single-family dwellings and their accessory structures, that is damaged to an extent of 50% or less of its replacement cost, may be replaced in its location existing prior to such damage, provided replacement is commenced within 18 months of date of damage and is diligently pursued to completion. Failure to commence replacement within 18 months shall result in the loss of legal non-conforming status.

Non-conforming structures may be replaced or expanded in accordance with the following requirements:

1. A single-family dwelling unit and permitted accessory structures may be replaced or expanded, subject to the following standards:
 - a. The dwelling is a permitted use in the district in which it is located; and
 - b. Any expansion shall meet yard, lot coverage, floor area ratio, and impervious surface regulations of the zoning district in which it is located.

2. All other non-conforming structures, in any zoning district, may be expanded only after approval by the Zoning Board of Appeals, as provided in Section 24.05 F.

Section 4.05 NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Prohibition on Enlargement of a Building Housing Non-conforming Use:** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. **Extension Throughout Building:** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Changing Use:** If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning ~~Board of Appeals~~Administrator either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning ~~Board of Appeals~~Administrator may require conditions and safeguards in accord with the purpose and intent of this Ordinance and/or may request review and determination by the Planning Commission. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. **Prohibition of Re-establishment if Replaced by Conforming Use:** A non-conforming use of any structure which is replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. **Discontinuance or Termination of Non-conforming Use of Structure:** When a non-conforming use is discontinued or ceases to exist for six consecutive months the non-conforming ~~structure~~ or use of land shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be ~~excepted~~ exempt from this provision. ~~Appeals for continuation of such uses shall be provided and determined by making application to the City of Dexter Zoning Board of Appeals.~~

- F. **Repairs to Non-conforming Use:** On any building devoted in whole, or in part, to any non-conforming use, work may be done in any period of 18 consecutive months on ordinary repairs, improvements, or modernization, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to correct deterioration, obsolescence, depreciation and wear. Such repairs, improvements, replacement, or modernization activities shall be permitted providing the total area (in square feet) of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Repairs begun within the required 18 consecutive months but not completed upon the expiration of the permitted time period may be completed provided the repairs have been issued and approved and valid building permit and the work has continued without interruption to eventual completion.
- G. **Safety Repair.** Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part, thereof declared unsafe by an official charged with protecting public safety, upon order of such official.

FOR DISCUSSION:

If a structure devoted in whole or in part to a non-conforming use is destroyed by any means to an extent of more than 50% of its assessed value as determined by the City Assessor at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

Section 4.06 NON-CONFORMING SITES

The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Chapter were established or amended. This section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current zoning ordinance standards. Non-conforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A non-conforming site shall not be improved or modified in a manner that increases its non-conformity.
2. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access, and pedestrian/vehicle conflicts.
3. The proposed site improvements shall include exterior lighting, landscaping, screening, and building improvements that are in reasonable proportion to the scale and construction cost of the proposed building improvements, expansions, or other improvements.
4. The proposed site improvements shall include the installation, restoration, or expansion of sidewalks within the through the site, where appropriate.

5. A reasonable timeline for completion of site improvements to an existing non-conforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

Section 4.06-07 GENERAL REQUIREMENTS

- A. **Structure and Land in Combination.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- B. **Illegal Non-conforming Uses:** Those alleged non-conforming uses which cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

Section 4.07-08 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

Section 4.08-09 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures and land in combination provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

Section 4.10-10 ACQUISITION OF NON-CONFORMING USES

The City Council may acquire private property, or an interest in private property, to remove a non-conformity, as provided in Act 207, PA of 1921, as amended.



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MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Doug J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: February 29, 2016

RE: Special Land Use Provisions Update

Attached to this communication are the modified Special Land Use provisions for your review. As you will note, specific use regulations have been removed, and will be reorganized into a new chapter. Other changes to note include:

- Application (form) requirements have been removed. Application documents can and should be modified from time to time, and general required information does not need to be listed the ordinance standards.
- The notification process will reference a new section outlining public hearing procedures.
- The Planning Commission and City Council review and approval process have been updated to streamline and further explain the approval process.
- Special land use review standards have been modified and updated as necessary to further modernize and streamline. Additional findings the Planning Commission and City Council may consider in the review of a special land use have been added, these include: hours of operation, outdoor activities, public safety, etc.
- The conditions of approval have been updated to outline the City Council's authority/discretion in determining conditions of approval. Further, the intent of any conditions imposed is defined.
- Validity of Permit heading has been changed to Effectiveness. All provisions related to special land use permits effectiveness have been reorganized into this section and updated accordingly.
- A new section has been added to accommodate all provisions related to an amendment, expansion, or change in use to an approved special land use.

The City Attorney has reviewed the proposed updates, and suggests clarification of the timeframe provided in Section 8.02D(1). We will be discussing whether a timeframe should be eliminated (as it is not required under the Michigan Zoning Enabling Act) or at what stage of review the timeframe applies

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President*

R. Donald Wortman, *Principal* John L. Enos, *Principal* David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal*
Brian Oppmann, *Associate* Laura K. Kreps, *Associate*

(after Planning Commission review or the first City Council meeting where it appears on the agenda). All other revisions suggested by the City Attorney have been provided in the attached draft.

We look forward to reviewing these provisions with you at an upcoming Planning Commission work session or meeting. Please feel free to contact us with any questions or comments.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Laura K. Kreps, AICP
Associate

Cc: File

Article VIII

SPECIAL LAND USES

~~Adopted June 12, 1995~~

Section 8.01 INTENT

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. Among the purposes of the Special Land Use standards of this Article ~~are~~ is to accomplish the following:

- Provide a mechanism for public input on decisions involving more intense land uses.
- Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- Regulate the use of land on the basis of impact to the City overall, and adjacent properties in particular.
- Promote a planned and orderly development pattern which ~~can~~ can be served by public facilities and serviced d in a cost-effective manner.
- Ensure uses can be accommodated by the environmental capability of specific sites.
- Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- Provide greater flexibility to integrate land uses within the City.

~~This Article provides both general standards for all Special Land Uses (Section 8.03) and specific location, site or operational standards for particular Special Land Uses (Section 8.11). The process for review of a Special Land Use involves a Public Hearing with the Planning Commission with final review determination on the use and site plan by the City Council. Approval of any Special Land Use requires a Special Land Use Permit.~~

Section 8.02 ~~APPLICATION, REVIEW AND APPROVAL PROCEDURES~~

The procedure for Special Land Use review shall be as follows:

~~aA.~~ **Application.** An applicant for a Special Land Use shall submit an application for review to the Zoning Administrator, and pay together with the required fee and appropriate information, not less than 30 days prior to the date of the regular meeting of the Planning Commission, at which the special use application will be considered. The following information shall also be submitted: ~~The application presented for consideration shall contain the following:~~

1. ~~Name of proposed development.~~ A site plan with the required information as set forth in Article XXI.
2. ~~Common description of the property and complete legal description (also address, if available.)~~ A statement with regard to compliance with the criteria required for

approval in Section 8.03, Standards for Special Land Uses approval and any specific standards required by the specific use as provided in Article _____, Specific Use Standards.

3. ~~Dimensions of land: width, length, acreage, and frontage. Failure to provide the required information and materials as part of the application for Special Land Use approval shall render the application deficient, and said application shall be held in abeyance until the petitioner submits all required items. The Zoning Administrator may waive the submission of a site plan where such information is not material to Planning Commission action, specifically where no physical changes to the site are proposed.~~
4. ~~Existing zoning classification and zoning of all adjacent properties.~~
5. ~~Proposed use of the land.~~
6. ~~Name, address, and phone number of:~~
 - ~~(a) Firm or individual who prepared the application.~~
 - ~~(b) Legal owner of the property.~~
 - ~~(c) Applicant (including basis of representation.)~~
7. ~~Signature of the legal owner and the Applicant.~~
8. ~~A site plan, prepared in accordance with the provisions of Article XXI of this Ordinance.~~

bB. Planning Commission Public Hearing. The Planning Commission shall hold a public hearing, or hearings, upon any application for special land use, notice of which shall be in the manner required by Section X.XX Notices.

1. ~~If the Zoning Administrator finds all of the information complete a Public Hearing shall scheduled at the next regular meeting to review the request.~~
2. ~~A notice of the public hearing shall be published in a newspaper which circulates in the City and copies of the notice shall be sent by mail to property owners and occupants of structures within three hundred (300) feet of the property in question. The notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the public hearing, and shall:~~
 - ~~(a) Describe the nature of the Special Land Use request.~~
 - ~~(b) Indicate the property which is the subject of the Special Land Use request.~~
 - ~~(c) State the date, time and place of public hearing.~~
 - ~~(d) Indicate that written comments may be submitted prior to or at the public hearing.~~

eC. Planning Commission Action.

1. The Planning Commission shall conduct the required public hearing. At the public hearing, the Planning commission shall review the application for special land use approval in accordance with Section 8.03 and any specific standards in Article _____, Specific Use Standards.

- ~~d. The Planning Commission shall review the application in terms of the requirements of the Special Land Use General standards listed in Section 8.04 below and any specific standards of Section 8.11.~~
- e. 2. The Planning Commission shall recommend that the City Council either approve, approve with conditions (~~as described below in Section 8.04~~based on findings outlined in Section 8.03) or deny the Special Land Use and the accompanying site plan.

Df. **City Council Action.**

1. The Special Land Use request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next City Council meeting. The City Council shall either approve or reject the request within ~~sixty (60)~~ days, unless an extension has been agreed upon in writing by both the City Council and the Applicant.
2. The decision on a special land use required by the City Council shall be made a part of the public record and incorporated into a resolution that includes a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any condition imposed.

Section 8.03 ~~GENERAL REVIEW~~ STANDARDS FOR ~~ALL~~ SPECIAL LAND USES

A. Standards. The Planning Commission and City council shall review the particular circumstances and facts of each proposed use, and shall consider the following general standards, and any specific standards established for a particular use. ~~Prior to approving a Special Land Use application, the Planning Commission and City Council shall require the following general standards be satisfied for the use at the proposed location. In addition to specific standards for individual Special Land Uses listed in Section 8.11, the Planning Commission and City Council shall require stipulation to ensure that the following are met:~~

1. A. **Compatibility with the Master Plan.** The proposed Special Land Use ~~will~~ shall be consistent with the goals, objectives, and future land use plan described in the Dexter Master Plan.
2. B. **Compliance with Zoning Standards.** The proposed Special Land Use ~~will~~ shall be designed, constructed, operated, and maintained to meet ~~consistent with~~ the stated intent of the zoning district, and shall comply with all applicable ordinance standards.
3. C. **Compatibility with Adjacent Uses.** The proposed Special Land Use ~~will~~ shall be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage,

traffic, ~~property values~~ or similar impacts. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

4. ~~D.~~ — **Impact on the Overall Environment.** The proposed Special Land Use ~~will~~ shall not ~~significantly~~ unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.

5. ~~E.~~ — **Impact on Public Facilities.** The proposed Special Land Use ~~can~~ shall be served adequately by public facilities and services such as police and fire protection, schools, drainage ~~structures~~ systems, water and sewage facilities, streets, pedestrian or bicycle facilities, and refuse disposal. Such services shall be provided and accommodated without an unreasonable public burden.

6. ~~F.~~ — **Traffic Impact.** The proposed special land use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration ~~the following:~~ pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation, and parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. The applicant shall comply with the City's Complete Street Ordinance.

- ~~1. — vehicular turning movements;~~
- ~~2. — proximity and relationship to intersections;~~
- ~~3. — adequacy of sight distances;~~
- ~~4. — location and access of off-street parking; and,~~
- ~~5. — provisions for pedestrian traffic.~~

~~G. — The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.~~

7. ~~H.~~ — **Public Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

8. **Special Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

B. **Additional Findings.** The Planning Commission and City Council shall also consider the following factors when reviewing a Special Land Use request:

- 1. The nature and character of the activities, processes, materials, equipment, or conditions of operation, either specifically or typically associated with the use.

