

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

CHAPTER 5 SITE PLAN REVIEW

SITE PLAN REVIEW

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Purpose

This section is intended to establish procedures and standards for the review of site plan applications as herein prescribed. This includes site plans for permitted uses, special land uses, and planned unit developments. This section is further intended to ensure a thorough evaluation of the planned development of a site and the potential impacts on public health, safety, and welfare in relationship to the City's Master Plan, drainage, utilities, natural resources, traffic patterns, adjacent parcels, landscaping, and signs. The site plan review standards and procedures provide an opportunity for city staff, the Planning Commission, and the City Council, as appropriate, to review a proposed use in terms of site preparation and grading, building footprint, parking supply and design, service areas, easements, access points, vehicular and pedestrian traffic flow, landscape design, relationship to adjacent uses, adequacy of utilities, stormwater management, placement of signs and lighting fixtures, and preservation of significant natural features and aesthetics. This section is also intended to assist the city in ensuring that buildings, structures, and uses are in conformity with the provisions of this zoning Ordinance and other ordinances of the city and county, state, or federal statutes.

Site Plan Review Process – Responsible Party

Administrative Site Plan Review – Unless otherwise provided for, site plans for permitted uses and certain small-scale projects that do not significantly impact neighboring properties may be reviewed administratively by the Zoning Administrator or his/her designee. The Zoning Administrator or the applicant shall have the option to request Planning Commission consideration of plans eligible for administrative review. In certain instances, the Planning Commission has been designated as the party responsible for administrative review of site plans. Permitted uses subject to administrative review by the Planning Commission shall not require a public hearing as required for special land uses and planned unit developments. All appeals of administrative site plan decisions by the Zoning Administrator and Planning Commission shall be made to the Zoning Board of Appeals.

Planning Commission Review of Special Land Uses and Planned Unit Developments – Site plans for special land uses and planned unit development, unless otherwise provided for by this Ordinance, shall be reviewed by the Planning Commission following administrative review. Where City Council review is also required, the Planning Commission shall conduct a preliminary site plan review and submit findings and a recommendation to City Council. The Planning Commission shall review site plans under its jurisdiction for compliance with the standards of this Ordinance and other appropriate ordinances and statutes, and take one of the following actions:

Tabling of Site Plan - Table action and request the applicant revise the site plan or provide additional documentation or information.

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Approve of Site Plan - Approve the site plan upon a finding that applicable ordinance standards are met.

Approve Site Plan with Conditions - Approve the site plan with conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with applicable ordinances and statutes.

Recommend Site Plan Approval - Make a recommendation to the City Council for projects requiring City Council action. The recommendation may include conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with applicable ordinances and statutes.

Site Plan Denial - Deny the site plan upon a determination the site plan does not meet the standards, spirit and intent of this Ordinance and other applicable ordinances and statutes. The applicant must then revise the plans and resubmit the revised site plan if she/he remains interested in pursuing the project.

City Council Review of Planned Unit Developments – As provided for by this Ordinance, certain developments shall require review and approval by the City Council, following receipt of a site plan review and submission of findings and a recommendation from the Planning Commission. Following the receipt of a recommendation from the Planning Commission, the City Council shall review site plans under its jurisdiction for compliance with the standards of this Ordinance and other appropriate ordinances and statutes, and take one of the following actions:

Tabling of Site Plan - Table action and request the applicant revise the site plan or provide additional documentation or information. Pursuant to plan tabling, the City Council may send any site plan revisions or other information to the Planning Commission for review and recommendation prior to taking formal action on the site plan.

Approve of Site Plan - Approve the site plan upon a finding that applicable ordinance standards are met.

Approve Site Plan with Conditions - Approve the site plan with conditions which the City Council determines are reasonable and necessary to ensure conformance with applicable ordinances and statutes.

Site Plan Denial - Deny the site plan upon a determination the site plan does not meet the standards, spirit and intent of this Ordinance and other applicable ordinances and statutes. The applicant must then revise the plans and resubmit the revised site plan if she/he remains interested in pursuing the project.

Optional Conceptual Plan Review - The applicant may request review of a Conceptual Plan by the Zoning Administrator, Planning Commission or City Council prior to submittal of a complete Final

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Site Plan. The purpose of a Conceptual Plan is to permit the applicant to obtain reaction on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the final plan. Generally, the submittal should include the building footprint, general parking lot layout, location of driveways, conceptual grading, conceptual landscaping, and similar items. The direction given to an applicant during a Conceptual Plan Review is non-binding and shall be void after six (6) months from the time the site plan is reviewed.

Application Procedure and Fee

Applicant - Any person owning or having an interest in the subject property may file a written application for site plan review as provided for in this Ordinance.

