

Date: _____

Application No: _____

Review Fee Deposit: \$ _____



CITY OF NEW BALTIMORE

36535 GREEN STREET • NEW BALTIMORE, MI 48047 • (586) 725-2151 • FAX (586) 725-6927

APPLICATION FOR SUBDIVISION APPROVAL

- Sketch Plan
 Tentative Preliminary
 Final Preliminary
 Final Plat

Name of Proposed Subdivision: _____

Parcel Identification No.: _____

Complete Legal Description (Attach separately if necessary): _____

Number of Lots: _____ Lot Size: _____

Existing Zoning: _____ Size (in acres): _____

Applicant Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Fax: _____

Legal Owner: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Site Plan Preparer's Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Fax: _____

REVISED PLANS WILL NOT BE ACCEPTED AT THE MEETING

If petitioner is not the owner, state basis for representative (i.e., Attorney, Representative, Option to Buy, etc.)

Any additional costs incurred by the City during the review of this application shall be born by the applicant.

The undersigned authorizes any member of the Planning Commission or other representative of the City, to enter upon the described premises to visually inspect the proposed site, before and after any hearings scheduled for this application.

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

Signature of Applicant

Signature of Legal Owner

Please print/type name below signature

Please print/type name below signature

APPLICATION FOR SITE PLAN REVIEW / SPECIAL APPROVAL LAND USE **REVISED PLANS WILL NOT BE ACCEPTED AT THE MEETING**

Sec. 60-618. Requirements for submittal.

- (a) Any person may request a site plan review by filing an application and the site plan at least 20 city business days prior to the planning commission meeting. The minimum number of copies of the application and the site plan shall be set by the planning commission in its site plan review procedures.
- (b) The following information shall be included on the site plan, the application form, or as an attachment to such:
- (1) Legal description or Sidwell number, proposed address, and zoning of the particular site and abutting properties.
 - (2) Applicant's name, address and phone number.
 - (3) Name, address and phone number of the firm or individual who prepared the site plan.
 - (4) Name and signature of the legal owner, if not the applicant.
 - (5) Site plan drawn to scale of not greater than one inch equals 20 feet for less than three acres or one inch equals 50 feet for less than 50 acres. The site plan shall be of such accuracy that the planning commission can readily interpret the plan and shall include more than one drawing when required for clarity.
 - (6) Dimensions of all property lines.
 - (7) Proposed use of land and structures.
 - (8) Location and dimensions of all existing and proposed structures, including principal and accessory buildings, on the site and within 100 feet of the subject property.
 - (9) Location of all existing and proposed streets, roadways, service drives, sidewalks, and entrances or exits (on site and within 50 feet of the site).
 - (10) Drive or street approaches shall include acceleration, deceleration or passing lanes, if appropriate.
 - (11) All aisles, drives and parking areas, including handicapped parking; size of parking stalls; and number of parking spaces.
 - (12) Location and dimensions for utility or storm drain easements.
 - (13) Size and location of utilities to serve the site (water, sewer and storm drainage). Topographic data may be necessary to reflect storm drainage patterns. **(Topographic data is required by Planning Commission)**
 - (14) Screening, greenbelts and/or protective walls.
 - (15) Exterior lighting and methods of shielding from adjacent properties or streets.
 - (16) Trash receptacle location and method of screening.
 - (17) Loading and unloading areas.
 - (18) Landscaping plan.
 - (19) Elevations (front, side and rear views) of all buildings.
 - (20) Typical floor plan.
 - (21) Types of facing materials to be used on structures.
 - (22) Statistical data for multiple dwellings, including number of dwelling units, size of dwelling units (i.e., one-bedroom, two-bedroom and three-bedroom), and the total gross acreage involved. For mobile home parks, the size and location of each mobile home site shall be shown.
 - (23) For multiple-family or mobile home parks, the recreation area and types of recreation equipment shall be shown.
 - (24) If a sign is to be located on the site, a drawing shall be submitted showing the location, size, height, area of sign surface, and method of illumination.
 - (25) Environmental concerns, hazardous waste, and materials to be processed, if applicable.
- (Flood plain elevations are required by the Planning Commission)**
(Ord. No. 33, § 1502, 9-25-1989)