2. Public safety, specifically police and fire.
3. Vehicular circulation and parking areas.
4. Outdoor activity, storage, and work areas.
5. Hours of operation.
6. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

Section 8.04 CONDITIONS OF APPROVAL

A. **Authority.** The City Council may at its discretion impose additional conditions of approval, ~~which will help ensure the Special Land use meets the standards of this Ordinance provided that the conditions~~ when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.;

B. **Scope.** Conditions that are imposed by the City Council shall:

1. Be related to and ensure the review considerations of Section 8.03 and the applicable specific regulations are met. ~~protect the health, safety, and welfare of those affected;~~
2. Special Land Use approval is applicable to a property, not property owners, so long as use remains in effect under terms set from the Section 8.05. ~~are related to the valid exercise of the police power of the City;~~
3. The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council. ~~are necessary to meet the intent and purpose of this Ordinance;~~
4. ~~are related to the standards established in this Ordinance for the land use or activity under consideration and are necessary to ensure compliance with those standards;~~
5. ~~provide adequate protection to existing land uses so the proposed land use will not be detrimental or injuries to the surrounding neighborhood.~~

BC. Approval of a Special Land Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Zoning Administrator. ~~The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council.~~

D. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the City Council to revoke such special land use approval in accordance with Section 8.08.

Section 8.05 ~~VALIDITY OF PERMIT~~ EFFECTIVENESS

- A. Remain in Force. Upon receipt of site plan approval, special land use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the City Council resolution of approval. ~~The Washtenaw County Building Department may issue a building permit in conformity with the particular Special Land Use so approved, following a certificate of zoning compliance is obtained from the Zoning Administrator. In all cases where a particular Special Land Use has been granted as provided herein, application for a building permit must be made and received by the City no later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked unless an extension is granted. The City Council may grant an extension of the first approval for good causes shown under such terms and conditions for such a period of time not to exceed six (6) months.~~
- B. Expiration. Any Special Land Use approval granted by the City Council shall expire unless a final site plan effectuating the Special Land Use is submitted within one year of the date of approval. ~~Where actual physical construction of a substantial nature of structures authorized by a Special Land Use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate (note: it is the responsibility of the applicant to request such an extension).~~
- C. Extension. Upon written application filed prior to the termination of the one ~~(1)~~ year period as provided above, the City Council may authorize a single extension of the time limit for an further additional one year period ~~of not more than one (1) year~~. Such extension shall be granted ~~only~~ based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one ~~(1)~~ year extension period.
- D. Conforming Use Status. Any approved Special Land Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- E. Abandonment. ~~If a use regulated as a~~ When a Special Land Use which has not previously received a Special Land Use permit ceases operations for more than one ~~(1)~~ year, the Special Land Use permit shall become null and void, and a new Special Land Use permit shall be required to reopen the use. The time frame shall be extended to two ~~(2)~~ years for a use which was approved as a Special Land Use under this ~~Ordinance amendment (i.e. a Special Land Use Permit is on file)~~ Article.
- F. Resubmittal. No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one ~~(1)~~ year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.

Section 8.06 AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Special Land Uses or when there is a proposed change from one Special Land Use to another.

- A. **Amendments.** Any person or agency who has been granted a Special Land Use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for an site plans in accordance with Article XXI. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Article. requires new Special Land Use approval. New Special Land Use approval may be required when such amendment is a departure for the operation or use described in the approved application or causes external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.
- B. **Expansions.** The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use, which has not previously received a Special Land Use Permit.
- C. **Change in Use.** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations, or activities prior to any such change. The Zoning Administrator shall determine if a new Special Land Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise additional outdoor storage, or display.

Section 8.06-07 INSPECTIONS

The Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the ~~Planning Commission~~ City Council and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

Section 8.07-08 REVOCATION

The revocation of a Special Land Use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- B. The recipient shall have ~~thirty (30)~~ days to correct any deficiencies to the satisfaction of the City Council.

- C. If after ~~thirty (30)~~ days any deficiencies remain, the City Council may then revoke the Special Land Use, or if the conditions warrant, allow additional time.
- D. A repeat violation may cause immediate revocation of the Special Land Use.

~~Section 8.08 AMENDMENTS TO SPECIAL LAND USE PERMITS~~

~~Any person or agency who has been granted a Special Land Use permit shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for an site plans in accordance with Article XXI. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Article.~~

~~Section 8.09 SPECIAL LAND USES EXPANSIONS~~

~~The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use, which has not previously received a Special Land Use Permit.~~

~~Section 8.10 RESTRICTIONS ON RESUBMITTAL OF A SPECIAL LAND USE REQUEST~~

~~No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.~~

~~Section 8.11 SPECIAL LAND USE SPECIFIC REQUIREMENTS~~

~~The following sections identify specific requirements, which shall be complied with by individual Special Land Uses, as determined by the Planning Commission and City Council, in addition to the general standards of Section 8.03:~~

- ~~A. **Listing:** Special Land Uses with specific site and/or use standards described on the following pages:~~
 - ~~1. Accessory apartment on upper floors of commercial buildings~~
 - ~~2. Accessory apartment in a single family home~~

- ~~3. Accessory use or storage of hazardous materials~~
- ~~4. Accessory commercial outdoor sales or storage (see commercial outdoor sales)~~
- ~~5. Adult regulated uses~~
- ~~6. Arcades and similar devices at public commercial mechanical amusement device centers~~
- ~~7. Automobile service centers (minor repair) and major auto repair establishments~~
- ~~8. Automobile service (gasoline) stations including those accessory to another use~~
- ~~9. Automobile washes, automatic or self-service~~
- ~~10. Banks, credit unions, savings and loan institutions with three or more drive through lanes~~
- ~~11. Bed and breakfast inns~~
- ~~12. Cemeteries~~
- ~~13. Churches~~
- ~~14. Commercial outdoor sales or storage (as permitted or accessory use)~~
- ~~15. Essential public service buildings and structures~~
- ~~16. Essential public service storage yards~~
- ~~17. Funeral Homes~~
- ~~18. General and specialty hospitals~~
- ~~19. Group day care homes~~
- ~~20. Housing for the elderly, retirement Villages, etc.~~
- ~~21. Kennels, commercial~~
- ~~22. Motels, hotels including accessory convention/meeting facilities and restaurants~~
- ~~23. Nursing and convalescent homes~~
- ~~24. Open air business—see commercial outdoor display, sales and storage~~

- ~~25. Outdoor eating areas~~
- ~~26. Radio, television microwave, and cellular phone towers~~
- ~~27. Recreation: Commercial outdoor establishments (excluding golf related uses)~~
- ~~28. Recreation: Indoor commercial recreation (bowling alleys, ice areas, skating rinks, etc.)~~
- ~~29. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.~~
- ~~30. Residential cluster development~~
- ~~31. Restaurants and other establishments with drive-in or drive-thru facilities~~
- ~~32. Veterinary Clinics and hospitals~~

~~B. List of specific requirements by use:~~

~~1. Accessory apartments on upper floors of mixed-use buildings~~

~~Housing above retail uses is encouraged in the City Commercial and Central Business District. These units are designed for singles, younger couples and elderly people without children. A mix of land uses, housing, jobs, and income creates a more balanced commercial district there by reduces traffic and creates better fiscal balance.~~

- ~~a. Accessory apartments shall be entirely within building.~~
- ~~b. A minimum of 300 square feet per unit.~~
- ~~c. Exterior entrances shall be separated from commercial uses. No more than two units can share a common entrance stair from the ground floor.~~
- ~~d. One (1) parking space per unit.~~
- ~~e. Access to upper story apartments shall conform to ADA requirements and County Building codes.~~

~~2. Accessory apartment in a single family home~~

~~These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the City while providing reasonable control in recognition of the high percentage of renter occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two family units which would, over time, disrupt the character of single family neighborhoods.~~

- ~~a. Accessory apartments shall be entirely within the existing structure and shall include no more than twenty five percent (25%) of the total floor area of the home.~~
- ~~b. The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.~~
- ~~c. One (1) space per accessory apartment is required in addition to single dwelling parking requirements. All parking should be accommodated on-site. Spaces for accessory apartment should be located in the rear yard.~~

~~**3. Accessory use or storage of hazardous materials**~~

~~The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources (MDNR), Michigan State Police, County Sheriff, Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:~~

- ~~a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.~~
- ~~b. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material and anticipated procedure for use and handling.~~
- ~~c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 2200 pounds per month.~~
- ~~d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.~~
- ~~e. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.~~

~~**4. Accessory commercial outdoor display, sales or storage -- see commercial outdoor sales**~~

~~**5. Adult Regulated Uses**~~

- ~~a. Intent: In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts:~~
- ~~b. Uses Regulated: The following uses are regulated by this subsection:~~
- ~~(1) Adult Book or Supply Store~~
 - ~~(2) Adult Model Studio~~
 - ~~(3) Adult Motion Picture Arcade~~
 - ~~(4) Adult Motion Picture Theater or Adult Live Stage Performing Theater~~
 - ~~(5) Adult Outdoor Motion Picture Theater~~
 - ~~(6) Adult Physical Cultural Establishment~~
 - ~~(7) Cabaret~~
 - ~~(8) Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article II):~~
- ~~c. Required Spacing: The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:~~
- ~~(1) at least five hundred (500) feet from any other adult regulated use;~~
 - ~~(2) at least five hundred (500) feet from all churches, convents, temples and similar religious institutions;~~
 - ~~(3) at least five hundred (500) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals;~~
 - ~~(4) at least five hundred (500) feet from any use defined as a "care organization";~~
 - ~~(5) at least five hundred (500) feet from any one family or multiple family residential district or use;~~
 - ~~(6) at least five hundred (500) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie~~

~~theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.~~

~~d. Special Site Design Standards~~

- ~~(1) Maximum size of the building shall be five thousand (5,000) square feet.~~
- ~~(2) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right of way or from an adjacent land use.~~
- ~~(3) Adult regulated uses shall be located within a free standing building. A shared or common wall structure or shopping center are not considered to be a free standing building.~~
- ~~(4) The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.~~
- ~~(5) A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.~~
- ~~(6) Access shall be from an arterial roadway.~~

~~e. Waivers:~~

~~Upon denial of any application for a regulated use, the applicant may appeal for a waiver of the location provisions above to the Board of Zoning Appeals consistent with the standards set forth below. The Board of Zoning Appeals may waive the location provisions set forth in Section, after all the following findings are made:~~

- ~~(1) Compliance with Regulations: The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;~~
- ~~(2) Not Enlarge District: The proposed use will not enlarge or encourage the development of a "skid row" or "strip";~~
- ~~(3) Consistent with Programs: The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;~~
- ~~(4) Consistent with Law: All applicable City, state or federal laws and regulations will be observed.~~

~~(5) Procedure for Waiver: Prior to granting a waiver of the location restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this section, the City Council shall publish, in a newspaper of general circulation in the City, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within 500 feet of the boundary of the premises in question, and to the occupants of all structures within 500 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.~~

~~The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, or a structure located within 300 feet of the boundary of the property being considered for the regulated use. The applicant, City Council, or Board of Zoning Appeals may request a public hearing.~~

~~f. Conditions of Approval: Prior to the granting of approval for the establishment of any regulated use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.~~

~~g. Specific Penalties: No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.~~

~~**6. Arcades, mechanical amusement devices and similar devices:**~~

~~a. Any part of the lot occupied by such use shall not be located within three hundred (300) feet of any residential district or within five hundred (500) feet of the property line of any public, parochial or other private school offering courses in general education.~~

~~b. Access to the site shall be directly from an arterial street.~~

~~c. All activities, except for off street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and Ordinances.~~

~~7. Automobile service centers (minor repair) and major automotive repair (such as body shops)~~

~~All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a one-family residential district.~~