Application – Timing, Copies, and Support Documentation

Site Plan Review of Permitted Uses - A complete and signed application, site plan, required documentation, and application fee shall be submitted to the Zoning Administrator. The applicant shall provide three (3) copies of the application, site plan, and other written and graphic instruments or in a number determined by the Zoning Administrator to be adequate or necessary for review purposes. In the event an applicant provides a digital PDF of the of the application, site plan, and other written and graphic instruments, the number of paper or hard copies may be reduced to one (1) copy.

Site Plan Review of Special Land Uses and Planned Unit Developments – A complete and signed application, site plan, required documentation, and application fee shall be submitted to the Zoning Administrator not less than forty (40) days prior to the meeting at which the Planning Commission first considers the special land use or planned unit development application. The applicant shall provide twelve (12) copies of the application, site plan, and other written and graphic instruments or in a number determined by the Zoning Administrator to be adequate or necessary for review purposes. In the event an applicant provides a digital PDF of the of the application, site plan, and other written and graphic instruments, the number of paper or hard copies may be reduced to two (2) copies. Information that may have been waived by the Zoning Administrator may be subsequently requested by the Planning Commission and/or City Council.

Fee - Payment of the required fee as required by the City.

Sealed Plans - Preparer

All site plans shall be prepared by a professional surveyor, engineer, architect, or landscaped architect licensed in the State of Michigan and shall bear the seal of the licensed professional. The Zoning Administrator may waive this requirement when he/she has determined that there is no exterior effect resulting from the proposed use or that the site plan is simple enough to be completed by another preparer, provided the plan is drawn to an accurate scale and provides the information required in the Site Plan Checklist and Site Plan Application.

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Site Plan/Use Review by Building Official, Fire Chief and Others

As determined necessary and appropriate by the Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals, zoning applications may be forwarded to the various city departments, such as the Departments of Police, Fire, Public Works, Inspections, and the like for purpose of receiving departmental comment, recommendations, and/or information regarding city code requirements as pertaining to the nature of the application and impact on public facilities and services.

Required Site Plan Contents (Site Plan Checklist) and Information Exception

The following information shall be included with all site plan applications. The Zoning Administrator or his/her designee may grant an exception from particular site plan submittal item(s) upon determining that a complete site plan is not required for review of the project for compliance with this Ordinance, or such a requirement would be unreasonable given the type, complexity, and/or character of a project. A statement explaining the waiver shall be provided to the Planning Commission and City Council where said Planning Commission or City Council exercise review authority. Information excepted by the Zoning Administrator or his/her designee may be required by the Planning Commission or City Council whenever said Planning Commission or City Council exercise review authority.

Site Plan Application Checklist

Site Plan Application	
1	Applicant's name, address, telephone number (mobile and office), and email address.
2	Name, address, telephone number, and signature of property owner, if different from applicant.
3	Name, address, telephone number (mobile and office), and email address of the lead designer for the site plan.
4	Site Identification: address (if assigned), parcel number, and legal description.
5	Existing zoning of applicant's parcel.
6	Existing use of the applicant's parcel.
7	Proposed use of land and name of proposed development (if applicable.)
8	Names, addresses, telephone numbers and email addresses for all firms or persons involved in the site plan design including but not limited to: planners, engineers, architects, and landscape architects.
Site Plan Contents	
Reference Information	
1	Title block indicating the name and contact information from the design firm, designer, date, and identification of each plan sheet (demolition, existing conditions, site plan, landscape plan, and utilities etc.), and dates of submission and revision (month, date, year).
2	Identification and seal of each design professional involved in the preparation of the plan (architect, engineer, land surveyor, landscape architect).
3	Scale.
4	North arrow.
5	Location map.
Property Information	
1	The dimensions of all lots and property lines.
2	Total acreage for the development site.
3	Existing and proposed topography at two-foot intervals.