Twenty (20) copies of the application and plan shall be submitted to the City at least twenty (20) city business days prior to a scheduled Planning Commission meeting (third Tuesday of the month at 7:30 p.m.) The site plan shall include all information required by the City of New Baltimore Zoning Ordinance. All plans must be folded when submitted. The applicant or representative must be present at the Planning Commission meeting. The site plan shall satisfy the requirements of the Zoning Ordinance for issuance of a building permit, but shall not exempt the applicant from compliance with all other City ordinances or requirements. This application shall also be accompanied by the appropriate filing fee. Any additional costs incurred by the City during the review of this application shall be born by the applicant.

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ARTICLE XVI. SITE PLAN APPROVAL*

***State law references:** Site plans, MCL 125.584d.

Sec. 60-616. Statement of intent.

It is recognized by this chapter that there is a value to the public in establishing safe and convenient traffic movement to proposed development sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses; further, that there are benefits to the public in conserving natural resources. Toward this end, site plan review and approval are required for certain buildings, structures and land uses.

(Ord. No. 33, § 1500, 9-25-1989)

Sec. 60-617. Applicability.

(a) A site plan shall be required prior to the issuance of a building or occupancy permit for the following:

- (1) All new construction, except single-family dwellings, farm structures on a bona fide farm, and their accessory uses.
- (2) Construction or expansion of any special approval land use.
- (3) Any change in building use classification, as defined in the single state construction code.
- (4) Any change in use which will increase the parking requirements for that use.
- (5) Any change of use which has different zoning requirements.
- (6) All new signs (on site and off site).

(b) The building inspector, at his discretion, may review and approve change in lighting, any interior building improvements, and minor exterior building or minor structural alterations. The building inspector will make the determination that the improvements fit the requirements of this chapter and the single state construction code and that they would not adversely affect surrounding properties or increase any parking needs or traffic problems. If there is any question by the building inspector as to whether or not the property improvements require site plan review by the planning commission, he shall submit or require the submission of plans for site plan review according to this chapter. Each month, the building inspector shall file a written report with the city council and planning commission listing the site plans approved under this subsection.

(Ord. No. 33, § 1501, 9-25-1989)

Sec. 60-619. Procedure for review.

(a) Application forms, the site plan procedures, and the checklist for site plan review can be obtained from office personnel at city hall.

(b) The applicant shall submit copies of the application and the completed site plan to the city clerk, together with the fee established by the city council.

(c) City departments, the city engineer, and the city planner shall place written comments on the plans or submit written comments to the planning commission so that they are available prior to or at the meeting. The commission may also request comments and reviews from county, state or other local agencies, such as the DDA, historic district commission, or the Downtown Business Association, when it deems it necessary.

(d) The site plan shall be reviewed by the city engineer, the water and sewer department, and the building inspector, unless the administrative consultant to the mayor or the mayor determines that such review is not necessary.

(e) The site plan shall be placed on the agenda of the next regular planning commission meeting if it has been received a minimum of 14 days prior to the meeting. If the applicant does not meet the time deadline, he may, at his option, request an appearance on the agenda for informal review and discussion.

(f) If the site plans are complete and the necessary reviews have been received, the planning commission shall review the plans. If the reviews are not received because of the complexity of the project, missing data, or lack of time to prepare an adequate review, the site plan may be placed on the agenda of the next regular planning commission meeting. The petitioner shall be notified of the time and date of the meeting at which the site plan will be reviewed.

(Ord. No. 33, § 1503, 9-25-1989)

Sec. 60-620. Approval standards.

(a) The city council, the planning commission, and the building inspector shall review the site plan based upon the requirements of this chapter and the following:

1) The site plan shows that a proper relationship exists between existing streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.

(2) All the development features, including the principal building and any accessory buildings or uses, open trash or refuse containers, and any service roads, driveways and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as but not limited to channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

(3) The site plan and elevations of the buildings (principal and accessory) are in harmony with the general character of the area.