~~a. If the gas station has auto repair there shall be a minimum lot frontage on a paved road of two hundred (200) feet.~~

~~b. Overhead doors shall not face a public street or residential district. The City Council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Article VI.~~

~~c. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.~~

~~d. Where adjoining residential district, a wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.~~

~~e. All repair work shall be conducted completely within an enclosed building.~~

~~f. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.~~

~~g. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one (1) day.~~

~~h. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut-off valves, as approved by the Fire Department and Washtenaw County Drain Commission.~~

~~8. Automobile service (gasoline) stations (including those accessory to another use)~~

~~a. The minimum lot area for gasoline service stations shall be fifteen thousand (15,000) square feet for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be added three thousand (3,000) square feet for additional service bay and fifteen hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) major~~

~~thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.~~

- ~~b. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.~~
- ~~c. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.~~
- ~~d. Access driveways shall have access on a arterial street. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase accident or congestion potential.~~
- ~~e. Where adjoining residential district, a or wall six (6) feet in height shall be erected along any common lot line.~~
- ~~f. All repair work shall be conducted completely within an enclosed building.~~
- ~~g. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the City Council and which extends no more than ten (10) feet beyond the building.~~
- ~~h. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.~~
- ~~i. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves and approved by the Washtenaw County Drain Commission.~~
- ~~j. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.~~

~~**9. Automobile washes, automatic or self-service**~~

- ~~a. Only one (1) ingress/egress driveway shall be permitted on any single street.~~
- ~~b. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.~~

- ~~c. All washing facilities shall be within a enclosed building.~~
- ~~d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.~~
- ~~e. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right of way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article V, Parking Standards.~~
- ~~f. Truck wash must be at least one hundred (100) feet from all property lines and entirely screened using landscaping from residential~~

~~**10. Banks, credit unions, savings and loan institutions with drive-through facilities with three (3) or more drive-through lanes**~~

- ~~a. Only one (1) ingress/egress driveway or one (1) pair of one way driveways or one stand-alone ready teller structure, shall be permitted along any street.~~
- ~~b. Exit and required stacking lanes shall not face directly at a one family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.~~

~~**11. Bed and breakfast inns**~~

- ~~a. Two off street parking spaces shall be provided for the residential occupants. One additional parking space shall be provided for each bed and breakfast bedroom established; screening and buffering may be required pursuant to Article VI, Landscaping Standards. Parking requirements may be reduced if the Planning Commission finds that reducing off street parking will not detract from the residential character of the neighborhood, and other parking is available in the immediate area. All parking must conform to standards in Article V, Parking and Loading.~~
- ~~b. No bed and breakfast inn shall be located closer than three hundred (300) feet to another bed and breakfast inn.~~
- ~~c. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.~~
- ~~d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.~~
- ~~e. There shall be a maximum of six (6) rooms for lodging.~~

- ~~f. Landscaping pursuant to Article VI shall be used to screen adjacent residences from parking areas or any outdoor eating area.~~
- ~~g. A sketch plan showing the floor plan shall be submitted for approval.~~
- ~~h. Maximum sign size shall be five (5) square feet with a maximum height of six (6) feet. Sign materials are to be compatible with the architecture of the building. Signs must meet setback standards for the district in which they are located. Internal illumination is prohibited.~~
- ~~i. No exterior alterations to the structure shall be made which would change the residential appearance of the structure.~~
- ~~j. The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc., that may encumber the property.~~
- ~~k. The applicant shall comply with any fire and life safety requirements imposed by the Washtenaw County Building Department according to the Building or Fire Code.~~

~~12. Cemeteries~~

- ~~a. Minimum property size shall be twenty (20) acres.~~
- ~~b. All grave sites, buildings and structures shall be setback at least twenty-five (25) feet from all property lines.~~
- ~~c. The City Council shall determine that the cemetery will have a memorial park setting.~~

~~13. Churches, temples and similar places of worship~~

- ~~a. Minimum lot area shall be three (3) acres plus an additional fifteen thousand (15,000) square feet for each one hundred (100) persons of occupant load as determined by County Building Code.~~
- ~~b. Buildings of greater than the maximum height permitted in Article XX Schedule of Regulations may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one (1) foot for each foot of building height that exceeds the maximum permitted.~~
- ~~c. All vehicular access to the site shall be onto a Arterial or Collector street, as classified in the Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.~~

~~d. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The City Council may reduce this buffer based on the standards of Section VI.~~

~~**14. Commercial Outdoor Sales or Storage and Open Air Businesses** (as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment):~~

~~a. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.~~

~~b. All outdoor storage areas shall be paved and include a stormwater drainage system.~~

~~c. No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.~~

~~d. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the approved use.~~

~~e. The display and storage area shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property.~~

~~f. All loading and truck maneuvering shall be accommodated on-site.~~

~~g. All outdoor storage areas adjacent to a residential district shall provide a wall or buffer strip as described in Article VI.~~

~~**15. Essential Public Service Buildings and Structures**~~

~~a. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.~~

~~b. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. They can not be located in the district front yard setback.~~

~~c. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip (See Section 6.05).~~

~~d. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of masonry construction.~~

~~**16. Essential Public Service Storage Yards**~~

~~a. Requirements of item 15 above.~~

~~b. The minimum lot size shall be three (3) acres.~~

~~c. A chain link fence six (6) feet in height shall be constructed on the boundary property lines.~~

~~**17. Funeral Home**~~

~~a. Adequate assembly area is provided off street for vehicles to be used in a funeral procession, provided further that such assembly area shall be provided in addition to any required off street parking area. A residence may be provided within the main building of mortuary establishments.~~

~~**18. General and Specialty Hospitals**~~

~~a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.~~

~~b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.~~

~~**19. Group Day Care Homes**~~

~~a. The minimum lot area required for a group day care home shall be the same as the minimum lot area required for the zoning district in which the use would be located.~~

~~b. An on-site drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.~~

~~c. A minimum of outdoor play area of two thousand (2,000) square feet shall be provided. The outdoor play area shall be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located within a primary front yard.~~

~~20. Housing for the Elderly~~

- ~~a. All sites should be conveniently located within adequate distance of food stores, shopping centers, restaurants, drug stores and public transportation, as determined by the Planning Commission.~~
- ~~b. All dwelling units shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities.)~~
- ~~c. Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty five (25) percent of total site, exclusive of any dedicated public right of way.~~
- ~~d. Passive recreation area(s) shall be provided at the rate of twenty five (25) square feet per one hundred (100) square feet of living area.~~
- ~~e. The minimum lot size shall be not less than three (3) acres.~~
- ~~f. All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency type apartment.~~
- ~~g. The gross density of the dwelling units shall not exceed twenty (20) units per acre, exclusive of any dedicated public right of way of either interior or bounding roads.~~
- ~~h. Except as provided herein, all buildings and sites shall be in compliance with Article XX Schedule of Regulations.~~
- ~~i. No housing for the elderly shall be converted to any other use without complying with the provisions of the Zoning Ordinance in effect.~~
- ~~j. The City Council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.~~
- ~~k. All buildings permitted hereunder shall not exceed thirty five (35) feet in height.~~

~~21. Kennels, Commercial~~

- ~~a. For kennels housing dogs, the minimum lot size shall be ten (10) acres.~~
- ~~b. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area.~~

- ~~c. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound proofing, sanitary requirements).~~
- ~~d. An operations/management plan shall be submitted to the City.~~

~~**22. Motels Hotels, including accessory convention/meeting facilities and restaurants.**~~

- ~~a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.~~
- ~~b. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.~~
- ~~c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.~~

~~**23. Nursing and Convalescent Homes**~~

- ~~a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.~~
- ~~b. Principal buildings shall not be closer than forty (40) feet to any property line.~~

~~**24. Open Air Businesses – see commercial outdoor display, sales and storage**~~

~~**25. Outdoor eating areas**
(Effective 1-12-05)~~

~~Restaurants shall be permitted to operate outdoor eating areas that are physically adjacent, and accessory to the principal restaurant use. Including areas within the public right of way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.~~

~~Outdoor Seating shall be permitted to provide a unique environment for relaxation, food and beverage consumption, and the need to encourage additional pedestrian traffic and activity.~~

- ~~a. To allow for pedestrian circulation, a minimum of five feet of clear sidewalk along the street frontage, and leading to the entrance to the establishment shall be maintained free of any encumbrances. A minimum~~

~~of ten feet of sidewalk width must be provided to accommodate outdoor seating, if outdoor seating is placed on the public sidewalk.~~

- ~~b. When outdoor seating is located at a street corner, a ten-foot setback from the corner of the building shall be maintained along both frontages.~~
- ~~c. Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the outdoor eating area. If liquor is served a removable enclosure is required.~~
- ~~d. Extended awnings, canopies, or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.~~
- ~~e. Tables, chairs, planters, trash receptacles, and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located. Photographs, drawings or manufacturers brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, or other fixtures related to the outdoor seating area shall be included with the application.~~
- ~~f. Outdoor eating areas shall not be entitled to additional signage, over and beyond what is permitted for this type of establishment.~~
 - ~~g. The operators of the establishment shall be responsible for keeping the outdoor eating area and the immediately adjacent area, clean and void of litter at all times.~~
- ~~h. The City may restrict the hours of operation for outdoor seating areas immediately abutting residential districts. Applicants may on a case-by-case basis request that outdoor seating be able to remain outdoors (overnight).~~
- ~~i. Outdoor seating furniture and elements such as umbrellas and awnings, associated with outdoor seating furniture, must be of substantial weight so that at no time will the outdoor seating furniture present an obstruction or risk to public safety. Proposed outdoor seating materials should be reviewed and considered on a case-by-case basis. If the outdoor seating furniture and elements associated with outdoor seating furniture is temporary in nature it is the responsibility of the proprietor to remove the outdoor seating furniture during inclement weather. All umbrellas should be closed and removed each evening. The City of Dexter accepts no liability for any injury/damage caused by outdoor seating furniture. Applicants for outdoor seating will also be required to sign and submit the City's Hold Harmless Agreement.~~
- ~~j. Each permit application for a sidewalk café or outdoor seating shall be accompanied by a policy or certificate of insurance, in an amount~~

~~acceptable to the City, including workers compensation, naming the City as an additionally insured. Establishments serving alcohol shall also provide a liquor liability policy or certificate of insurance naming the City as an additionally insured.~~

~~k. The permittee shall be responsible for repair of any damage to the sidewalk caused by the outdoor seating furniture.~~

~~l. All outdoor seating furniture is to be maintained in a manner that is compatible with the buildings site elements, i.e. signs, awnings and walls. No broken, peeling, rusting or other aesthetic elements should be left outdoors for continued use.~~

~~m. Each permit shall be effective for one year from October 1 until September 30 and must be renewed annually through administrative review. The annual permit fee for establishing and maintaining outdoor seating shall be established by City Council resolution.~~

~~n. The City of Dexter reserves the right to deny, revoke or suspend an outdoor seating permit if the permittee has failed to correct violations of the outdoor seating permit within the time specified on the violation notice. If the City denies, revokes, or suspends the permit the City will notify the permittee in writing. The decision to deny, revoke, or suspend a permit may be appealed to the City Council. Variances from the outdoor seating standards must be appealed before the Zoning Board of Appeals.~~

~~26. Radio, Television, Microwave, and Cellular Phone Towers~~

~~a. Height: Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any setback equals the setback from any residential district. The setback from all other districts shall be at least one half (1/2) the height of the tower, provided the applicant provides engineering information the tower is self collapsing. The setback area shall remain clear of any building or structure except an accessory utility building.~~

~~b. Lighting: the City Council shall approve any lighting on the tower.~~

~~c. No signs or logo shall be permitted on the tower.~~

~~d. The City Council may require a security fence to prevent access to the tower.~~

~~27. Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses)~~

~~a. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public~~

~~or operated by a private non profit organization, archery and shooting ranges, commercial riding stables, animal racing, go cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.~~

