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DATE: 10.7.19
TO: CITY COUNCIL
FROM: CITY MANAGER
SUBJECT: Administrative Site Plan Review Ordinance

BACKGROUND:

The City does not have any means to approve minor site plans at the staff level like other communities. Having this ability would streamline the process for small projects by precluding the need to have a full Planning Commission site plan review for certain small projects. This new ordinance would streamline the process and satisfy a small portion of our Redevelopment Ready Community certification efforts.

SUMMARY:

This new ordinance would allow city staff to approve:

1. New construction of any permitted non-residential or multi-family development that is less than 2000 sq ft
2. Construction of an addition less than 2000 sq ft in a non-residential district
3. Construction of expansion of an impervious surface less than 5000 sq ft
4. Changes in use from a non-conforming use to a more conforming use
5. A vacant existing building or site to be re-occupied by a use permitted and will not require any significant changes in existing site facilities such as parking, landscaping, lighting, or sidewalks
6. Installation of pavement or curbing improvements provided the number of spaces remain constant and the plans and construction are approved by the City Engineer
7. Relocation of a waste receptacle or screening around the waste receptacle
8. Accessory structures in non-residential districts
9. Temporary uses, sales, and seasonal events
10. Erection of a tower, antenna, or other community facility, essential public service building.
11. Minor revisions to an approved site plan limited to:
 - a. Changes to façade or architectural features
 - b. Alterations/substitutions/expansions of approved landscaping areas consistent with the other requirements of the Ordinance

Site plan application and submittal requirements are required for administrative site plan approval.

RECOMMENDATION:

Set a public hearing for October 21 to take comment on this ordinance.

RESOLUTION NO.

**SETTING A PUBLIC HEARING TO
AMEND CHAPTER 38, ZONING, OF THE CODE OF ORDINANCES
TO ALLOW ADMINISTRATIVE SITE PLAN REVIEW**

WHEREAS, the city of Owosso Planning Commission currently reviews every site plan per Chapter 38, Article XVII, Section 390; and

WHEREAS, an Administrative Site Plan Review ordinance would allow the Zoning Official to review certain site plans; and

WHEREAS, an Administrative Site Plan Review protocol would reduce the amount of time necessary to approve minor site plans; and

WHEREAS, the Owosso Planning Commission has met, discussed and authored amendments to the Zoning Ordinance to allow Administrative Site Plan Review in select circumstances; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2019 at its regularly scheduled meeting regarding the proposal to amend various sections of Chapter 38, Zoning, in which no citizen comments were received; and

WHEREAS, the Planning Commission further recommends adoption of the following amendments to the Zoning Ordinance to allow for the administrative review of select site plans; and

WHEREAS, the City Council is required to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

NOW THEREFORE BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

SECTION 1. AMENDMENT. That Sec. 38-390, Site plan review, be amended to read as follows:

Sec. 38-390. - Site plan review.

When provisions of this chapter require submission of a site plan ~~to the planning commission~~, it shall be submitted in accordance with the provisions of this section. Site Plans may be approved Administratively or by the Planning Commission, depending on the proposal.

- (1) Submission for approval. A site plan shall be required for the following:
 - a. Any use or development for which the submission of a site plan is required by any provision of this chapter;
 - b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in section 38-380, off-street parking requirements;
 - c. Any use in an RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, I-1, I-2, P-1 or PUD district;
 - d. Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street;
 - e. All residentially related uses permitted in single-family districts such as, but not limited to, churches, schools, colleges, institutions, and public facilities;
 - f. Accessory buildings or building additions which require additional off-street parking.
- (2) All site plans must be reviewed and approved by the Planning Commission, with the exception of the following, that may qualify for an Administrative Site Plan Review.
 - a. The Zoning Official, at his discretion, may send a development otherwise eligible for Administrative Site Plan Review to the Planning Commission for review and approval.
 - b. The following development/construction/activity within the City is eligible for Administrative Site Plan Approval:

1. New construction of any Principally Permitted non-residential or multiple family development that is less than 2,000 square feet in floor area;
 2. Construction of an additional less than 2,000 square feet in floor area in a non-residential district;
 3. Construction of expansion of an impervious surface less than 5,000 square feet in area;
 4. Changes in use from a non-conforming use to a more conforming use;
 5. A vacant existing building or site to be re-occupied by a use permitted and will not require any significant changes in existing site facilities such as parking, landscaping, lighting, or sidewalks;
 6. Installation of pavement or curbing improvements provided the number of spaces remain constant and the plans and construction are approved by the City Engineer;
 7. Relocation of a waste receptacle or screening around the waste receptacle;
 8. Accessory structures in non-residential districts;
 9. Temporary uses, sales, and seasonal events;
 10. Erection of a tower, antenna, or other community facility, essential public service building
 11. Minor revisions to an approved site plan, limited to:
 - a) changes to façade or architectural features
 - b) alterations/substitutions/expansions of approved landscaping areas consistent with the other requirements of the Ordinance;
- c. Site Plan Application and Submittal Requirements are required for Administrative Site Plan Approval, consistent with Section 38-390 (3).

