AN ORDINANCE

of the Council of the City of Berkley, Michigan

Amending Division 7 of Article VI of Chapter 138, Zoning,

of the City of Berkley Code of Ordinances to Modify Site Plan Review Procedure.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Division 7 of Article VI of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

DIVISION 7. – SITE PLAN REVIEW

Sec. 138-676. – Purpose.

(a) The intent of this division is to provide for consultation and cooperation between the applicant and the planning commission, so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding area.

(b) It is hereby recognized that peculiarities of lot contour, existing and potential development of adjacent properties and existing and potential traffic and pedestrian circulation patterns require a flexibility in the location of buildings, open spaces, parking lots and driveways that cannot be achieved by detailed specifications. It is therefore required that all development within the districts listed in section 138-677 be submitted to the planning commission for its review and approval prior to the issuance of building permits. Nothing contained in this section is intended to allow a greater density of population nor less required open space than that which is specified.

Sec. 138-677. – Applicability.

(a) Any development not located in single family residential districts shall require site plan review.

(b) Site plan review is also required for development of all institutional uses permitted in single-family districts such as, but not limited to: churches, schools and public facilities.

(c) Development requiring site plan review shall include:

(1) Construction of a building;

(2) Structural alteration of a building that includes adding floor area or height to the building;

(3) Additional parking;

(4) Facade alterations that include 50% or more change in the exterior surface material of any one façade of a building.
(5) Façade alterations that reduce the size and/or number of windows.

Sec. 138-678. – Administrative review.

Administrative review for site plan review shall be conducted by the building department in cases where:

(1) The façade alterations do not change the surface material more than 50% of any one façade

(2) The number or size of the windows are increasing in size.

(3) The structure requiring site plan review is an accessory structure. An accessory structure must conform to site standards according to ch. 138, article III, division 1 of the Berkley Code of Ordinances. Accessory structures located within single family residential districts do not require Planning Commission review and approval.

The Zoning Administrator shall have the discretion to request site plan review and approval by the Planning Commission, based on the size, scope and/or intensity of a proposed project. The applicant shall be responsible for providing all required information for site plan approval.

Sec. 138-679. – Standards.

The site plan shall be reviewed and approved by the planning commission upon finding that:

(1) The site meets the requirements of this Code.

(2) The proposed development does not create adverse effects on public utilities, roads, or sidewalks.

(3) Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.

(4) Site design, architecture, signs, orientation, and materials are consistent with the city's master plan objectives and the design of the neighboring sites and buildings.

(5) Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.

(6) Site engineering has been provided to ensure that existing utilities will not be adversely affected.

Sec. 138-680. – Required information.

The following information shall be included on the site plan for final review, unless waived by the planning commission. The site plan shall be to a reasonable scale and indicate:
(1) Seal of architect and/or engineer who prepared plans.

(2) An appropriate descriptive legend, including north arrow, scale, legal description and the names and addresses of the architect or engineer responsible for the preparation of the site plan.

(3) The existing (and proposed) zoning.

(4) Location and size of all structures (including location of entrances and loading points).

(5) All outside dimensions of each structure, its distance from the property lines, its area and its height.

(6) With multiple-family residential proposals, the number and location of one-bedroom units, two-bedroom units, etc., and include typical floor plans with square feet of floor areas.

(7) Recorded and measured dimensions of all lot lines and location and design of all lots.

(8) Adjacent property's structures, uses, zoning and other significant features of the community, where appropriate (using a location sketch).

(9) Location of all existing and proposed drives and parking areas including types of surfacing, parking layout and dimensions.

(10) Dimensions of road widths and rights-of-way.

(11) All existing easements and vacated easements and rights-of-way.

(12) All required minimum setbacks (from the existing or proposed right-of-way from adjacent properties).

(13) Locations of lawns and landscaped areas, types and number of species, and how the landscaping is to be accomplished.

(14) Locations, sizes, and types of existing trees over four inches in diameter (before and after proposed development).

(15) Location and type of outside lighting, include site and fixture photometrics.

(16) All proposed screen and freestanding architectural walls, including typical cross-sections and the heights above ground on both sides of walls.

(17) Elevation drawings of all existing and proposed buildings on the site drawn to a scale of one inch equals four feet, or to another scale adequate to determine compliance with this chapter and to provide any other information needed to evaluate the overall site design on the basis of the criteria set forth in this section.
(18) Color and type of façade materials.

(19) Stormwater engineering including: existing and proposed grading of the site, location of existing and proposed utilities, stormwater calculations for a 100-year storm, the drainage area on site that will detain the 10-year storm, and a profile of the sanitary sewer.
Sec. 138-681. – Approval process.

(a) Sketch plan (optional). An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.

(b) Site plan approval.

1. An application for site plan approval shall be submitted to the city planning commission on such forms and containing such information that the planning commission shall prescribe.

2. The planning commission is hereby authorized to approve, approve with conditions, or deny all site plans submitted under this chapter.

3. Approval may be issued by the planning commission, subject to the applicant receiving board of appeals variances, as required by the zoning chapter.

4. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission and shall state the grounds for the action taken upon each site plan submitted for its approval.

Sec. 138-682. – Revisions.

An applicant for site plan approval may wish to revise a previously approved site plan. A site plan outlining the differences in the original approved site plan and the requested changes shall be submitted to the city. The approval process shall be similar to that outlined above. If the revised site plan is denied, the applicant may develop the site plan as originally approved or appeal the matter as outlined below.

If a change is deemed to be minor in scope or intensity, the revised site plan may be approved administratively. Such minor revisions may include:

1. Additions or alterations to the landscape plan or landscape materials.

2. Relocation or additional screening of trash enclosure.

3. Alterations to the internal parking layout of the off-street parking lot, restriping, etc.

Any major revisions to the site plan, as determined by the Zoning Administrator, shall be subject to review and approval by the Planning Commission.
Sec. 138-683. – Appeals.

An applicant for site plan approval shall have the right of appeal to the zoning board of appeals, and in such cases, the board may reverse, affirm or modify the action of the planning commission by the concurring vote of two-thirds of the members of the board.

Sec. 138-684. – Conformity; extension of approval period.

When an applicant receives final site plan approval, the site shall be developed in complete conformity with the approved site plan, except as provided for under Revisions and Appeals. A site plan shall be valid for a period of one year from date of final site plan approval. An applicant may request up to two one-year extensions, to be reviewed and granted by the Planning Commission. The request for site plan extension must be submitted in writing to the Community Development Department prior to the expiration of the site plan. Upon request, the applicant shall provide a proposed timeline for the proposed project or development.

Sec. 138-685. – Site maintenance.

The city planning commission shall not approve any site plan under this chapter unless and until the applicant signs a site maintenance agreement in a form approved by city council.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 4: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

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Dan Terbrack
Mayor

Attest:

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Victoria Mitchell
City Clerk