- ~~b. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.~~
- ~~c. The site shall be located on a paved street which is classified as a Arterial in the City Master Plan.~~
- ~~d. No building or spectator seating facility shall be located within one hundred (100) feet of a property line.~~
- ~~e. The site shall be periodically cleared of debris.~~

~~**28. Recreation: Indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.)**~~

- ~~a. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district or permitted use.~~
- ~~b. All uses shall be conducted completely within a fully enclosed building.~~
- ~~c. The buildings shall be sound proofed.~~

~~**29. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.**~~

- ~~a. The proposed site shall have at least one (1) property line abutting a Arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.~~
- ~~b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.~~

- ~~c. Off street parking shall be provided so as to accommodate not less than one third (1/3) of the member families and/or individual members. The City Council may modify the off street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by laws of the organization shall be provided in order to establish the membership involved for computing the off street parking requirements. In those cases wherein the proposed use or organization does not have by laws or formal membership, the off street parking requirements shall be determined by the City Council on the basis of usage.~~

~~30. Residential Cluster Development~~

- ~~a. Purpose The cluster development provision has the following purposes;~~

- ~~1) to permit flexibility in the layout of subdivisions;~~
- ~~2) to permit variety in the size and shape of residential lots;~~
- ~~3) to permit flexibility in the location of residential buildings and grouping of same;~~
- ~~4) to encourage creative approaches in traditional design and development of the residential area; and interconnect with the City pattern of development and road system.~~
- ~~5) to permit economy of the required improvements;~~
- ~~6) to preserve significant natural features such as wooded areas, streams, marshes, ponds, and similar amenities by permitting concentration of building lots and improvements in more readily developable portions of the parcel of land; and~~
- ~~7) to permit provision of open space for the use of residents of the subdivision or to the City at large, and to concentrate such open spaces in locations of such size and shape as to be accessible, usable, and maintainable.~~

~~This provision is designed to be a designation applied to a parcel of land within an R-1A and R-1B District; it is not designed as a separate zoning district. The cluster development designation is offered as an alternative to conventional subdivision design under standard zoning district regulations.~~

- ~~b. General Regulations Cluster development is permitted in the R-1A and R-1B Districts, subject to all of the regulations of each district in which located, except as specifically modified in this Section.~~
- ~~c. Minimum Area The minimum parcel area for a cluster development shall be twenty (20) acres.~~
- ~~d. Permitted Uses Permitted, accessory, and conditional uses as listed herein in the R-1A and R-1B Districts are permitted in a cluster subdivision in each zoning district.~~
- ~~e. Density of Development The minimum lot area in each of the residential districts may be reduced as permitted in this Section. However, the number of dwelling units in the cluster subdivision shall be no greater than the number permitted if the parcel were to be subdivided in the minimum lot areas as set forth in the zoning district involved. The permitted number of dwelling units shall be calculated on the basis of the following dwelling unit densities:
 - ~~R-1A 3.63 dwelling units per acre of total lot area;~~
 - ~~R-1B 5.58 dwelling units per acre of total lot area;~~~~
- ~~The land area used in the calculation shall include public and private road right-of-ways, existing and proposed, that are located within the proposed subdivision, but shall not include any existing right-of-way of any boundary roads of the subdivision. Only twenty five percent (25%) of the acreage comprised of open water, land within the 100 year floodplain elevation, and/or wetlands protected by the Goemaere Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.~~
- ~~f. Area, Placement, and Height Regulations The regulations for the R-1A and R-1B Districts may be modified as follows, for single family dwellings and their accessory structures only:
 - ~~1) minimum lot area 8,775 square feet in R-1A, in and 5,850 square feet in R-1B Districts;~~
 - ~~2) minimum lot width 50 feet at the existing or proposed street line;~~
 - ~~3) maximum ground floor coverage none;~~
 - ~~4) maximum floor area ratio none;~~
 - ~~5) minimum yards: front yard, or frontage on any street 25 feet; side yards none, except, however, that adjacent dwelling structures shall~~~~

~~be a minimum of ten (10) feet apart unless structurally attached; rear yard fifteen (15) feet.~~

~~g. Common Open Spaces and Facilities – For each square foot of excess land area resulting from the lot reductions provided in item f preceding, the subdivision shall provide an equal amount of land dedicated to the common use of the owners in the subdivision or to the public. The manner of dedication shall be approved by the City Council. The lands so dedicated shall be permanently retained as open space for parks, recreation and/or related uses.~~

~~Parks and/or recreation areas shall have a minimum area of four (4) acres and a minimum dimension of one hundred (100) feet. The location, size, suitability for the intended uses, and shape of the dedicated area shall be subject to approval by the City Council. Such land areas shall not include, as a part of the minimum acreage, bodies of water, swamps, or areas of excessive grades which make the land unusable for recreation; however, the area may be in a flood plain.~~

~~The land areas shall be graded and developed so as to have natural drainage, if such drainage does not exist in the unimproved condition. If the open space area is to consist of two or more parcels at least one (1) parcel shall have the minimum area of four (4) acres. The minimum dimension shall in all cases be one hundred (100) feet; and the location size and shape of any parcel shall be subject to approval by the City Council. A parcel divided by a drainage course, stream, or river shall be considered as one (1) parcel. Access shall be provided to areas dedicated for the common use of lot owners of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian walkways. Areas dedicated to the public shall have at least one (1) access point by a public street for each separate open space parcel. The City Council shall have the discretion to require additional vehicular and/or pedestrian access points.~~

~~The developer or subdivider shall dedicate all land areas to be used as common spaces in the subdivision as provided herein at the time of filing for final plat approval for the first phase of the subdivision. Common open space shall have a legal description therefor, which shall include an accurate statement of land areas, all of which shall be certified by a registered land surveyor.~~

~~h. Sewer and Water Services – All lots in a cluster subdivision shall be served by a public water and sanitary sewer facilities.~~

~~i. Procedures without Zoning Amendment – The applicant for approval of a preliminary plat shall, at the same time, apply for a Cluster Development designation (hereafter referred to as CD designation) if such designation is desired. The application shall consist of a completed form, fees, and all~~

~~information required for review of a preliminary plat submitted for tentative approval. The Planning Commission shall review the preliminary plat as set forth in the Subdivision Ordinance and shall include its analysis and recommendations concerning the CD designation in its report to the City Council on the preliminary plat. If the City Council approves the CD designation, It shall indicate same in its tentative approval of the preliminary plat. The City Clerk shall record, and the City President shall attest, the CD designation of the Official Zoning Map within three (3) days of the date of final approval of the final plat by the City Council. The recording on the Official Zoning Map shall consist of the CD notation, date of action, and an accurate outlining of the property included in the designation.~~

~~j. Procedures with Zoning Amendment — If the property included in the CD designation request must also be rezoned to one of the applicable residential districts, the petition to change the zoning district classification shall accompany the application for tentative approval of the preliminary plat. The application shall in this case include a waiver, signed by the applicant, that the ninety (90) day limit on review of a preliminary plat for tentative approval may be extended to accommodate the time required to process the zoning amendment. The City shall not give tentative approval to the preliminary plat unit after it has approved the zoning amendment. With this exception the procedures set forth in Item i, preceding, shall apply.~~

~~k. Calculations — All calculations and other information needed to review conformance of the plat with the zoning ordinance regulations shall be provided on the preliminary plat.~~

~~l. Authority — The City Council shall have the authority to approve or deny a request for a CD designation. The Council shall also have the authority to require changes in the size and shape of lots; in lot and street layout; location, size and shape of open area; and in other features of the design and character of a CD subdivision as proposed in a preliminary plat. This authority may be exercised by the Council when it determines that the proposed CD subdivision does not meet the intent of this Section or does not otherwise result in good site and subdivision planning.~~

~~m. Improvements — Improvements, or security in lieu thereof, shall be provided as required in the Subdivision Ordinance. Improvements of open space areas to be dedicated to the City, or security in lieu thereof, shall be provided by the developer prior to approval of the final plat by the City Council for the first stage of the subdivision. Agreement as to the required improvements for such open space areas shall be made by the developer and City Council prior to the Council's tentative approval of the preliminary plat. Requirements for improvements may be modified as set forth in the Subdivision Ordinance.~~

~~**31. Restaurants and other establishments with drive-in or drive-through facilities**~~

- ~~a. Principal and accessory buildings shall be setback at least seventy five (75) feet from any adjacent public right of way line or property line. Location shall be along a Arterial, as classified in the City Master Plan.~~
- ~~b. Only one (1) access shall be provided onto a Arterial. Access points shall be located at least sixty (60) feet from the intersection of any two streets.~~
- ~~c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.~~
- ~~d. A six (6) foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential.~~

~~**32. Veterinary Clinics and Hospitals (Small Animal Clinic, Large Animal Clinic, Small Animal Hospital, and Veterinary Hospital)**~~

~~The following regulations apply to all animal clinics and hospitals:~~

- ~~a. The use shall be operated by a licensed or registered veterinarian.~~
- ~~b. Any indoor boarding shall be limited to that incidental to treatment or surgery.~~
- ~~c. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
 - ~~1) walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,~~
 - ~~2) doors must be solid core,~~
 - ~~3) ventilation must be forced air designed in such a fashion as to reduce odiferous effects on residential neighbors.~~~~
- ~~d. A caretakers quarters may be permitted.~~
- ~~e. Adequate on-site parking shall be required.~~
- ~~f. A minimum of 1000 square feet of green space (grass area) in the rear and/or side yard shall be required.~~

~~The following regulations apply to all small animal clinics in addition to items 35 a-f:~~

~~g. A principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.~~

~~h. Outdoor exercising is allowed when the pet is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.~~

~~The following regulations apply to all large animal clinics in addition to items 35 a-f:~~

~~i. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.~~

~~j. A principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.~~

~~k. Outdoor exercising is allowed when the pet is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.~~

~~The following regulations apply to all Veterinary Hospitals and Small Animal Hospitals in addition to items 35 a-f:~~

~~l. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.~~

~~m. Minimum 1 acre lot~~

~~n. No dogs are permitted in outside boarding area between 8 p.m. and 7 a.m.~~

~~_____~~
~~_____~~



CARLISLE

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(734) 662-1935 Fax

MEMORANDUM

TO: City of Dexter Planning Commission
Michelle Aniol, Community Development Manager

FROM: Douglas J. Lewan, City Planner
Laura K. Kreps, City Planner

DATE: February 29, 2016

RE: Site Plan Provisions

Attached to this communication are the revised site plan provisions for your review. Mainly, this Article has been reorganized for ease of use. However, modifications include:

- Revision of the Intent.
- Outlining buildings, structures, and uses that require site plan review (eliminating items that do not require site plan review).
- Data required for preliminary and final site plan review has been formatted into a table.
- Site plan review criteria specific to underground storage tanks and secondary containment, etc. (9 provisions in all) have been eliminated. These items generally will not apply, and are covered under new provision J.

Suggested modifications outlined in the City Attorney’s review have also been provided in the attached draft.

We look forward to reviewing these provisions with you at an upcoming Planning Commission work session or meeting. Please feel free to contact us with any questions or comments.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, PCP, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Laura K. Kreps, AICP
Associate

Cc: File

Article XXI

SITE PLAN REVIEW ~~AND APPROVAL~~

Section 21.01 INTENT

The intent of this ~~article~~ Article is to ~~establish the procedures and~~ provide consistent standards and methods for review and approval of site plans to ensure full compliance with the regulations in this Ordinance, ~~and other applicable ordinances,~~ and state and federal regulations, ~~of development proposals. Site plan review standards are intended to encourage consultation and cooperation between the applicant and the City to balance the property owners right to a reasonable rate of return on investment with the City's overall land use goals, the desire to minimize adverse impacts on the investments of surrounding landowners, and further ensure proper relationships between the development features as they relate to: traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and open spaces. Therefore, these site plan review standards insure a thorough evaluation of a development in relation to the goals of the City of Dexter Master Plan and the potential impacts on the environment, drainage, utilities, traffic, aesthetics, property values and other public health, safety and welfare issues.~~ Further, the intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land, encourage innovative design solutions, protect natural resources, ensure safety for both internal and external vehicular and pedestrian users, achieve innovative storm water management solutions, and 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 to facilitate development in accordance with the City's land use objectives.