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4	Front, side, and rear setback dimensions.
5	Existing buildings and infrastructure on the development parcel and existing buildings on adjacent parcels within 50 feet of the development parcel. Include abutting streets, alleys, and sidewalks.
6	Existing wetland areas and water bodies.
Project Information	
1	Demolition. Show all existing buildings and infrastructure to be demolished. Show address, curb cuts, access aisles, parking areas, and any public or private utilities.
2	Phasing for the project and timing of construction for each phase.
3	Proposed land uses and their correlation to building spaces.
4	Proposed new buildings. Include number of stories, building height, and gross square footage. For buildings with multiple-family dwelling units provide the number of units by bedroom count (studio, 1 bedroom, 2 bedroom, or 3 bedroom). Include detailed façade elevations to include type and color of building materials, roof design, projections, canopies, awnings, window openings, entrance features, doors, overhangs, other architectural features, and any building-mounted mechanical equipment, such as air conditioning and heating units.
5	Proposed public utility lines (water, sewer, and storm). Where applicable, show line size and type of material. Show existing or proposed fire hydrants on the development parcel or within 100 feet of the parcel.
6	Drainage plan. Show topography at two-foot intervals. Include drainage calculations to show the site can handle a ten-year storm event.
7	Proposed private utilities (electric, gas, cable, telephone).
8	Proposed streets (identify as public or private and show name). Show cross-section and design of proposed streets and driveways.
9	Proposed sidewalks (public and private). Show cross-section of proposed sidewalks.
10	Proposed curb cuts/driveways to include radii and throat width. Also, show existing curb cuts that are within 100 feet of the development parcel (whether adjacent or across the street).
11	Proposed access aisles and parking lots. Identify the paving type and width of access aisles.
12	Proposed parking spaces. Include total number of spaces and show calculations to show that the total proposed meets the minimum number of spaces required. Show details for handicapped parking spaces, and typical dimensions for regular parking spaces. If shared parking is being proposed show the shared parking lot and identify the uses using that lot. Show carport locations and details if applicable. For loading/unloading spaces identify paving type, dimensions, and whether the surface is at grade level or depressed. If depressed show railing detail.
13	Exterior lighting locations and method of shielding lights from shining off-site, into the sky, or into on-site or off-site residential dwelling units.
14	Photometric plan showing lighting levels on the site.
15	Dumpsters or other trash receptacles and proposed screening.
16	Landscape plan. Include location, size, type and quantity of proposed shrubs, trees, and other plant material. Identify existing trees being retained which are greater than 5 inches in caliper. Show any proposed berms and slope ratio.
17	Fences and Walls. Proposed fences and walls (including retaining walls) include typical cross-section and height above the ground.
18	Signs. Include location, type, size, and height.

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19	Easements. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
20	Fire lanes. Show all fire lane areas.
21	Outdoor storage. The location of any outdoor storage and the manner by which it will be screened.
22	Soil erosion and sedimentation control measures.
23	Other information as required by the city to verify that the site and project are developed or improved in accordance with the spirit and intent of this Ordinance and the Cadillac Master Plan.

General Standards for Site Plan Review

The general standards, as applicable for a site development, for a Site Plan Review shall be the requirements imposed pursuant to this Ordinance, the City Building Code, other city ordinances, and other local, county, state, or federal regulations as determined appropriate. General standards for review include:

Dimensional Standards - Buildings and structures will meet or exceed setback standards, height, and other dimensional standards, building and lot coverage standards, and be placed to preserve environmentally sensitive areas.

Impact on Surrounding Land Uses - The proposed site plan will be harmonious with, and not harmful, injurious, or unreasonably objectionable to, existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity.

Views and Building Elevations - Placement and height of buildings, structures and parking shall preserve existing views of lakes, woodlands, and other significant visual resources to the greatest extent reasonable.

Proposed Architecture - Shall complement the character of the surrounding area.

Preservation of Natural Features – The site’s natural character will be retained insofar as possible and practicable.

Stormwater Management and Soil Erosion - The site plan and supporting documentation shall demonstrate that the development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing potential for flooding. Provisions shall be made to accommodate stormwater in a manner which complements natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage or sedimentation ponds may be required to reduce or filter stormwater runoff. Stormwater runoff on paved areas may be collected at intervals but shall not obstruct the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material. The development shall meet the requirements of the City Code.

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Topography - The site plan shall demonstrate judicious effort to preserve the integrity of the land, existing topography, and natural drainage patterns. Grading or filling shall not destroy the character of the property or the surrounding area and shall not adversely affect the adjacent and neighboring properties.

Woodlands and Trees. - The site plan shall be designed to preserve existing woodlands to the extent practicable. Woodlands, trees, and natural areas to be preserved will be protected during construction by fencing or other barrier obvious to construction personnel. If any trees are proposed for transplant, transplant methods shall be adequately described.

Snow Maintenance – The site plan shall be designed to accommodate the on-site storage and/or handling of snow in a manner that does not negatively impact needed parking, safe vehicular and pedestrian circulation, clear vision requirements, and like needs.

Use Standards - The proposed use(s) shall meet all required standards.

Parking, Access and Circulation - The number and dimensions of off-street parking and loading/unloading spaces, the design and setbacks of parking and loading areas, the number of barrier free spaces, required vehicular stacking, and other parking, access, and circulation elements shall meet the standards of this Ordinance.

Landscaping - The amount, type and minimum size of landscaping shall meet the standards of this Ordinance and shall be properly labeled and identified in a plant list.

Lighting - Site lighting fixtures shall be designed to direct lighting within the site. The height and intensity of fixtures shall meet the standards of this Ordinance.

