

**CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN**

ORDINANCE 318

AN ORDINANCE TO AMEND CHAPTER 78, "ZONING," ARTICLE IV, "DISTRICT REGULATIONS," AND ARTICLE II, ADMINISTRATION AND ENFORCEMENT," DIVISION 5, "SITE PLAN REVIEW," IN ORDER TO ESTABLISH A PROCESS AND REGULATIONS FOR ADMINISTRATIVE SITE PLAN REVIEWS AND DIVISION 6, "PERMITTED USES SUBJECT TO SPECIAL LAND USE APPROVAL," IN ORDER TO CLARIFY THE EFFECT OF SITE PLAN APPROVAL AND THE REQUIREMENTS FOR ADDITIONAL APPROVALS IN THE EVENT OF A CHANGE IN USE.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1. Ordinance Amendment

The City Code of the City of Sylvan Lake, Chapter 78, "Zoning," Article II, Administration and Enforcement," Division 5, "Site Plan Review," is hereby amended to read as follows in its entirety:

Sec. 78-141. - Purpose of division.

(a) The purpose of site plan review is to provide for consultation and cooperation between the land developer and the city in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be the further purpose of this section to ensure that each proposed use and its components, appearance and function is in compliance with this chapter, other city ordinances and state and federal statutes. Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences, control of temporary flooding, preventing stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors, reduction of glare; exposure of toxic particles, substances and wastes.

(b) The approvals, required information, procedures and standards set forth in this division shall be adhered to accomplish the purposes set forth in subsection (a) of this section.

Sec. 78-142. - Approval required.

In each zoning district, except for detached one-family residential uses, no building, including accessory buildings, shall be erected, moved, relocated, converted or

structurally altered, and no change or addition of use, expansion or decreasing of off-street parking, or filling, excavation, or grading shall be undertaken until a site plan for such use has been approved. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading or excavation which causes more than 15 cubic yards of earth material to be disturbed shall require a site plan approval. No billboard shall be constructed without site plan approval. No condominium, including single-family detached, shall be established or constructed without site plan approval. The establishment of any special land use shall require site plan approval. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility-related lines or easements (including oil and gas production facilities) shall require site plan approval.

All site plans shall be reviewed for approval by the planning commission, except that the following may be reviewed administratively by the city manager without formal review by the Planning Commission:

- (1) When the plan only proposes improvements to or expansion of an existing off-street parking area;
- (2) When the plan only proposes modifications to a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the Ordinance;
- (3) When the plan only proposes a change of use within an existing freestanding building or an interior modification of an existing use where such change results in an attendant increase in off-street parking need;
- (4) When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement;
- (5) When the plan only proposes revisions to a previously approved landscape planting layout, provided that the revision does not compromise any applicable minimum standards of this Ordinance; or
- (6) When the plan only proposes changes in the location of previously approved buildings, provided the proposed relocation does not displace approved off-street parking areas and has no significant impact on the site or adjacent properties.
- (7) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes the construction of an accessory building for any customary accessory use, provided that the accessory building or structure does not exceed one thousand (1,000) square feet in total (gross) floor area.

- (8) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes one of the following:
 - a. An addition totaling one thousand (1,000) square feet or less to an existing building or structure; or
 - b. A reduction in the proposed building size.
- (9) When an existing restaurant use proposes an outdoor seating area, where such change does not result in a deficiency in off-street parking demand.

Sec. 78-143. - Application.

- (a) Application for site plan review shall be made to the city by filing of not less than 12 copies of the detailed site plan with the office of the city manager at least 15 days in advance of the regularly scheduled planning commission meeting at which the plan is to be first considered. Fees are required to be paid within the fee schedule in effect as established by the council at time application is made.
- (b) The city manager shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant owner. If generally complete and if it appears to comply with this chapter, it shall be processed in accordance with this chapter.

Sec. 78-144. - Required information.

