

ARTICLE 8
SITE PLAN REVIEW

§8.01 INTENT

These site plan review procedures are instituted to provide an opportunity for the City Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, off-street parking, structural relationships, public utilities, landscaping, accessibility, and other site design elements which may have an adverse effect upon the public health, safety, morals, and general welfare, as well as to provide for the best interests of the property owner.

§8.02 MAJOR vs. MINOR SITE PLANS

Under the terms of this ordinance, site plans are defined as either a major or minor site plan. Each type has its own approval process. Any erection, addition, alteration or moving of a building or change in the use of land or building not requiring a site plan is regulated under the zoning permit requirements of this ordinance.

§8.03 WHEN SITE PLANS ARE REQUIRED

A. Major Site Plans

Major site plans are required to be submitted under any of the following circumstances.

1. As part of an application for a conditional use permit.
2. Any change in use which requires construction of ten (10) or more additional parking spaces.
3. As part of an application for approval of a condominium development.
4. Any other construction or moving of structures except:
 - a. Single family and duplexes on individual parcels and their accessory structures.
 - b. Non-residential accessory structures under nine hundred (900) square feet.
 - c. Expansions of fewer than nine hundred (900) square feet.

B. Minor Site Plans

Minor site plans are required to be submitted under the following circumstances:

1. The construction or moving of non-residential accessory structures under nine hundred (900) square feet.

2. Expansion of structures under nine hundred (900) square feet other than single family duplex residences on individual parcels and their accessory structures

§8.04 PROCEDURES

- A. Before any building permit shall be issued for any structure other than a single family residence, duple or accessory structure to a single family residence of duplex, or any use requiring a condition use permit, a site plan drawn to a scale of 1" = 20" and placed on a standard sheet shall b submitted to the City Clerk. Said site plan either major or minor shall contain the following information:
 1. Statistical data including: number of dwelling units, size of dwelling units (e.g., 1-bedroom, 2-bedrooms, and 3-bedrooms), if any, and total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown. In all other cases, the location, type, horsepower, fuel, dimension, and other data of all machinery to be used on the proposed site.
 2. The location of any residential structure within 100' of the lot line of the site to allow consideration of potential impact to adjacent uses.
 3. The location of any watercourses, water bodies or wetlands to determine compliance with local and state requirements.
 4. Existing and proposed contours at 2' intervals to check drainage and access issues.
 5. The location of principal and accessory buildings on the lot and the relationship of each structure to another.
 6. Vehicular traffic and pedestrian circulation features within and without the site.
 7. The location and dimensions of all off-street parking areas, including maneuvering lanes, service lanes, off-street loading spaces, and other service areas within the development and cross sections of drives and parking areas to ensure compliance with parking requirements and city design specifications.
 8. The location, dimensions, and proposed use of all on-site recreation areas, if any.
 9. The location of all proposed landscaping, fences or walls.
 10. The height and dimensions of all structures.
 11. Front, rear, and side elevation of any typical structure proposed for development.
 12. The location and capacity of private or public water and sanitary services including fire hydrant locations, storm drainage and solid waste disposal facilities (including dumpster locations) servicing the site.

13. The location, dimensions, and lighting of all signs.
 14. The location, intensity, and orientation of all lighting.
 15. The location of any outdoor storage or activity areas to determine compliance with requirements with these items and any potential off-site impacts.
 16. Designation of fire lanes, information on hazardous material stored on the site and any other information required by the City Fire Chief.
 17. A location map at a larger scale, indicating the relationship of the site to the surrounding land use.
 18. Location of any driveway in relation to already existing driveways, across from, or adjacent to the site.
 19. Shall comply with all applicable Federal, State, County and local laws, ordinance and regulations such as Soil Erosion, etc.
 20. Staked property boundary survey and property description of the parcel proposed to be developed, not more than five (5) years old. A mortgage survey shall not be substituted for the required survey.
 21. The site Plan Review Subcommittee may waive the above referenced requirements deemed not applicable for certain projects submitted by way of a minor site plan.
- B. The site plan shall be referred within five (5) calendar days after receipt by the City Clerk to the City Planning Commission Site Plan Review Subcommittee composed of three (3) Planning Commission members (appointed by the Planning Commission Chairperson), the Zoning Administrator and the City Engineer for its review and evaluation. If the site plan is not complete, it shall be returned to the applicant with a list of the missing information. The applicant may request the sub-committee waive informational requirements if he can demonstrate that the information is not necessary to determine compliance with the standards for approval of a site plan.

The site plan shall be referred within thirty (30) calendar days after receipt by the City Clerk to the City Planning Commission for its review and evaluation at its next regularly scheduled meeting.