Utilities and Site Services - The development shall provide adequate sanitary sewer and municipal water through connections to publicly approved sewer and water main facilities subject to approval by the City Utilities Department. Where available, all sites shall be served by natural gas, electric, communication, cable, and other such essential services. All such facilities and essential services shall meet the design and construction requirements of the city and applicable agencies governing the essential services. For new developments, such as but not limited to residential subdivisions, condominium developments, and planned unit developments, the city may require the underground installation of utilities for purposes of enhancing public safety, the visual quality of development, and compatibility with neighboring development.

Hazard Materials – If applicable, information shall be provided that demonstrates compliance with standards for hazardous waste storage and handling to minimize adverse effects on adjacent properties, the lakes, wetlands, and drinking water. Uses utilizing, storing, or handling hazardous material shall provide secondary containment facilities and provide documentation of compliance with state and federal regulations, as required.

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Agency Coordination - The applicant shall demonstrate the site plan meets the standards of other government agencies, where applicable. The applicant shall be responsible for obtaining all necessary permits and/or approvals from applicable county, state, and federal agencies. All federal, state, and local laws and ordinances shall be met.

Project Phasing – The proposed phases of development shall be provided. Project phasing shall occur in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

Validity of Approved Site Plan and Plan Extension

Unless otherwise provided for by this Ordinance, approval of a site plan is valid for a period of twelve (12) months following said approval. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, and if a written request for extension of the approval has not been submitted by the applicant, the approval of the site plan shall be deemed null and void. Upon written application, filed in writing no less than thirty (30) days prior to the termination of the twelve (12) month period, the body having final site plan approval authority may authorize a one-year extension of the time limit for approval of a site plan. Such extension shall only be granted based on written evidence from the applicant that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.

Conditions Attached to Property

Conditions attached to the approval of a site plan, special land use, or planned unit development shall be attached to the property described as part of the application and not to the owner of the property. A record of conditions imposed shall be maintained by the city. The conditions shall remain unchanged unless an amendment to the approved use is granted as provided for by this Ordinance.

Deviations from Approved Site Plan

Minor Changes – Minor changes to an approved site plan may be approved by the Zoning Administrator without requiring a resubmittal to the Planning Commission or City Council, provided that the applicant or property owner notifies the Zoning Administrator of any proposed amendment to such approved site plan prior to making said change on the site and the Zoning Administrator determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. For purposes of interpretation, the following shall be considered minor changes:

Size of Structures - The size of approved principal or accessory structures may be reduced or increased by up to five percent (5%) provided the overall density of units does not increase.

Relocation of Buildings - Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.

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Landscape - Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.

Building Materials - Changes of building materials to another of higher quality.

Floor Plans - Changes in floor plans which do not alter the character of the use.

Site Plan Compliance and Maintenance of Property After Approval

It shall be the responsibility of the owner of a property for which final site plan approval has been granted to maintain the property in accordance with the approved site plan and design on a continuing basis until the buildings on the property are razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to 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. 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.

Revocation

Approval of a final site plan may be revoked by the approving body if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the final approving body for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Zoning Administrator, Building Official, applicant and any other interested persons shall be given the opportunity to present information to the approving body and answer questions. If the approving body finds that a violation exists, said body shall revoke the approval of the site plan or may provide opportunity for the applicant to correct the violation. If allowing the correction of a violation, the approving body shall establish the timeframe for correcting the violation and may establish conditions or requirements associated thereto.

Approved (Official) Site Plan

The approving body shall provide the applicant with a signed and dated copy of the approved site plan or a signed and dated site plan attachment, specifying any conditions of approval. The signed and dated copy of the approved site plan or the signed and dated site plan attachment shall be considered the Official Site Plan. The Official Site Plan shall be used in all matters of interpretation or dispute concerning approved site plan requirements. Where a site plan is approved with conditions, the conditions shall be listed in the motion of site plan approval and noted on the signed and dated site plan or the signed and dated site plan attachment. The Zoning Administrator may require the applicant to submit a revised site plan that incorporates the conditions imposed by the approving body prior to the issuance of any building permits. The Zoning Administrator shall have the authority to sign the approved site plan or site plan attachment as the final approved (official) site plan upon determination that the conditions and requirements have been met.

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Condominium Projects

For all condominium projects, in addition to the above, all master deeds and bylaws must be reviewed by the city attorney prior to obtaining final site plan approval. Any amendments to the master deed shall be approved by the city attorney prior to recording with the County Register of Deeds.

Issuance of Building Permits

Upon approval of a final site plan by the authorizing body, the Zoning Administrator will notify the Building Department in writing that they may proceed with review and approval of Building Permit and Construction Drawing Applications. If the authorizing body denies a change or amendment to a site plan, any building permits issued pursuant to, or conditioned on that change or amendment to a site plan, shall be revoked until such time as the requirements for approval of the site plan by the authorizing body have been met.