This ~~section~~ Article also ~~contains special provisions to evaluate impacts of particular uses and to~~ allows administrative approval in certain cases where there is a change in use, a minor change to an existing site, or a minor change determined necessary in the field during construction.

Section 21.02 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW

~~Site Plan Review and approval is required for all proposed uses and structures within the City except for single family dwellings and accessory structures.~~

1. Site Plan Review Requirement. ~~Site Plan Review and approval is required for existing uses or structures, except single family detached dwellings on individual lots, where an alteration to the existing use or structure would result in any of the following conditions:~~ The following buildings, structures, and uses require site plan review:

- A. ~~an increase or reduction of the floor area of a structure or land area occupied by the use.~~ All proposed or permitted uses and related buildings, except single- and two-family dwellings located on individual lots and their associated accessory structures;
- B. ~~a change of use, even if the change of use is permitted in the subject Zoning District.~~ All proposed special land uses and related buildings;
- C. ~~a requirement of a variance from the provisions of this Ordinance, regardless of its size.~~ Any alteration, addition, or expansion of an existing permitted or special use and/or related building;
- D. ~~the construction, expansion, or contraction of an off-street parking lot; or the resurfacing of an off-street parking lot when construction includes resurfacing, drainage alterations, or the addition or replacement of the base or sub-grade.~~
- ED. ~~Any other change in use or development that could affect compliance with the standards set forth in this Ordinance.~~ Any parking lot or addition thereto.
- ~~2. Site Plan Not Required. Submission of a site plan shall not be required in the following circumstances.~~
- A. ~~Single and two family residential dwelling units on individual lots and related accessory buildings.~~
- B. ~~Residential and agricultural accessory buildings.~~
- C. ~~Nonresidential accessory buildings less than 700 square feet in area.~~
- D. ~~Any change from one conforming use to another conforming use which does not require off-street parking in addition to that already provided. (Any change from a nonconforming use to a conforming use requires site plan review and approval, whether sufficient parking exists or not.)~~
- E. ~~Any building additions, exterior remodeling or exterior alteration which does not increase the existing area of the building by more than ten (10) percent and does not require off-street parking in addition to that already provided. This does not eliminate the requirement for architectural review of the plans by the Site Plan Review Committee.~~
- F. ~~Payments in Lieu of Parking in the Village Commercial District: The payment for parking space credits listed under Section 5.09 in lieu of providing off-street parking spaces shall not effect the requirement for site plan review and approval of additional off-street parking spaces if needed.~~

Some site plans may be eligible for administrative review and approval pursuant to Section 21.0607.

~~2. The Zoning Administrator shall not issue a certificate of zoning compliance or a building permit for construction of, addition to, any one of the above listed buildings or structures until a final site plan therefore has been approved and is in effect. Unless exempted from site plan review as set forth above, no person shall commence, change, or expand the use of a property or structure, nor shall the Zoning Administrator issue a certificate of occupancy for such use, until a final site plan has been approved and is in effect.~~

~~A. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, except as otherwise provided in this Article.~~

Section 21.03 PRE-APPLICATION MEETING

~~A. An applicant may request a pre-application meeting with the City Zoning Administrator, City Planner, and City Engineer. During the pre-application meeting, a generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area, and impacts on and the availability of public infrastructure shall be discussed. City officials, including a member of the City Council and/or a member of the Planning Commission, may attend this informal meeting. At this meeting the applicant or their representative is also presented with the applicable procedures required by this Article for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for any variances.~~

Section 21.04 APPLICATION FOR PRELIMINARY SITE PLAN REVIEW

~~A. The site plan approval process is a two (2) phase process. The process shall include a preliminary site plan and a final site plan unless otherwise requested and approved in conformance with Section 21.05.~~

~~B. An applicant may request a pre application meeting with the City Zoning Administrator and/or the Site Plan Review Committee per the pre-application meeting schedule, as appropriate. During the conceptual review phase, a generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. The meeting permits the applicant to obtain information regarding the most optimum location of~~

building(s), points of ingress and egress to the site and an indication of other improvement necessary for site plan submittal. At this stage, details of landscaping, site grading, drainage and utilities, etc. are not essential. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. No decisions are made at this level.

A. C. Application and Fee for Preliminary Site Plan Review. An application for a preliminary site plan review shall be filed with the Zoning Administrator and include the number of copies specified on the application. An application for preliminary site plan review shall be accompanied by the required fees, as well as other data, exhibits, and information hereinafter required.The detailed site plan presented for review and recommendation by the Planning Commission and consideration by the City Council shall contain all information required in this Ordinance. The following are the submittal requirements. Unless eligible for administrative review pursuant to section 21.06, applications for site plan review shall conform to the following:

B. Required Data for a Preliminary Site Plan. An application for approval of a preliminary site plan shall provide the information required for a preliminary site plan as set forth in Section 21.08.

C. Staff/Consultant Review of Preliminary Site Plan. The Zoning Administrator shall determine if the preliminary site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the preliminary site plan to the Planner and Engineer. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

D. Planning Commission Review of Preliminary Site Plan. If complete, the Zoning Administrator shall transmit complete submittals of the application and preliminary site plan drawing(s), including Planner and Engineer reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a

recommendation on approval, disapproval, or approval with modifications to the City Council.

- E. City Council Approval of a Preliminary Site Plan.** After recommendation of the Planning Commission, the City Council may approve, deny, or may require changes in the preliminary site plan, and may attach conditions to its approval. If the preliminary site plan is approved, the City Council shall, within two weeks of the date of approval of the preliminary site plan, transmit a written certification of such approval by the applicant. If the City council denies the preliminary site plan or requires changes, the City Council shall advise the applicant in writing of its action and any required modifications to a preliminary site plan necessary to achieve conformance to the standards specified in this Ordinance.

The City Council may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the City from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion. The applicant must request, in writing, permission from City Council to authorize grading and foundation work, if not specifically permitted by City Council.

Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.04 (c)(2), herein.

- F. Variance Requests.** When the applicant intends to seek a variance from the Zoning Board of Appeals for the subject request, the applicant shall first receive tentative approval of the preliminary site plan from the City Council. Tentative approval of the preliminary site plan by the City Council shall be conditioned upon the granting of any necessary variances by the Zoning Board of Appeals.

- G. Effect of Approval.** Effect of Approval - Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.09 herein.

The City Council may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption

of the City from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion. The applicant must request, in writing, permission from City Council to authorize grading and foundation work, if not specifically permitted by City Council.

- H. **Expiration of Approval.** Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the City Zoning Administrator.

Phased Site Plans: If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three years from the date of approval of the previously approved final site plan. If such period is exceeded, the City Council may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the development schedule. In such case, the City Council may require that the site plan be revised to meet current ordinance requirements.

- I. **Extension of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.

1. ~~Planning Commission regular meetings are held the first Monday of the month. Site plans are due at the City Office by 4:00 p.m. on the first Monday of the month to be placed on the following months agenda.~~

2. ~~A completed application form and Environmental Permits Checklist as provided by the City, along with the required fee and deposit established by resolution of the City Council. The owner's signed consent is required on the application if the applicant is not the owner.~~

3. ~~Sixteen (16) sets of site plan drawings, folded to approximately 8 ½ x 11 inches, or as prescribed by the Zoning Administrator, which will be forwarded by the Zoning Administrator to the Fire Department, Department of Public Services, Planner, and Engineer for review, if applicable. Site plans shall be prepared, signed and sealed by the professional responsible for the work under Michigan law (architect, engineer, community planner, landscape architect, or land surveyor registered by the State of Michigan). All submitted sheets shall be sealed (with ink stamps or embossments). In addition, the title and index sheet of each drawing set and project manual shall be signed by the professional whose seal is applied to the documents.~~

4. Site plans shall always include an overall site plan for the entire development. Sheet size shall be at least 24" x 36". Site plans shall be drawn to a scale of not less than 1" = 20' for property less than three (3) acres, or to scale of not less than 1" = 100' for property of three (3) or more acres. One (1) set of 11"x 17" plans shall also be included with the submittal, along with color renderings of the building elevation, if applicable. Included on the site plan will be all of the following data as applicable, per this Article.

Section 21.05 FINAL SITE PLAN REVIEW

A. Application and Fee for Final Site Plan Review. Following approval of the preliminary site plan, an application for final site plan review shall be filed with the Zoning Administrator, including the number of copies specified on the application of the proposed final site plan as well as other data, exhibits, and information hereinafter required. An application for final site plan review shall be accompanied by the required fees.

B. Required Data for a Final Site Plan. An application for approval of a final site plan shall provide the information required for a final site plan as set forth in Section 21.08.

C. Staff/Consultant Review of Final Site Plan. The Zoning Administrator shall determine if the final site plan includes the required information set forth in this Article. If complete, the Zoning Administrator shall forward the final site plan to the Planner and Engineer. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws, and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two weeks prior to the Planning Commission meeting where action is sought.

The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.

D. Planning Commission Review of a Final Site Plan. The Zoning Administrator shall transmit complete submittals and applicable consultant reviews to the Planning Commission prior to its next available regularly scheduled meeting. The Planning Commission shall undertake a study of the same and shall make a recommendation on approval, disapproval, or approval with modifications to the City Council.

The Planning Commission shall include in its study of the site plan consultation with the Zoning Administrator, the Fire Chief, Planner, and Engineer, and other governmental officials and departments and public utility companies that might have an interest in or be affected by the proposed development.

E. **City Council Review of a Final Site Plan.** After recommendation of the Planning Commission, the City Council may approve, deny or may require changes in the final site plan, and may attach conditions to its approval. The City Council shall advise the applicant in writing of its action and any required modifications to a final site plan necessary to achieve conformance to the standards specified in this Ordinance. If the final site plan is rejected, the City Council shall notify the applicant in writing of such action and the reasons therefore based on the criteria set forth in Section 21.09 within two weeks following the action.

F. **Approval of a Final Site Plan.** Upon approval of a final site plan by the City Council, and resolution of any approval contingencies, the applicant, the owner(s) of record, or the legal representative thereof, and the Zoning Administrator shall each sign and stamp five copies of the approved final site plan. One (1) electronic CD copy of the approved site plan in PDF and/or DWG format shall also be provided for the City's records. The Zoning Administrator shall transmit two signed copies of the plan and any conditions attached to the approval to the applicant and City project file.

The approved site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance is agreed by the landowner and the City Council.

G. **Effect of Approval.** Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.

H. **Expiration of Approval.** Approval of a final site plan shall expire and be of no effect two years following the date of approval unless a Zoning Compliance Certificate has been issued and construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.

I. **Extensions of Time Limits.** Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.

Section 21.06 COMBINING PRELIMINARY AND FINAL SITE PLANS

An applicant may, at the applicant's discretion and risk, with approval of the Zoning Administrator, combine a preliminary and final site plan in an application for approval. The Zoning Administrator shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in his/her opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two or more phases.

SECTION 21.07 ADMINISTRATIVE REVIEW

- A. **Authority.** The City Zoning Administrator shall have the authority to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Zoning Administrator may seek the review and comments of applicable staff and/or consultants and reserve the right to refer the matter to the Planning Commission if desired.
- B. **Projects to be Reviewed Administratively.** Administrative review of a site plan may be conducted for the following projects or under the following circumstances.
1. Minor changes required by outside governmental agencies during construction as determined by the Zoning Administrator.
 2. Expansion or reduction of an existing conforming structure or use of 1,000 square feet or less or five percent of the floor area of the structure, whichever is less, provided the site will not require any significant change to existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
 3. A change in use to a similar or less intense use provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
 4. Increase in parking or loading area of up to 25% or 6,000 square feet of pavement area without any building changes.
 5. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.
 6. Site improvements such as installation of walls fences, lighting, or landscaping consistent with the Ordinance standards.
 7. Temporary uses, sales, and seasonal events.