- (3) Any person seeking site plan approval hereunder shall submit a site plan, application, and the applicable filing fee to the building department. Application should be made a minimum of 30 days prior to the next regularly scheduled Planning Commission meeting. The building department shall provide application forms and graphic standards for the site plan. Said site plan shall be prepared by a professional architect, engineer, landscape architect or land planner and must contain the following information:
- a. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more;
 - b. Date, north point, scale, and area of the site in acres;
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to the abutting properties;
 - d. The location of all existing and proposed structures and utilities on the subject property and all existing structures within one hundred (100) feet to the subject property;
 - e. The location and layout of all existing and proposed drives and parking areas;
 - f. The location and right-of-way widths of all abutting streets and alleys;
 - g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
 - h. The number, location, and layout of off-street parking spaces to include all access roads and the manner in which they are to be surfaced;
 - i. The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;
 - j. The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;
 - k. The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;
 - l. A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.

- (4) Upon receipt of a complete site plan, application, and application fee the building department shall forward said documents to the ~~community development department~~ Zoning Official for distribution to appropriate City departments for comment. Staff comments shall be made with respect to compliance with the minimum technical requirements of City ordinances and the quality of the development consistent with the intent of the building codes, zoning codes and ~~comprehensive plan~~ Master Plan. Upon receipt of all staff comments, the ~~community development department~~ Zoning Official shall either complete the site plan review under the administrative site plan approval process or review the site plan and make its recommendation to the Planning Commission which shall consider the application, site plan, all staff, City, and consultant comments, ~~and community development department and~~ recommendations at the next scheduled meeting.
- (5) A Final approval of site plan. Every site plan submitted to the ~~planning commission~~ City shall be in accordance with the requirements of this chapter. ~~Three (3) copies~~ Copies of the site plan shall be submitted to the building department ~~ten (10) 30~~ days prior to the City Planning Commission's regular meeting. No site plan shall be approved until and unless a letter of assurance has been received from the building inspector that the site plan has been reviewed by and is in conformance with all applicable standards of the building department, police department, fire department, engineering department, and city utility department. Further, no construction, reconstruction, demolition, or other site work may progress during the interim, and no building permit(s) shall be issued prior to the final approval of the site plan by the Zoning Official or by the the Planning Commission. Upon granting final approval of a site plan, ~~the chairman of the planning commission shall sign all three (3) copies of the site plan will be stamped and signed for approval,~~ returning one (1) copy to the petitioner, and delivering two (2) copies to the building inspector. ~~The site plan submitted for final approval by the planning commission shall include:~~
- a. ~~The number, location, and layout of off street parking spaces to include all access roads and the manner in which they are to be surfaced;~~
 - b. ~~The provision of internal site drainage and necessary city utilities complete with existing and proposed elevations;~~
 - c. ~~The proposed site landscaping complete with a planting plan to include all proposed walls, fences, and screening in compliance with the provisions of this chapter;~~
 - d. ~~The elevation of the site in relation to the identified flood hazard area. All proposed construction, reconstruction, or demolition shall be in compliance with local, state, and federal ordinances, laws, or regulations with regard to flood hazard areas;~~
 - e. ~~A copy of the permit from the local enforcing agency on soil erosion and sedimentation control if the earth change activity involves more than one (1) acre or is within five hundred (500) feet of a lake or stream.~~
- (6) In the process of reviewing the site plan, the Zoning Official or Planning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic;
 - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
 2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods;
 - c. The Zoning Official or Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant;
 - d. In those instances wherein the Zoning Official or Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or

- secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares, the ~~planning commission~~City may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the ~~planning commission~~City may recommend that money in escrow be placed with the ~~Ce~~ity so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or moneys have been deposited with the clerk.
- e. Whether the site is located within a designated historic overlay district, and whether the proposed action would have an adverse impact on the resources of the historic overlay district, as defined in subsection 38-32(b)(4). The ~~P~~lanning ~~Ce~~ommission may deny the proposed action if the action would have an unacceptable adverse impact on the historic resource or the historic overlay district itself. The ~~P~~lanning ~~Ce~~ommission may also require landscaping or other reasonable methods to minimize the adverse impact any proposed action may have on a historic resource or on the historic overlay district itself.
- (7) An approved PUD site plan shall be required before applicable permits may be issued for any form of construction or removal or disturbance of any natural feature for all planned unit developments.
- a. *Procedure for PUD site plan review.*
1. The applicant for PUD site plan approval shall file with the ~~community development director (hereinafter "director")~~City Zoning Official all drawings and other materials required for site plans in this chapter, all drawings and other materials required in Section 38-395 for PUD zoning district approval, and the additional information listed below. A PUD site plan application shall not be considered filed until all drawings and other required materials have been submitted and may be rejected if the materials submitted are inadequate to make the foregoing determinations.
 2. If requested by the ~~P~~lanning ~~Ce~~ommission or ~~Ce~~ity ~~Ce~~ouncil, additional graphics, models, three-dimensional or electronic, or written materials shall be submitted to assist the ~~Ce~~ity in visualizing and understanding the proposal. Additional detailed information, including but not limited to plans, elevations, building and site sections, or existing and proposed building materials, if submitted, shall become a part of the PUD site plan.
 3. The ~~director-Zoning Official~~ will distribute these materials to the appropriate ~~Ce~~ity departments and other reviewing agencies for review and comment regarding compliance with the PUD zoning district supplemental regulations and conceptual PUD plan, and compliance with all applicable local, state, or federal laws, ordinances, standards and regulations and to determine the need for a development agreement as provided in this chapter. The ~~director-Zoning Administrator~~ will notify the applicant of any questions raised by the ~~Ce~~ity departments and other reviewing agencies and negotiate a development agreement with the applicant if it is determined that such an agreement is needed. The director shall submit a report and recommendation to the planning commission based on this review.
 4. The ~~P~~lanning ~~Ce~~ommission, after holding a public hearing on the PUD site plan with notification as required by this chapter, shall transmit its recommendation based on the standards below, together with any recommended conditions of approval and all related reports and minutes to ~~Ce~~ity ~~Ce~~ouncil.
- b. *Standards for PUD site plan review.* City ~~Ce~~ouncil, after holding a public hearing on the PUD site plan with notification as required by this chapter, and after receiving all related reports and minutes and a recommendation from the ~~Planning Ce~~ommission, shall approve, with conditions, or deny a PUD site plan. A PUD site plan shall be approved by ~~Ce~~ity ~~Ce~~ouncil only after it determines that:
1. The development would comply with the PUD zoning established pursuant to the requirements of section 38-395, and with all applicable local, state, or federal laws, ordinances, standards and regulations; and
 2. The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this chapter; and

