

Article 7.18 Site Plan Review

7.18.01 Intent

- (a) Site plan review is required to provide the City of Lapeer with the opportunity to review the proposed use of a site in relation to surrounding uses, planned future development, accessibility, pedestrian and vehicular circulation, street traffic, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics and other site elements which may affect the public health, safety, and general welfare, and its relationship and harmony with City ordinances and plans.
- (b) It is further the intent of this article to require the eventual upgrade of existing sites that do not conform with current standards of this article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the City and the goals and design guidelines in the master plan.

7.18.02 Uses Requiring Review

Prior to the establishment of a use, addition to an existing use, or the erection of any building in a zoning district, a site plan shall be submitted and approved by the City in accordance with the procedures of this article, and the development requirements of this and other applicable ordinances.

- (a) Site plan and administrative site plan reviews and approvals shall be required for the activities or uses listed in *Table 7.18.1*. Approvals are obtained from the Planning Commission, City Commission, Planning Department or Building Official depending upon the nature of the proposed construction or use. Where City Commission approval is required, it shall be based upon the recommendation of the Planning Commission.
- (b) All applications for site plan or administrative site plan approval shall be reviewed by the Planning Department for compliance with the standards of the respective departments.
- (c) Activities and uses that are exempt from site plan/administrative site plan approval may require a building permit, zoning permit or sign permit.
 - (1) Any change in use of an existing building or site requires a zoning permit. The zoning review process may identify additional review requirements.
 - (2) All construction or building modification is subject to City building permit requirements in accordance with *Article 7.21 Administration and Enforcement*.
- (d) Site preparation work shall not commence until site plan approval has been received and the required permits have been issued.

Table 7.18.1: Plan Review Requirements

	New Construction	Expansion	Change in Use
Single Family Dwelling on an existing lot	Zoning and/or Building Permits	Zoning and Building Permits	Zoning Permit
Multiple Family Development	Site Plan Approval and Building Permit	Site Plan Approval and Building Permit	Zoning Permit
Commercial, Industrial, or Institutional	Site Plan Approval and Building Permit	Major expansion: Site Plan Minor expansion: Administrative Site Plan Also, Building Permit	Zoning Permit
Special Land Use (SLU)	SLU and Site Plan Approval	SLU and Site Plan Approval	SLU (if applicable) and Site Plan
Planned Unit Development	Procedures for approval of PUDs are outlined in <i>Article 7.12 Planned Unit Development (PUD)</i>		
Subdivision or Condominium	Procedures for approval of Subdivision plats and Condominiums are outlined in <i>Chapter 6 Land Division Ordinance</i> and <i>Chapter 58 Condominium Ordinance</i> , respectively, of the General Ordinances of the City of Lapeer		
Parking Lot	Site Plan Approval	Major expansion: Site Plan Minor expansion: Administrative Site Plan	Zoning Permit
Residential Accessory Structures and Uses	Zoning and/or Building Permits	Zoning and Building Permits	Zoning Permit
Commercial, Industrial, or Institutional Accessory Uses or Structures	Zoning and/or Building Permits	Administrative Site Plan and/or Building Permit	Zoning Permit
Essential Service	N/A	N/A	N/A
Signs	Sign Permit	Sign Permit	N/A
Landscaping	Site Plan Approval	Administrative Site Plan	N/A

7.18.03 Site Plan and Administrative Site Plan Review Procedures

Site plans and administrative site plans must be submitted in accordance with the following procedures and requirements:

- (a) **Submittal.** The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner, or with a statement signed by the owner granting permission from the property owner for the application. The application shall include the following:
- (1) A complete application form, with original signatures.
 - (2) Proof of ownership.

- (3) A written use statement.
 - (4) The required fee, as established by the City Commission.
 - (5) A complete site plan that includes the information as detailed in the site plan application. Information requirements may be waived by the Planning Commission if they determine they are not necessary to verify compliance with this ordinance's requirements.
- (b) **Administrative Review.** The process for administrative review of a site plan shall involve submittal of the site plan and required application form and fee to the Planning Department. The Planning Department shall review the site plan in accordance with the same standards used by the Planning Commission for a full site plan. Information requirements may be waived by the Planning Department if the Department determines they are not necessary to verify compliance with this ordinance's requirements. The Planning Department shall make a report of administrative reviews to the Planning Commission.
- (c) **Planning Commission Review**
- (1) **Application and Review.** Following Planning Department review, site plans requiring Planning Commission approval shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application, together with the reports and recommendations from the Planning Department and other reviewing departments and agencies, as appropriate.
 - (2) **Planning Commission Action.** The Planning Commission shall make a determination based on the requirements and standards of this ordinance and Planning Department review letter to approve, approve with conditions, postpone a decision, or deny approval of the plan. If approved, any conditions shall be made part of the motion to approve and documented in the Planning Commission's minutes, a copy of which shall be provided to the applicant.
- (d) **Recording of Site Plan Review Action.** The site plan shall be revised to reflect any conditions of approval and submitted to the Planning Department. Copies of the approved site plan will be filed with the Planning Department, including digital files of the approved plan.
- (e) **Electronic Drawings.** Digital files of the approved plans shall be submitted to the Building Department. The files shall be compatible with the City's geographic information system (GIS) software. Information on acceptable data formats are available from the Planning Department. Acceptable data formats are ESRI geobase (preferred), DXF, or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a one to one (1:1) scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers / levels to meet the City's level specification. Any other information provided within the digital files shall be layer isolated from data included in the City's specification and shall include a written

description of both the layer name and the information contained on the layer(s). Digital information provided to the City shall be delivered in a format compatible with the Microsoft Windows operating system. Acceptable delivery media shall be RW-CD, or zip disk.