The following required information shall be included on all site plans:

- (1) Name of development and general location sketch.
- (2) Name, address and phone number of owner, developer and designer. Date drawn and revision dates shall be indicated on the site plan.
- (3) The seal of one of the following professionals registered in the state: registered architect, registered civil engineer, registered landscape architect or registered professional community planner. The architectural plans of the buildings shall be prepared by and bear the seal of a registered architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
- (4) A legal description and address of the property in question.
- (5) Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property.
- (6) Existing zoning classification of the parcel.
- (7) Adjacent land uses and zoning, and if the parcel is a part of a larger parcel boundaries of total land holding.
- (8) To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to

occupy the buildings if this has been determined, or shall indicate cases where exact occupancy has not yet been determined.

(9) All plans shall include a north arrow and scale. The scale of the site plan shall be not less than one inch equals 20 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.

(10) The area of the site in square feet and acres, excluding all existing and proposed public right-of-way.

(11) The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.

(12) The location and dimension of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.

(13) The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets.

(14) Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks.

(15) Parking lots including layout and typical dimensions of parking spaces, number of spaces provided, including how computed, per ordinance requirements, and type of surfacing. If carports, so designate.

(16) Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within 100 feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.

(17) Existing natural grade of buildings and proposed finish grade of buildings, driveways, walkways and parking lots.

(18) With residential proposals, a site summary indicating the number and or of one-bedroom units, two-bedroom units, etc., typical floor plans with the square feet of floor area; density computation, recreation facilities, open spaces, street names and lot coverage.

(19) With nonresidential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.

(20) Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap-ins, pump stations and lift stations.

(21) Proposed storm sewer facilities (sewers and appurtenances), including outlets (enclosed or open ditches) and proposed methods of stormwater retention on site, if any.

(22) Sufficient off-site drainage basin data and estimated runoff to permit review of feasibility and permanency of drainage detention and/or retention.

- (23) Proposed water service, including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing and/or considerations for extensions to loop other public water mains.
- (24) Locations of existing and proposed fire hydrants with reasonable access thereto for firefighting, police and other emergency equipment.
- (25) Location and dimensions of rubbish storage areas and screening construction.
- (26) Elevations of proposed buildings which show natural and finished grade, proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor or roof-located mechanical equipment, such as air conditioning, heating units and transformers that will be visible from the exterior.
- (27) Easements for public right-of-way, utilities, access, shared access and drainage.
- (28) Notation of any variances which have been or must be secured.
- (29) Performance guarantees to be provided and amounts and type and terms.
- (30) Soil erosions and sedimentation control measures.
- (31) Detailed landscaping plan indicating location, types and sizes of material. A landscaping maintenance plan and schedule for pruning, mowing, watering, fertilizing and replacement of dead and diseased materials. Cross section of any berms shall be provided.
- (32) Location of all existing trees over three inches in diameter.
- (33) The dimensions and locations of all signs, freestanding signs and lighting structures and shielding.
- (34) Types of soils; location of floodplain and wetland, if any.
- (35) All proposed screen and freestanding architectural walls, including typical cross-sections and the height aboveground on both sides.
- (36) The location of any outdoor storage of materials and the manner in which they shall be screened or covered.
- (37) Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or city. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the city due to failures as a basis for performance guarantees.
- (38) Information and statement of how the applicant proposes to comply with state, local and federal laws, as applicable to site or use.
- (39) Other data which the city may reasonably deem necessary for adequate review.

Sec. 78-145. - Criteria for approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved. The city shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

- (1) All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
- (2) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in the schedule of regulations, unless otherwise provided in this chapter.
- (3) The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
- (4) There shall be reasonable visual and sound privacy. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
- (5) All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- (6) Where possible and practical, drainage design shall recognize existing natural drainage patterns.
- (7) There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities and other uses that generate considerable amounts of pedestrian movement.
- (8) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a city recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the city in order to achieve access which is safe and convenient.
- (9) Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities and the prevention of

erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties.

(10) Off-street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls or landscaping of effective height. Dumpsters shall have gates.