3. The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.
- c. *Development Agreement.*
1. Upon obtaining approval of a site plan, the applicant and the Ccity Council may enter into a Ddevelopment Agreement that describes the terms and conditions of the approval and the rights and obligations of each party. The Ccity Council may approve the Ddevelopment Agreement immediately following approval of a site plan or it may be placed on a *subsequent agenda of the Ccity Cocouncil. The applicant shall reimburse the Ccity for all fees for Ccity legal counsel and consultant participation in the Ddevelopment Aagreement.*
 2. The approved Ddevelopment Agreement shall be recorded with the county Register of Deeds.
 3. In the event the site plan requires a major amendment, the development agreement shall be amended to reflect the approved changes and recorded as provided in subsection (5)c.2. above.
- d. *Effect of PUD site plan approval.* For three (3) years from the date of approval of a PUD site plan, permits may be issued and the land developed consistent with the PUD site plan and the regulations, laws and ordinances in effect as the time of approval, unless new regulations, laws and ordinances have been made applicable to previously approved developments. After three (3) years from PUD site plan approval, no permits shall be issued unless the PUD site plan is reconsidered in the manner provided for new PUD site plans and is determined to meet the standards of the PUD zoning district or has been extended as provided under administrative amendments to approved PUD site plans.
- e. *PUD site plan amendments.* A minor change to an approved PUD site plan may be approved by the Pplanning Ccommission as provided in this chapter except that the proposed changes shall not alter the fundamental design, conceptual integrity, natural features shown to be preserved, any specific conditions of the PUD development program, the conceptual PUD plan or the supplemental regulations. The following restrictions shall also apply:
1. Adjustment in approved phases of development shall not result in a change greater than ten percent of the total gross area in any phase, or ten percent of the number of approved lots, or ten percent of the approved maximum building square footage.
 2. For residential buildings the size may be reduced or increased by five percent, provided the overall density of units does not increase and the minimum square footage requirements are met.
 3. Gross floor area of non-residential buildings may be decreased or increased by up to five (5) percent or ten thousand (10,000) square feet whichever is smaller.
 4. Floor plans may be changed if consistent with the character of the use.
 5. Horizontal and/or vertical elevations may be altered by up to five (5) percent.
 6. Relocation of a building is permitted by up to ten (10) feet, if consistent with required setbacks and other standards.
 7. Designated "areas not to be disturbed" may be increased.
 8. Plantings approved in the final PUD site plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved, which are lost during construction, may be replaced by at least two (2) trees of the same or similar species.
 9. Improvements or slight relocation of site access or circulation patterns are minor changes, such as inclusion of deceleration lanes, boulevards, curbing, and pedestrian or bicycle paths.
 10. Changes of building materials to another of higher quality can be made, with determined of quality a judgment of the building inspector.
 11. Slight modification of sign placement or reduction of size may be made.
 12. Internal rearrangement of a parking lot is possible if the change does not affect the number of parking spaces or alter access locations or design.
 13. Changes required by the Ccity, county or state for safety reasons are a basis for a minor change.

(87) It shall be understood that the petitioner agrees to install and/or construct all improvements in the approved site plan within twelve (12) months from the initiation of on-site construction, and to provide for their continued maintenance.

(98) The Planning Commission may modify the foregoing requirements or waive them if it can be shown that no good purpose would be served in the preparation of a site plan.

(109) The Planning Commission may require that a bond be posted by a developer(s) to assure that improvements connected with an approved site plan are made as proposed.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, October 21, 2019 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed repeal and replacement of Chapter 26, Signs, of the Code of the City of Owosso.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective 20 days after approval.