C. Information Required. At the direction of the Zoning Administrator, any information required in Section 21.04 of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:

1. Proprietors', applicants, and owner's names, addresses and telephone numbers.
2. Date (month, day, year), including revisions.
3. Title Block and Scale.
4. North arrow.
5. Proposed and existing structures, parking areas, etc. on the parcel, and within one hundred (100) feet of the parcel.
6. Floor plans and Elevations. Two or Three dimensional color renderings may be requested by the Zoning Administrator.

D. The Zoning Administrator shall consider the criteria set forth in Section 21.09 in the review of the site plans submitted under this Section.

SECTION 21.08 DATA REQUIRED FOR PRELIMINARY AND FINAL SITE PLANS.

All plans shall be prepared by a professional engineer registered in the State of Michigan whose seal shall be affixed to the first sheet. All landscape plans shall be prepared by a Landscape Architect licensed in the State of Michigan whose seal has been affixed to the first sheet. Preliminary and final site plans shall include the information set forth in Table 21.08 A-1.

Table 21.08 A-1. Preliminary Site Plan and Final Site Plan Submittal Requirements

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>A. Application Form</u>		
<u>Name and address of the applicant and property owner</u>	<u>X</u>	<u>X</u>
<u>Address and common description of property and complete legal description</u>	<u>X</u>	<u>X</u>
<u>Dimensions of land and total acreage</u>	<u>X</u>	<u>X</u>
<u>Zoning on the site and all adjacent properties</u>	<u>X</u>	<u>X</u>
<u>Description of proposed project or use, type of building or</u>	<u>X</u>	<u>X</u>

Site Plan Review and Approval

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>structures, and name of proposed development, if applicable</u>		
<u>Name and address of firm or individual who prepared the site plan</u>	X	X
<u>Proof of property ownership</u>	X	X
<u>B. Site and Zoning Data</u>		
<u>Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site</u>	X	X
<u>Proposed lot lines, lot dimensions, property lines setback dimensions, structures, and other improvements to the site and within 100 feet of the site.</u>	X	X
<u>All existing and proposed easements, including type</u>	X	X
<u>Zoning district of site and all adjacent properties</u>	X	X
<u>Land use of site and all adjacent property</u>	X	X
<u>Proposed use of site</u>	X	X
<u>Gross and net lot area in acres and square feet, net lot area excluding all existing road rights-of-way as well as that in proposed rights-of-way, required access easements and portions covered by wetlands, bodies of water (including streams, ponds, lakes), and 90% of the area of all existing drainage easements</u>	X	X
<u>Ground floor and total floor area to be constructed</u>	X	X
<u>Lot coverage (ground floor area divided by net lot area)</u>	X	X
<u>Impervious surface (total impervious area and percentage of impervious area to total net lot area)</u>	X	X
<u>Floor area ratio (total floor area divided by net lot area)</u>	X	X
<u>Number and type of dwelling units and density, for residential projects</u>	X	X
<u>Building height, in feet and number of floors</u>	X	X
<u>Required yards</u>	X	X
<u>C. Natural Features</u>		
<u>General location of existing plant materials, with identification of materials to be removed and materials to be preserved</u>	X	X
<u>Location, sizes, types, and condition of existing trees</u>	X	X
<u>Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a USGS benchmark</u>	X	X
<u>Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations</u>	X	X
<u>Wetlands delineated both in the field and on the plan. The existing area must be shown for each wetland. All impacted areas and</u>	X	X

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>mitigation areas shall be shown with calculations provided.</u>		
<u>Soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey or equivalent information.</u>	X	X
<u>Groundwater information on the site, with supporting evidence including, but not limited to site-specific soils information.</u>	X	X
<u>D. Access and Circulation</u>		
<u>Dimensions, curve radii, and centerlines of existing and proposed access points, roads, and road rights-of-way or access easements</u>		X
<u>Driveways and intersections within 250 feet of the site</u>		X
<u>Location of proposed roads, driveways, parking lots, sidewalks, and non-motorized pathways</u>	X	X
<u>Cross-section details of proposed roads, driveways, parking lots, sidewalks, and non-motorized paths illustrating materials and thickness</u>		X
<u>Dimensions of acceleration, deceleration, and passing lanes</u>		X
<u>Calculations for required number of parking and loading spaces, location, and layout</u>	X	X
<u>Dimensions of parking spaces, islands, circulation aisles, and loading zones</u>		X
<u>Fire protection plan</u>	X	X
<u>Traffic regulatory signs and pavement markings</u>		X
<u>E. Landscape Plans</u>		
<u>General landscape plan, including location and type of all proposed shrubs, trees, and other live plant material.</u>	X	X
<u>Existing live plant material to remain, and if material will be applied to landscaping requirements</u>	X	X
<u>Existing and proposed topography, by contours, correlated with the grading plan</u>	X	X
<u>Location of all proposed improvements, as shown on the site plan</u>	X	X
<u>Planting list for proposed landscape materials, with caliper size or height of material, root ball type, method of installation (planting/staking details), botanical and common names, spacing, and quantity</u>		X
<u>Irrigation system plan for watering and draining landscape areas</u>		X
<u>Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls, and tree wells.</u>		X

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>Proposed means of protecting existing plan material during construction</u>		X
<u>Proposed dates of installation</u>		X
<u>Landscape maintenance schedule</u>		X
<u>F. Building, Structure, ad Miscellaneous Site Information</u>		
<u>Location, height, and outside dimensions of all proposed buildings and structures</u>	X	X
<u>Building floor plans and total floor area</u>		X
<u>Details on accessory structures and any screening</u>		X
<u>Location, size, height, and lighting of all proposed site and wall signs</u>		X
<u>Building façade elevations for all sites, drawn at an appropriate scale</u>		X
<u>Description of exterior building materials and colors (samples may be required)</u>		X
<u>Location of exterior lighting (site and building lighting)</u>		X
<u>Lighting details, including size, height, initial lumen rating, type of lamp, method of shielding, type of lens, and depiction of lighting pattern for all site and building lighting</u>		X
<u>Lighting photometric grid overlaid on proposed site plan showing light intensity (in foot-candles) on site and 10 feet beyond parcel lines</u>		X
<u>Location of trash receptacle(s) and transformer pad(s) and method of screening</u>		X
<u>Location of any outdoor sales or display area</u>	X	X
<u>G. Information Concerning Utilities, Drainage, and Related Issues</u>		
<u>Location of existing and proposed sanitary sewer systems</u>	X	X
<u>Size of existing and proposed sanitary sewer systems</u>		X
<u>Location of existing and proposed water mains, water service, and fire hydrants</u>	X	X
<u>Size of existing and proposed water mains, water service, and fire hydrants</u>		X
<u>Site grading, drainage patterns, and other stormwater management measures</u>	X	X
<u>Stormwater drainage and retention/detention calculations</u>	X	X
<u>Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls</u>		X

<u>Plan Data</u>	<u>Required For:</u>	
	<u>Preliminary Site Plan</u>	<u>Final Site Plan</u>
<u>Location of storm sewers and drains</u>	X	X
<u>Size of storm sewers and drains</u>		X
<u>Location of above and below ground gas, electric, and telephone lines, existing and proposed</u>	X	X
<u>Location of transformers and utility boxes</u>		X
<u>Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable</u>		X
<u>H. Additional Information Required for Multiple-Family Residential Development</u>		
<u>The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)</u>	X	X
<u>Density calculations by type of residential unit (dwelling units per acre)</u>	X	X
<u>Garage and/or carport locations and details, if proposed</u>		X
<u>Mailbox clusters</u>		X
<u>Location, dimensions, floor plans, and elevations of common building(s) (e.g. recreation, laundry, etc.), if applicable</u>		X
<u>Swimming pool fencing detail, including height and type of fence, if applicable</u>		X
<u>Location and size of recreation and open space areas</u>		X
<u>Indication of type of recreation facilities proposed for recreation area</u>		X
<u>I. Additional Study (as required by the Zoning Administrator)</u>		
<u>Traffic Study</u>	<u>As required by Zoning Administrator</u>	
<u>Environmental Assessment</u>	<u>As required by Zoning Administrator</u>	
<u>Noise</u>	<u>As required by Zoning Administrator</u>	
<u>Additional Study as required by the Zoning Administrator</u>	<u>As required by Zoning Administrator</u>	

NOTE: If any of the items listed above are not applicable, a list of each item considered not applicable and the reason(s) why each listed item is not considered applicable should be provided on the site plan.

Section 21.03-09 CRITERIA ~~OF~~ FOR SITE PLAN REVIEW

A. Standards. The Planning Commission (and City Council) shall review the site plan to ensure that it complies with all of the criteria below:

- A. The proposed use will be harmonious to the surrounding neighborhood.

- B. The location of buildings, outside storage receptacles, parking areas, lighting, fences or obscuring walls, and utility areas will minimize adverse effects of the proposed use for the occupants of that property and the tenants, owners, and occupants of surrounding properties.
- C. There is a proper relationship between roadways and proposed service drives, driveways, and parking areas to encourage the safety and convenience of pedestrian and vehicular traffic. The site plan includes the minimum number of driveways required to provide reasonable access. Driveways are spaced as far apart from intersections and other driveways as practical to reduce accident and congestion potential. Sharing driveways and parking with adjacent uses is encouraged.
- D. The site plan provides for proper development of roads, easements, and public utilities and protects the general health, safety, and welfare of the City and its residents.
- E. Building architecture, materials, roof line, colors, windows and similar elements shall be consistent with buildings in the immediate neighborhood area, ~~as determined by the Planning Commission (or City Council for Special Land Uses). In the case of commercial buildings, building floor plans, elevations and proposed materials shall be submitted with the Final Site Plan.~~ 3Three-dimensional color renderings or 2two-dimensional color elevations may be requested by the Planning Commission at any point in the review process. The Zoning Administrator may request material samples for verification in the field during construction. The intent of this standard is to provide a harmonious, unified community to help create a sense of place and contribute to the image and quality of life in the City. ~~Elevations, Floor plans, and materials to be used must be provided for the Planning Commissions review. The requested renderings may be presented at the Site Plan Review meeting or provided in advance when sets are submitted to the Zoning Administrator.~~
- F. The proposed site plan complies with all City codes and ordinances. ~~Site plans for Mobile Home Park Districts shall comply with the preliminary plan requirements established in the Michigan Mobile Home Commission Acts.~~
- G. The project and related improvements shall be designed to include the conservation and protection of existing natural resources and features, such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees and wooded areas, and to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.

H. Storm water detention, retention, transport, and drainage facilities shall be designed to conserve and enhance the natural storm water system on site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform ~~with~~to the requirements of the ~~county drain commissioner~~Washtenaw County Water Resource Commissioner. Deviations from the Washtenaw County ~~Drain Commissioner~~Water Resource Commissioner standards may be permitted upon review and approval by the City Engineer.

I. The proposed development will not cause soil erosion or sedimentation problems.

J. The plan meets the standards of other governmental agencies, where applicable, and the approval of these agencies has been obtained or is assured.