(4) Attention has been given to the placement of proposed buildings, parking areas, driveways, landscaping and other physical improvements of the site in relation to existing on-site natural features and vegetation, such as trees, wooded areas and water areas.

(5) Recreation areas and facilities, such as playgrounds and community buildings, shall be provided to the extent necessary to meet the anticipated needs of the residents the project is designed to serve. Recreation facilities generally should be provided in a central location.

(6) The proposed development is adequately coordinated with improvements serving the property and with adjacent properties.

(7) The proposed development fits into or is coordinated with other city plans (i.e., master plan, recreation plan, DDA plan, historical preservation, and others).

(8) The planning commission may further require landscaping, fencing, walls, sidewalks, access drives, and other such improvements as deemed necessary to carry out the intent and purpose of this chapter.

(b) The commission may take action on the site plan or table action until additional information is received. The planning commission shall make a recommendation of approval, conditional approval, or denial to the city council.

(1) Upon determination of the planning commission that a site plan contains the information required by this chapter and is in compliance with this chapter and the conditions imposed under this chapter, other applicable ordinances and state and federal statutes and other applicable regulations, it shall be recommended for approval.

(2) Upon determination of the planning commission that a site plan is in compliance, except with minor revisions, such changes shall be so indicated on the plan. When these changes have been made or the changes agreed to and initialed by the petitioner, the site plan may be submitted to the city council. Conditional approvals may also be submitted to the council with the conditions clearly stated in writing.

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(3) If extensive revisions to the site plan are necessary to meet this chapter, plan, and regulation requirements, the site plan shall be recommended for disapproval. In this case, the reasons for the recommended disapproval shall be indicated in writing.

(c) Approval of the site plan by the city council shall satisfy the requirements of this chapter for the issuance of a building permit. It shall not, however, exempt the petitioner from complying with all conditions of other city ordinances and regulations.

(d) Site plan approval shall be valid for one year after the date of approval, except as otherwise provided in this chapter. If physical improvement of the site is not in actual progress at the end of a year, the approval becomes null and void, unless renewed or extended by specific city council action. If approval is not extended before expiration of the one-year period, a new application and a new approval shall be required before a building permit may be issued.

(e) Where the city council finds it is appropriate to the satisfactory completion of the site development, in accordance with the site plan, the council may require a suitable performance guarantee to the city. The city may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city, covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the city clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The city shall rebate any cash deposits in direct proportion to the ratio of work completed on the required improvements.

(f) The site plan, as approved, shall become part of the record of approval, and all subsequent actions relating to the land uses authorized shall be consistent with the approved site plan, unless a change conforming to this chapter receives the mutual agreement of the landowner and the city council in writing. The council shall request a planning commission recommendation on the amended site plan or may require a new site plan if the changes are extensive.

(g) Prior to the issuance of a building permit, the building inspector and city engineer shall review and approve the detailed engineering drawings related to sewer, water and storm drainage, as required in the engineering design standards for site improvement plans. A building permit shall not be issued unless the city council has approved the site plan, all conditions of site plan approval have been met, and the engineering has been approved by the city engineer.

(h) Developments will be reviewed by the planning commission as to their conformance with the approved site plan 12 months from the date of approval.

(Ord. No. 33, § 1504, 9-25-1989)
Secs. 60-621--60-645. Reserved.

ARTICLE XVII. SPECIAL APPROVAL LAND USE REQUIREMENTS*

***State law references:** Special land uses, MCL 125.584a.

Sec. 60-646. Intent, standards and procedures.

(a) *Intent.* The use permit review procedures in this article are instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses and should not be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. These procedures apply to those special approval land uses which are specifically designated in this chapter.