- (f) **Other Agency Approvals.** The applicant shall obtain all other necessary agency permits from other appropriate agencies, including, but not limited to, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable. Copies of applications for all applicable outside agencies shall accompany submission of the application and site plan to the City and approvals shall be obtained prior to the issuance of building permits, and before any substantial development activity takes place.
- (g) **Engineering Review.** Following Planning Commission approval of a site plan, the City shall make a full review of the engineering plans. A building permit shall not be issued without the approval of the City.
- (h) **Building Permit.** An application for a building permit may be submitted following final approval of the site plan, or sketch plan and engineering plans. The applicant is responsible for obtaining all other applicable City, county, or state permits before a building permit is received.
- (i) **As-Built Drawings.** Digital files of as-built drawings shall be submitted to the City meeting the format requirements noted in (e) above.
- (j) **Property Maintenance.** The owner of a property shall be responsible for maintaining the property on a continuing basis as required by the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which site approval was based, or until a new site plan approval is sought. Any physical changes to the site shall require approval of the City under the requirements of this ordinance. 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 maintain a property in compliance with an approved site plan shall be deemed in violation of this ordinance and a nuisance per se.

7.18.03 Standards for Site Plan Approval

Based upon the following standards, the Planning Commission may deny, approve, or approve with conditions the site plan:

- (a) **Use.** The proposed use must be permitted in the zoning district and meet all of the applicable use standards.
- (b) **Site Design Characteristics.** All elements of the site plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this article. The site shall be designed to

conform to all provisions of this article.

- (c) **Building Design.** The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of *Section 7.15.01 Building Appearance*.
- (d) **Preservation of Significant Natural Features.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- (e) **Site Access, Circulation and Parking.** Safe, convenient, uncongested and well defined vehicular circulation within and to the site shall be provided.
- (1) Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. All driveways shall meet the design and construction standards of the City and/or Lapeer County as applicable. Cross circulation in the form of shared driveways, service drives or parking lot connections shall be provided with adjacent uses where required.
- (2) The number, design and location of access driveways and parking lot design elements including number of spaces required and loading/unloading requirements, shall comply with the provisions of *Article 7.16 Off-Street Parking, Loading, Access and Circulation Requirements*.
- (3) Properties along M-24 must conform to *Article 7.11 M-24 Overlay District*.
- (f) **Emergency Vehicle Access.** All buildings and site circulation shall be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site. Vehicle circulation shall meet turning radius requirements set by the fire department. Fire lanes shall be designated on the site and posted with signage by the developer/property owner at the developer's/property owner's expense prior to occupancy. Fire hydrants, fire suppression systems, fire detection and fire extinguishers shall be provided as required by the fire department.
- (g) **Traffic Impact.** The expected volume of traffic to be generated by the proposed use shall not adversely affect existing streets and traffic patterns. Street access shall minimize excessive vehicle traffic on local streets to reduce the possibility of any adverse effects upon adjacent property. To determine traffic impact the Planning Commission may require a traffic study based on the criteria in the U.S Department of Transportation guide *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*.
- (h) **Other General Development Requirements.** The standards set forth in *Article 7.15.04 General Site Development Requirements* shall be complied with for various site design elements including (but not necessarily limited to) the following:

- (1) Landscaping, landscape buffers and greenbelts
 - (2) Pedestrian circulation
 - (3) Exterior lighting
 - (4) Waste receptacles
 - (5) Mechanical equipment and utilities
- (i) **Utilities and Storm Water Management.** Public water supply and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and storm water management facilities shall be reviewed and approved by the City Engineer.
- (j) **Other Agency Reviews.** The applicant shall provide documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.
- (k) **Hazardous Materials.** Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These areas shall be designed to meet all applicable state and federal regulations and incorporate basic management practices for the handling of hazardous materials. Uses that involve the storage of large quantities of hazardous or combustible materials shall be located and designed to ensure no threat to nearby uses and residents is present.
- (l) **Other Studies.** The Planning Commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this section including, but not limited to, traffic impact studies, market studies, environmental assessments or utility capacity analysis.

7.18.04 Conditions of Site Plan Approval

- (a) As part of an approval of any site plan, the Planning Commission may impose any additional conditions or limitations as may be 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) Conditions may also be imposed to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this article.

- (c) The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- (d) A record of conditions imposed shall be recorded in the minutes attached to the approved site plan and maintained by the City. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.

7.18.05 Validity of Approved Plans

- (a) **Start of Construction.** Site plan approval is valid for a period of one (1) year from the date of approval. Building permits must be issued and physical construction must commence within the one (1) year period.
- (b) **Expiration of Site Plan Approval.** In cases where construction authorized by a site plan approval has not commenced within one (1) year of site plan approval or granting of an extension, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.
- (c) **Extensions.** Upon written application prior to expiration, the Planning Commission may authorize an extension of the time limit of the site plan approval for up to an additional one (1) year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The Planning Commission may require compliance with any amendments to the zoning ordinance since the site plan was originally approved.

7.18.06 Amendment to Approved Plans

Amendments to the approved site plan may occur only under the following circumstances:

- (a) **Minor Changes.** Prior to making any change to an approved site plan/administrative site plan the applicant or property owner shall notify the Planning Department of any desired change. The Planning Department shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes:
 - (1) Movement of a building or buildings by no more than five (5) feet, provided all setback, parking, landscaping and other site requirements are still met.
 - (2) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
 - (3) Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two (2) new trees required for each tree replaced.
 - (4) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.

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- (5) Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the Planning Department.
 - (6) Changes required or requested by the City, county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
 - (7) Situations the Planning Department deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- (b) **Major Changes.** All other changes not considered minor shall be considered a major change requiring a new application for site plan review.