~~I. General purpose floor drains shall be connected to public sewer system or an on-site holding tank (not a septic tank) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from Michigan Department of Environmental Quality. General purpose floor drains, which discharge to groundwater, are prohibited.~~

~~J. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.~~

~~K. Secondary containment facilities shall be provided for above ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with the state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains or other means, directly or indirectly, into a sewer system or into the waters of the state (including groundwater).~~

~~L. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.~~

~~M. Out of service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.~~

- ~~N. Aboveground storage tanks shall be certified, installed, operated, maintained, closed and removed in accordance with regulations of the Michigan Department of Environmental Quality.~~
- ~~O. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture. Low phosphorus fertilizers are encouraged.~~
- ~~P. Abandoned water wells (wells no longer in use or in disrepair), abandoned monitoring wells, cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Environmental Quality and the County or District Health Department.~~
- ~~Q. State and Federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water shall be allowed without approval from state, county and local agencies.~~

~~Section 21.04 APPLICATION FOR SITE PLAN REVIEW~~

- ~~A. The site plan approval process is a two (2) phase process. The process shall include a preliminary site plan and a final site plan unless otherwise requested and approved in conformance with Section 21.05.~~
- ~~B. An applicant may request a pre application meeting with the City Zoning Administrator and/or the Site Plan Review Committee per the pre application meeting schedule, as appropriate. During the conceptual review phase, a generalized site plan may be presented by the prospective applicant for consideration of the overall idea of the development. The meeting permits the applicant to obtain information regarding the most optimum location of building(s), points of ingress and egress to the site and an indication of other improvement necessary for site plan submittal. At this stage, details of landscaping, site grading, drainage and utilities, etc. are not essential. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. No decisions are made at this level.~~
- ~~C. The detailed site plan presented for review and recommendation by the Planning Commission and consideration by the City Council shall contain all information required in this Ordinance. The following are the submittal requirements. Unless eligible for administrative review pursuant to section 21.06, applications for site plan review shall conform to the following:~~

- ~~1. Planning Commission regular meetings are held the first Monday of the month. Site plans are due at the City Office by 4:00 p.m. on the first Monday of the month to be placed on the following months agenda.~~
- ~~2. A completed application form and Environmental Permits Checklist as provided by the City, along with the required fee and deposit established by resolution of the City Council. The owner's signed consent is required on the application if the applicant is not the owner.~~
- ~~3. Sixteen (16) sets of site plan drawings, folded to approximately 8 ½ x 11 inches, or as prescribed by the Zoning Administrator, which will be forwarded by the Zoning Administrator to the Fire Department, Department of Public Services, Planner, and Engineer for review, if applicable. Site plans shall be prepared, signed and sealed by the professional responsible for the work under Michigan law (architect, engineer, community planner, landscape architect, or land surveyor registered by the State of Michigan). All submitted sheets shall be sealed (with ink stamps or embossments). In addition, the title and index sheet of each drawing set and project manual shall be signed by the professional whose seal is applied to the documents.~~
- ~~4. Site plans shall always include an overall site plan for the entire development. Sheet size shall be at least 24" x 36". Site plans shall be drawn to a scale of not less than 1" =20' for property less than three (3) acres, or to scale of not less than 1"=100' for property of three (3) or more acres. One (1) set of 11"x 17" plans shall also be included with the submittal, along with color renderings of the building elevation, if applicable. Included on the site plan will be all of the following data as applicable, per this Article.~~

~~D. Preliminary site plan.~~

- ~~1. Information Required— Each preliminary site plan submitted for review shall provide the following information:
 - ~~a. Location map, address and legal description of the property, dimensions and area of the site;~~
 - ~~b. A scaled black and white elevation drawing of all sides of the building and sixteen (16) sets of 11" x 17" color elevations of all sides of the building depicting the color and character of all materials.~~
 - ~~c. Topography and site soil classifications;~~~~

- ~~d. Name, address, phone number of the property owner and the applicant;~~
- ~~e. Title block, scale, north arrow, and date of plan;~~
- ~~f. Dimensional Requirements; The following should be taken into account when designing a site layout: scale and design compatibility, circulation of light and air, provision of adequate access to and around buildings for fire and police protection services, establishment of pleasant vistas, and arrangements conducive to enhancing the environmental quality of the site when developed minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
 - ~~(1) Location and exterior dimensions of proposed buildings/structures; outline; floor area; distances between buildings/structures; height in feet and stories; finished floor elevations and number and type of dwelling units (where applicable).~~
 - ~~(2) Location and general alignment of all proposed streets and drives; right-of-way where applicable; surface area, width dimension; location and typical details of curbs; acceleration, deceleration, passing and turning lanes, and approaches, with details (where applicable); location and width of all entries and exits and curve radii. Except for large parking lots, driveways shall be limited to one (1) per development.~~
 - ~~(3) Proposed parking location and lot dimensions, space and aisle dimensions, angles of spaces, surface type and total number of spaces. Proposed Landbanked parking spaces should also be noted on the plan pursuant to section 5.~~~~
- ~~g. Location and size of open areas and recreation areas, if applicable; percentage of open areas or recreational areas if applicable.~~
- ~~h. Existing zoning classification of property, delineation of required and proposed district regulations, dwelling unit schedule, density of development, FAR and lot area per dwelling unit for residential projects, lot coverage (percent), location and size of required buffers, if applicable;~~
- ~~i. Area of intended filling and/or cutting, outline of existing buildings/structures and drives, existing natural and man-made features to be retained or removed.~~

- ~~j. Location, width, and surface of proposed sidewalks and pedestrian ways.~~
- ~~k. Existing building, structures and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts and a clear indication of all improvements to remain and to be removed.~~
- ~~l. Adjacent land uses and zoning, location of adjacent buildings, drives and streets;~~
- ~~m. location and area of development phases, building program for each phase, projected schedule of development by phase;~~
- ~~n. Location and width of all existing and proposed easements on the site;~~
- ~~o. General location and size of proposed water, sanitary sewer, and storm drainage systems; and location of overhead wire and poles; location of hydrants; and~~
- ~~p. All adjacent property owned or controlled by the applicant or owner of the subject property.~~
- ~~q. existing topographic elevations at two (2) foot contour intervals. Indicate the direction of drainage flow.~~
- ~~r. Location and elevations of existing water courses and water bodies, including county drains and surface drainage ways, floodplains and wetlands.~~
- ~~s. Proposed storm water management plan including design of sewers, swales, outlets, and retention or detention ponds. Sufficient data regarding site runoff estimates and off-site drainage patterns shall be provided to permit review of the feasibility of storm water detention and/or retention as well as the impact on local surface and groundwater.~~
- ~~t. Location and status of any floor drains discharging to grade or anywhere other than public sanitary or septic systems shall be specified on the site plan.~~
- ~~u. Description and location of any existing or proposed outdoor storage facility (above ground and below ground storage).~~

- ~~v. Description and location of on-site wastewater treatment and disposal systems.~~
- ~~w. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.~~
- ~~x. Size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous waste, and/or polluting materials.~~
- ~~y. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup or closure.~~
- ~~z. Inventory of hazardous substances to be stored, used, or generated on-site, presented in a format acceptable to the local fire marshal.~~
- ~~aa. Completion of the state and county environmental permits checklist using the form provided.~~
- ~~2. Standards for Review In reviewing a preliminary site plan the Planning Commission shall consider the following standards:~~
 - ~~a. That all required information has been provided;~~
 - ~~b. That the proposed development conforms to all regulations of the zoning district in which it is located;~~
 - ~~c. That the applicant may legally apply for site plan review;~~
 - ~~d. That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient;~~
 - ~~e. That the proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area;~~
 - ~~f. That natural resources will be preserved to a maximum feasible extent;~~

- ~~g. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required;~~
 - ~~h. That organic, wet, or other soils, which are not suitable for development, will be undisturbed or will be modified in an acceptable manner;~~
 - ~~i. That the proposed development properly respects floodway and flood plains on or in the vicinity of the subject property; and~~
 - ~~j. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.~~
- ~~3. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting where action is sought.~~
- ~~4. The City may permit the applicant to resubmit revised plans in response to the review comment depending on the complexity of the project and the time necessary to review the plans. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.~~
- ~~5. Planning Commission and City Council Action—If a completed application and site plan are received, the Planning Commission shall study the plan and shall, recommend approval, disapproval or approval with modification of the preliminary site plan.~~
- ~~After recommendation of the Planning Commission, the City Council may approve, disapprove or may require changes in the plan, and may attach conditions to its approval. The City Council shall advise the applicant in writing of its actions on a preliminary site plan.~~
- ~~6. Effect of Approval—Approval of a preliminary site plan by the City Council shall indicate its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards set forth in Section 21.04 (c)(2), herein.~~

~~The City Council may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Zoning Administrator for grading and~~

~~foundation work on the basis of an approved preliminary site plan. The conditions which may be attached to such permit for grading and foundation work shall include, but shall not be limited to, measures to control erosion, exemption of the City from any liability if a final site plan is not approved, and provision of a bond for site restoration if work does not proceed to completion. The applicant must request, in writing, permission from City Council to authorize grading and foundation work, if not specifically permitted by City Council.~~

- ~~7. Expiration of Approval Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the City Zoning Administrator. The City Council shall, within two (2) weeks of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. Phased Site Plans: If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three (3) years from the date of approval of the previously approved final site plan. If such period is exceeded, the City Council may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the development schedule. In such case, the City Council may require that the site plan be revised to meet current ordinance requirements.~~
- ~~8. Extensions of Time Limits: Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.~~

~~E. Final Site Plan~~

- ~~1. Application Following approval of a preliminary site plan, the applicant shall provide required copies of a final site plan, the review fee, and a completed application form with the Zoning Administrator. The Zoning Administrator, upon receipt of the application, shall transmit the final site plan drawing(s) to the Planning Commission prior to its next regular meeting. City consultants require two (2) weeks for issuance of a review letter.~~
- ~~2. Information Required Each Final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:~~

- ~~a. The site plan shall be presented on more than one (1) drawing, for the purposes of clarity.~~
- ~~b. Title block, scale, north arrow, name and date of plan; date of revisions thereto.~~
- ~~c. Name and address of property owner and applicant; interest of applicant in property; name and address of developer.~~
- ~~d. Name and address of designer. Site plans shall be prepared, signed and sealed by the professional responsible for the work under Michigan law (architect, engineer, community planner, landscape architect, or land surveyor registered by the State of Michigan). All submitted sheets shall be sealed (with ink stamps or embossments). In addition, the title and index sheet of each drawing set and project manual shall be signed by the professional whose seal is applied to the documents.~~
- ~~e. A vicinity map; legal description of the property; dimensions and lot area. Where a metes and bounds description is used, lot line angles or bearing shall be indicated on the plan. Lot line dimensions and angles or bearing shall be based upon a boundary survey prepared by a contract land surveyor or registered surveyor and shall correlate with the legal description. Lot iron locations shall be identified.~~
- ~~f. Existing topography (minimum contour interval of two feet); existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands; clear indication of all natural features to remain and to be removed. All trees eight (8) inch diameter or larger shall be accurately located on the final site plan. Label each tree as to either preserved or removed and include a tree replacement plan in accordance with section 6.14.~~
- ~~g. General description of deed restrictions, if any, and covenants and/or development agreement, and association by laws shall be submitted for review per Section 21.14.~~
- ~~h. Owner, use and zoning classification of adjacent impacts; location and outline of buildings, drives, parking lots, and other improvements on adjacent properties.~~
- ~~i. Existing public utilities on or serving the property - location and size of water lines and hydrants it shall be noted on the plan that all hydrants shall have Storz connections; location, size and inverts for sanitary sewer and storm sewer lines; location of manholes and~~

~~catch basins (proper casting shall be noted on plan), location and size of wells, septic tanks and drain fields.~~