(11) Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

(12) Adequate services and utilities, including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

(13) Any use permitted in any zoning district must also comply with all applicable federal, state, county and city health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains and requirements of the state fire marshal.

(14) An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the groundwater strata; to act as a natural drainage system and solve stormwater drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful convenient, attractive and harmonious community.

(15) It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the city.

(16) A major objective shall be to retain, enhance and protect the quality, value and privacy of single-family land uses.

(17) All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.

(18) All sites shall be designed to comply with state and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

(19) All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities and open space shall be coordinated with adjacent properties.

Sec. 78-146. - Review.

The city manager shall secure comments from the city building, police and fire departments, and, as applicable, the city engineer and planner, and, where the planning commission is the approving body, shall forward all site plans along with written comments to the planning commission for its review. The planning commission or the city manager, if the review is administrative, shall review the plans and may solicit further comments from the building department, engineer, planning consultant and other agencies, groups or persons.

Sec. 78-147. - Approval and record.

(a) The city planning commission, and the city manager if the approval is administrative, are hereby authorized to review and approve, to approve with conditions or review and deny approval, all site plans submitted under this chapter. Guidelines for consideration of each case shall follow this chapter and other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the planning commission. When the commission or city manager approves a site plan with conditions from the applicant, the building official shall require a revised site plan with a revision date, indicating such conditions on the site plan.

(b) When a site plan approval is required, no building permit shall be issued until four copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the planning commission or city manager, the building official, or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: clerk, building official and the applicant.

Sec. 78-148. - Construction under plan.

When an applicant receives site plan approval as provided in section 78-146, the applicant shall develop the site in complete conformity with the approved site plan. Complete construction plans, including component phases, shall be submitted for review by the building official with a landscape plan prepared by a registered landscape architect for all landscape areas. Upon review and finding by the building official that the construction plans meet with the requirements of site plan approval and other applicable ordinances of the city, the building official shall issue a building permit for such

construction. Site plan approval pursuant to this division shall be valid for one year from the date of approval. If the construction does not commence within three months after the issuance of a building permit, the site plan approval expires and is of no force or effect, unless extended by the planning commission.

Sec. 78-149. - Certificate of occupancy.

A certificate of occupancy shall be withheld by the building official in any case where the site plan and major conditions as approved by the city have not been complied with. Any minor variations may be approved by the building official and shall be reported within 30 days to the planning commission or the city manager, if the review is administrative, after the issuance of certificate of occupancy.

Section 2. Ordinance Amendment

The City Code of the City of Sylvan Lake, Chapter 78, "Zoning," Article II, Administration and Enforcement," Division 6, "Permitted Uses Subject to Special Approval," Section 78-176, Site plan review and information required, is hereby amended to read as follows:

Sec. 78-176. - Site plan review and information required.

For all special approval uses, a site plan shall be required and submitted in accordance with article II, division 5 of this chapter. Approval of the use, as specifically described in the application and the approval under Section 78-175, shall run with the land and shall not be issued for specified periods, unless the use is temporary or time-related in nature; provided, however, that a change in use, including any change in the use described in the application and approval for establishments dispensing, serving, or selling alcoholic beverages for consumption on the premises under Section 78-180, shall require an additional application and separate approval in accordance with the procedures in this division and the original special approval shall become null and void.

Section 3. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the Sylvan Lake Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 4. Severability

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5. Savings

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date

Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within ten (10) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Sylvan Lake stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:30 A.M. to 4:30 P.M., Local Time. The provisions of this Ordinance shall become effective ten (10) days after its publication.

Section 7. Enactment

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at a meeting called and held on the 11th day of December, 2013, and ordered to be given publication in the manner prescribed by law.

AYES: Meskin, Zubrzycki, Cassar, Dzenko, Lorenz
NAYES: None
ABSTENTIONS: None

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Sylvan Lake, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Sylvan Lake at a meeting held on the 11th day of December, 2013, the original of which is on file in my office.

DENNISE DRYDEN, City Clerk

City of Sylvan Lake

Adopted: 12/11/13
Effective: 12/28/13
Published: 12/18/13