(b) *General standards.* For all special land uses, a site plan shall be submitted to the planning commission and shall conform to the requirements and procedures for site plan review as described in article XVI of this chapter. The city council, after a recommendation from the planning commission, shall have sole power to approve or disapprove all special approval land uses. If the plans meet the required standards of this chapter and indicate no adverse effect which, in the opinion of the city council, could cause injury to the residents, users of adjoining property, or the city as a whole, the city council shall approve the use. In all other instances, the city council may deny or approve, with conditions, requests for special land use approvals. In considering all applications for special approval land uses, the city council and planning commission shall review each case on an individual basis as to its conformity, and the proposed special approval land use must meet and satisfy each of the following general standards, as well as the standards for each special land use:

- (1) The proposed special approval land use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- (2) The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle conflicts.
- (3) The proposed use will be designed so that the location, size, intensity, site layout and periods of operation of the proposed use eliminate any possible nuisance emanating therefrom which might be objectionable to the occupants of any other nearby uses.
- (4) The proposed use will be designed so that the proposed location and height of buildings or structures and 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.
- (5) The proposed use will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.
- (6) The proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

(7) The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

(c) Procedures. The proposed site plan, which meets the requirements of section 60-618 and the application for special approval land uses, shall be submitted to the city offices at least 14 days prior to the meeting of the planning commission. Copies of the application and site plan shall be submitted to the planning commission, building inspector, planning consultant, city clerk and other city advisors, as necessary (fire, police, engineer, etc.). The planning commission may request comments from county, state or local agencies, as it deems necessary. Upon receipt of an application, which shall also include the proposed site plan, the city shall publish a notice of public hearing in a newspaper of general circulation in the city. The city shall follow the procedures of the state law by giving notice by mail or personal delivery to the owners of property for which approval is being considered, and the city shall give notice to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the special approval land use request.
- (2) Indicate the property which is the subject of the special approval land use request.
- (3) State when and where the special approval land use request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.
- (5) Indicate that a public hearing on the special approval land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special approval land use.

(d) Planning commission review. The planning commission shall review the application after proper notice has been given as required by state law. The commission shall base its recommendations upon review of the individual standards for that special approval land use, the general standards of this section, and the specific standards for each use. The commission shall recommend approval of the application, with any suggested conditions the commission may find necessary, or recommend disapproval of the application. The decision on a special approval land use shall be incorporated in a statement of conclusions relative to the special approval land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(e) City council action. After receipt of the planning commission's recommendation, the city council shall consider the application for approval, conditional approval, or disapproval. If a public hearing before the city council is requested as provided by state law, the council, after proper notice, shall hear any person wishing to express an opinion on the application.

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(1) *Approval.* If the city council determines that the particular special approval land use should be allowed, it shall clearly set forth in writing the particular use which has been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special approval land use so approved. When a particular special approval land use has been granted as provided in this section, application for a building permit in pursuance thereof must be made and received by the city not later than one year thereafter, or such approval shall automatically be revoked. However, the city council may grant an extension thereof for good cause shown under such terms and conditions and for such period of time as it shall determine to be reasonable and appropriate.

(2) *Denial.* If the city council shall determine that the particular special approval land use requested does not meet the standards of this chapter or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the city, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

(3) *Conditional approval.* The city council may impose such conditions or limitations in granting approval as may be permitted by state law and this chapter which it deems necessary to fulfill the spirit and purpose of this chapter, providing that such conditions meet the requirements of subsection (f) of this section.

(4) *Record.* The decision on a special approval land use shall be incorporated in a statement of conclusions relative to the special approval land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. This record shall be on file in the clerk's office, as well as being made a part of the site plan or building records for that parcel.

(f) *Conditions.* Conditions may be imposed in accordance with the following:

(1) The city council may impose such conditions or limitations in granting approval as may be permitted by state law and this chapter which it deems necessary to fulfill the spirit and purpose of this chapter. The conditions may include the following:

- a. Conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
- b. Protecting the natural environment and conserving natural resources and energy;
- c. Ensuring compatibility with adjacent uses of land; and
- d. Promoting the beneficial use of land in a socially and economically desirable manner.

(2) Conditions imposed shall meet each of the following:

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

(Ord. No. 33, § 1600, 9-25-1989)