- ~~j. Name and right of way of existing streets on or adjacent to the property; surface type and width; spot elevations at intersections with streets and drives of the proposed development. Federal, State, County or Locally required right of way signs shall be noted on the plan. Fire Lanes and Fire Lane signage shall be noted on the plan.~~
- ~~k. Zoning classification of the subject property; location of required yards; total ground floor area and lot coverage (percent); floor area ratio. In the case of residential units, the plan shall note dwelling unit density, lot area per dwelling unit, and a complete schedule of the number, size and type of dwelling units. In the case of commercial buildings, dimensioned building floor plans, a scaled black and white elevation drawing of all sides of the building and sixteen sets of 11" x 17" color elevations of all sides of the building depicting the color and character of materials. 3-dimensional color renderings may be requested by the Planning Commission. The Zoning Administrator may request material samples for verification in the field during construction.~~
- ~~l. Grading plan, showing finished contours at a minimum interval of two (2) feet, and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.~~
- ~~m. Location and exterior dimensions of proposed buildings/structures, with the location to be referenced to property lines or to a common base point; distances between buildings/structures; height in feet and stories; finished floor elevations and contact grade elevations.~~
- ~~n. Location and alignment of all proposed streets and drives; right of way where applicable; surface type and width, and typical cross-section of same showing surface, base, and sub-surface materials and dimensions; location and typical depth of curbs; acceleration, deceleration, turning and passing lanes and approaches, with details (where applicable); location, width, surface elevations and grades of all entries and exits; curve radii.~~
- ~~o. Location and dimensions of proposed parking lots; number of spaces in each lot; proposed landbanked parking spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-surface materials; angles of spaces.~~

- ~~p. Location and size of proposed improvements of open spaces and recreation areas, and maintenance provisions for such areas.~~
- ~~q. Locations, width, and surface of proposed bike paths, sidewalks and pedestrian ways.~~
- ~~r. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.~~
- ~~s. Locations of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosures; showing materials and dimensions. Location of proposed transformers and method of screening. Location of proposed roof top units and method of screening.~~
- ~~t. Location, type, size, area, and height of proposed signs, if applicable at the time of submittal. If signage details are not known at time of application a note shall be added to the plan indicating conformance with the City's current sign regulations listed in the Zoning Ordinance.~~
- ~~u. Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of swales, detention and retention basins and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drain fields where applicable. Final engineering drawings for all site improvements such as, but not limited to, water, sanitary sewer and storm sewer systems; streets, drives and parking lots; retention ponds and other ponds or lakes, retaining walls; shall be submitted to and approved by the City Engineer prior to Planning Commission approval of the final site plan. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Washtenaw County Health Department shall be submitted to the Planning Commission Secretary prior to Planning Commission approval of the final site plan. Detention and retention basin maintenance schedules shall be included on the final site plan.~~
- ~~Storm water Drainage/Erosion Control. All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction and shall to the minimum extent~~

- ~~feasible, utilize non structural control techniques, including but not limited to: limitation of land disturbance and grading; maintenance of vegetated buffers and natural vegetation; minimization of impervious surfaces; use of terraces, contoured landscapes, runoff spreaders, grass, vegetated, or rock lined swales; use of infiltration devices, including but not limited to rain gardens, native landscaping, and bio retention swales.~~
- ~~v. Landscape plan showing location, size, species and diversity of plant materials.~~
 - ~~w. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.~~
 - ~~x. Location of proposed retaining walls; dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties; where applicable, retaining walls over 18 inches require engineering review.~~
 - ~~y. Location, type, fixture detail, direction, height and photometric of outside lighting and/or decorative street lighting shall be shown on the plan. For decorative street lights within the public right of way a separate plan and CAD drawing must be submitted for review for conformance with the City's Detroit Edison (DTE) Community Lighting Program.~~
 - ~~z. Right of way expansion where applicable; reservation or dedication of right of way to be clearly noted.~~
- ~~3. Standards for Review – In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following standards;~~
- ~~a. That the final site plan conforms to the preliminary site plan as approved by the City Council;~~
 - ~~b. That the plan meets all applicable standards in Section 21.04D(2) herein;~~
 - ~~c. That the plan meets the specifications of Dexter City for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been reviewed by the City Planner, City Fire Chief and the City Engineer;~~

- ~~d. That the proposed development will not cause soil erosion or sedimentation problems;~~
 - ~~e. That the drainage plan for the proposed development is adequate to accommodate anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area; that the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity;~~
 - ~~f. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets;~~
 - ~~g. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties;~~
 - ~~h. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties;~~
 - ~~i. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets;~~
 - ~~j. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured; and~~
 - ~~k. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.~~
 - ~~l. That the plan meets all other requirements /standards established by the City of Dexter.~~
- ~~4. The Planner and Engineer shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws and standards and shall furnish written comments, opinions and recommendations to the City Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting where action is sought.~~
- ~~5. Any plan revised in response to comments from the Planner, Engineer or agencies/departments having jurisdiction shall not be placed on the Planning Commission agenda until written review comments from those persons noted above on the revision have been received by the Zoning Administrator.~~

- ~~6. Planning Commission and City Council Action—The Planning Commission shall study the final site plan and shall, if the submitted application is complete, recommend approval or disapproval of the final site plan to the City Council. After receiving a recommendation from the Commission the City Council may approve, disapprove or require changes in the plan or may attach reasonable conditions to its approval.~~

~~The Planning Commission shall include in its study of the site plan consultation with the City Zoning Administrator, the City Fire Chief, City Planner and the City Engineer, and other governmental officials and departments and public utility companies that might have an interest in or be affected by the proposed development.~~

~~Upon City Council approval of a final site plan, and resolution of any approval contingencies, the applicant, the owner(s) of record, or the legal representative thereof, and the Zoning Administrator shall each sign and stamp five (5) copies of the approved final site plan. One (1) electronic CD copy of the approved site plan in PDF and/or DWG format shall also be provided for the City's records. The Zoning Administrator shall transmit two (2) signed copies of the plan and any conditions attached to the approval to the applicant and City project file. If the final site plan is rejected, the City Council shall notify the applicant in writing of such action and the reasons therefore within two (2) weeks following the action.~~

- ~~7. Effect of Approval—Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.~~
- ~~8. Expiration of Approval—Approval of a final site plan shall expire and be of no effect 2 years (730 days) following the date of approval unless a Zoning Compliance application has been issued and construction has begun on the property and is diligently pursued to completion in conformance with the approved final site plan.~~
- ~~9. Extensions of Time Limits:—Time limits set forth in this article may be extended upon showing of good cause, and by written agreement between the petitioner and the recommendation of the Planning Commission and approval by City Council.~~

Section 21.05 COMBINING PRELIMINARY AND FINAL SITE PLANS

~~An applicant may, at the applicant's discretion and risk, with approval of the Zoning Administrator, combine a preliminary and final site plan in an application for approval. The Zoning Administrator shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in his/her opinion, the complexity and/or size of the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.~~

~~SECTION 21.06 ADMINISTRATIVE REVIEW~~

~~The City Zoning Administrator may review a site plan without submission to the Planning Commission, subject to all of the criteria, requirements and standards as followings:~~

- ~~A. The Zoning Administrator may review and consider for approval, conditional approval or denial of site plans without submission to the Planning Commission in the following cases:~~
- ~~1. Expansion or reduction of an existing conforming structure or use of one thousand (1,000) square feet or less.~~
 - ~~2. Changes of use within an existing building. The use change must be a permitted use within the subject zoning district and will be subject to all other applicable zoning provisions, i.e. parking, landscaping, dumpsters, etc.~~
 - ~~3. Provision for additional parking, loading/unloading spaces and landscape improvements as required by Ordinance.~~
- ~~B. The Zoning Administrator is authorized to employ the City Planner, City Engineer or other experts to assist in the review of site plans submitted under this section.~~
- ~~C. At the direction of the Zoning Administrator, any information required in Section 21.04 of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:~~
- ~~1. Proprietors', applicants, and owner's names, addresses and telephone numbers.~~
 - ~~2. Date (month, day, year), including revisions.~~
 - ~~3. Title Block and Scale.~~
 - ~~4. North arrow.~~

- ~~5. Proposed and existing structures, parking areas, etc. on the parcel, and within one hundred (100) feet of the parcel.~~
- ~~6. Floor plans and Elevations. Two or Three dimensional color renderings may be requested by the Zoning Administrator.~~
- ~~D. The Zoning Administrator shall consider the criteria set forth in Section 21.03 in the review of the site plans submitted under this Section.~~

Section 21.10 FINAL SITE PLAN AND ENGINEERING

- A. No certificates of zoning compliance or building permits shall be issued until all required site plans and engineering plans have been approved and all applicable construction permits are in effect.
- B. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development for which site plan approval is required until a final site plan is approved and is in effect, and construction permits are issued, except as otherwise provided in this Ordinance.

Section 21.~~07~~11 MODIFICATION OF PLAN DURING CONSTRUCTION

All site improvements shall conform to the approved final site plan, including engineering drawings approved by the City Engineer. If the applicant makes any changes during construction in the development in relation to the approved final site plan, such changes shall be made at the applicant's risk, without any assurances that the City Council will approve the changes.

It shall be the responsibility of the applicant to notify in writing the Zoning Administrator, and the City Council of any changes. The Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan, approve the proposed modification or require the applicant to make the modification request to the City Council.

Section 21.~~08~~12 AS-BUILT DRAWINGS

- A. The applicant shall provide as-built drawings and a project engineer's certificate of all sanitary sewer, water, and storm-sewer lines and all appurtenances, which were installed on a site for which a final site plan was approved. As-built drawing requirements are available in the City's current engineering standards. The drawings shall be submitted to the City Zoning Administrator, and shall be approved by the City Engineer prior to the release of any performance guarantee or part thereof covering such installation. An as-built performance deposit is required to ensure the completion of the as-built drawings.

- B. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location of any type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- C. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.
- D. Upon acceptance of the as-built drawings the applicant shall submit the required information for the dedication of public infrastructure, if applicable.

Section 21.09-13 - PHASING OF DEVELOPMENT

The applicant may divide the proposed development into two or more phases. In such case the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase. A construction timeline must be submitted for phased development. The City Council may impose restrictions on the approval of subsequent plans and phases due to lack of permit activity for a period of more than one ~~(1)~~ year. Prior to the approval of subsequent phases the City Council may require that incomplete site work, such as but not limited to incomplete sidewalks, roads or other site amenities that affect the quality of life for residents, be completed.

Section 21.10-14 - INSPECTION

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements, such as utilities sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall deposit with the City, to be held by the City in escrow, an amount deemed reasonable by the Zoning Administrator and/or City Engineer to pay for anticipated inspections. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the City Fire Chief, and Engineer, where applicable. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the City Council and the Planning Commission in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the City Council and the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the City Council and the Planning

Commission of progress toward compliance with the approved final site plan and when compliance is achieved.

Section 21.~~11~~15 PERFORMANCE GUARANTEES

- A. Performance bonds, irrevocable bank letters of credit, cash deposits, or other forms of security shall be provided by the applicant to the City. The guarantee shall be provided after a final site plan and/or zoning compliance certificate is approved, but prior to issuance of a certificate of final zoning compliance, or as determined by the Zoning Administrator, for any improvements covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate ~~of~~ final zoning compliance. Site improvements shall include but not be limited to: streets and drives, parking lots, sidewalks, street signage, grading, required landscaping, required screens, storm drainage, exterior lighting, trash enclosures, utilities and any other information shown on the approved final site plan.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C. If the applicant shall fail to provide any site improvement according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed. The City Council may reimburse itself for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and City Zoning Administrator shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to sign a certificate of final zoning compliance in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of final zoning compliance shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

Section 21.~~12~~16 - FEES

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

Section 21.~~13~~17 - VIOLATIONS

The approved final site plan shall become part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final site plan, unless the City Council agrees to such changes as provided in this Article. Any violation of the provisions of this Article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.

Section 21.~~14~~18 PROPERTY 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, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

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. A storm water management maintenance schedule shall be part of the master deed. 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 Ordinance and shall be subject to the same penalties appropriate for a use violation.

Prior to the transitional control date, the developer shall not amend the Master Deed without approval from the Planning Commission.

Section 21.19 DEVELOPMENT AGREEMENTS

The City Council may as a condition of final site plan approval, require the proprietor and/or developer to enter into a Development Agreement with the City. Such agreement shall set forth and define the responsibilities of the proprietor and the City, as set forth in Section 22.13.