- C. The City Planning Commission shall review and communicate its approval, disapproval, or recommended site plan modifications to the applicant and the Building Inspector within forty-five (45) calendar days after receipt of a complete site plan. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the City Planning Commission for their review. Upon receipt of the modified site plan, the City Planning Commission shall evaluate the changes which have been made and if deemed acceptable, shall communicate its approval of the site plan to the applicant and the Building Inspector within forty-five (45) calendar days after receipt of the modified site plan.
- D. An applicant may request a preliminary review of a site plan by the Planning Commission, addressing all issues except compliance with engineering requirements. This review is informational only and is not binding on the Planning Commission due to the potential of additional information changing the terms of approval.

§8.05 STANDARDS FOR APPROVAL

The City Planning Commission's action for approval, approval with modifications, or disapproval, shall be based on an assessment of the following factors, as well as others that the City Planning Commission determines to be uniquely applicable to the subject proposal.

- A. The structural types and density of the proposed development are compatible with existing land use and zoning patterns within the area.
- B. Sufficient setbacks, distances between buildings, and maximum building heights are maintained to insure compatibility with existing land use and zoning patterns within the area.
- C. Vehicular traffic and pedestrian circulation features are designed so as to minimize conflicts between vehicular movement and pedestrian movement, adequate clear vision zones are provided, and ingress and egress drives are located and designed so as to minimize vehicular conflicts.
- D. All provisions of this ordinance are met including off-street parking areas and off-street loading and unloading space requirements, dimensional requirements including setbacks and lot sizes, and landscaping requirements.
- E. When appropriate, minimum areas for open space or on-site recreation, as defined within other sections of this Ordinance, shall be provided.
- F. The location and capacity of water, sanitary sewer, storm drainage, and solid waste facilities shall be adequate to serve the proposed development. Electrical, phone, cable television and similar lines shall be installed underground where appropriate.
- G. All signs shall conform to the location, intensity and dimensional requirements of the zoning district in which the proposed use is located and in accordance with the City Sign Ordinance.

- H. The location, intensity, and orientation of all lighting facilities, including lighted signs, shall be designed so as not to create an adverse effect on adjacent properties, shall provide adequate light to insure the safety of occupants of the proposed development, and shall not create a nuisance or safety hazard to pedestrians or motorists in the vicinity of the site.
- I. No proposed development shall create smoke, noise, or odors in excess of that permitted under Sections 12.11, 12.12, and 12.13.
- J. All proposed developments shall take into account any natural features which exist on the site and shall be designed to insure the maximum protection of such features.
- K. The City Planning Commission shall approve a site plan, only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions, or create a nuisance condition to the detriment of prospective occupants of the subject property, adjoining land users, or the general public.
- L. Any required modification shall be directed to the specific elimination of unsafe or hazardous health or safety conditions or the prevention of nuisance conditions, and shall be so noted.
- M. The site plan shall conform to all federal, state, county and local laws, ordinances and regulations.

§8.06 APPEAL OF SITE PLAN DECISION

The decision of the Planning Commission on a site plan may be appealed to the City Zoning Board of Appeals under provisions of Article 13.

§8.07 EXPIRATION OF SITE PLAN APPROVAL

A Site plan shall expire unless a building permit for the structures required under the Site plan is applied for within twelve (12) months of the approval of the Site plan and work is completed within one (1) year of issuance of the building permit. The Planning Commission may extend approval of the site plan for up to six (6) additional months.

§8.08 REVOCATION OF SITE PLAN APPROVAL

In any case where a site plan is constructed in a manner that violates the conditions placed on its approval or the general requirements of this ordinance, the Zoning Administrator shall schedule a public hearing before the Planning Commission following the notice requirements in Section 9.02E of this ordinance for the applicant to show cause why their site plan approval should not be revoked. If the Planning Commission determines that the property is out of compliance with the terms of its approval or this ordinance and that a procedure to bring them into compliance agreeable to the Planning Commission is not identified, the Planning Commission shall revoke the site plan approval.

§8.09 PERFORMANCE GUARANTEES

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the City of Clio and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the City Treasurer prior to the issuance of an occupancy permit. The City of Clio shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the City of Clio shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Building Inspector, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Building Inspector. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should

the City use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the City's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City of Clio to ensure completion of an improvement associated with the City of Clio's approval, the applicant shall not be required to deposit with the City of Clio a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the City of Clio regarding the performance guarantee.

§ 8.10 REVISIONS TO APPROVED SITE PLAN

Any revisions to a proposed site plan shall be reviewed by the Site Plan Review Committee. If the committee determines the changes to be minor in scope, the committee may approve the changes if they comply with the requirements of this ordinance. Any other revisions shall be referred to the Planning Commission for its determination.

Minor site plan revisions include modifications that do not impact a specific condition of approval, do not require a variance, do not result in a net increase in building size or require additional parking spaces.