

**CITY OF NORTHVILLE
ZONING ORDINANCE
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NORTHVILLE TO CLARIFY WHEN PLANNING COMMISSION REVIEW OR MINOR SITE PLAN REVIEW IS REQUIRED, AND THE SITE PLAN REVIEW PROCESS.

Section 1. The City of Northville Ordains

Chapter 58-1 “Zoning” in the Code of Ordinances of the City of Northville is hereby amended by adding the following described text revisions:

Section 2. Modify the following articles (**additions are underlined, deletions are ~~struck-thru~~**).

[Modify Article 19 SITE ~~DEVELOPMENT~~ PLAN PROCEDURAL AND APPROVAL PROCESS]

ARTICLE 19

SITE ~~DEVELOPMENT~~ PLAN PROCEDURAL AND APPROVAL PROCESS

SECTION 19.01 STATEMENT OF PURPOSE

The purpose of this section is to establish procedures for approval authorities and standards for the review and approval ~~of~~ of site ~~development~~ plan applications as herein prescribed. This section is further intended to improve the environmental quality of developments in the City of Northville, to minimize the possibility that a particular development may have an adverse effect upon adjacent property, and further to ensure proper relationships between the development features as they relate to: traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and open spaces. To these ends, the Planning Commission is hereby empowered by the City Council and is given authority to establish procedures, standards and administrative rules whereby applicants are required to submit for approval a site ~~development~~ plan to the satisfaction of the Planning Commission, subject to the provisions herein, prior to the issuance of a building permit. The Planning Commission, or administrative staff for ~~minor site development plans~~ Minor Site Plans, shall not approve a site plan unless the application for site plan approval complies with the standards contained within Article 19, additional requirements of the Zoning Ordinance, as well as all other applicable City, County or State requirements. (Rev. 12/05)

SECTION 19.02 SITE ~~DEVELOPMENT~~ PLAN DEFINED

A site ~~development~~ plan means a plan showing the outline of a building and its placement on a parcel of land with respect to the lot lines which form the parcel, and includes details of physical changes to the natural topography ~~or of~~ the site; proposed pedestrian and vehicular circulation to and on the site; relationships to adjacent development, characteristics of the building space, including interior and exterior design; utility connections; methods of site drainage; proposed landscaped improvements; screen buffer areas and advertising signs.

SECTION 19.03 SITE ~~DEVELOPMENT~~ PLAN REVIEW PROCEDURES AND REGULATIONS

- a. General Requirements: The Building Official shall not issue a building permit for ~~the construction or exterior remodeling or exterior building or site alterations altering of a building or structure, including paving and/or underground structures which change the land from a vacant status to an active use, or change of use,~~ until a site ~~development~~ plan describing the changes has been submitted to the ~~City Planning Commission and the City Planner~~ city, as herein described, for ~~their~~ review and approval.
- b. Site Plan Review by the Planning Commission: ~~Site plan review by the Planning Commission shall be required for the following:~~
- 1) Development of a site and/or building from a vacant status to active use, including paving and /or underground structures.
 - 2) Change of use from a non-conforming use to a conforming use or re-use that is an intensification of use
 - 3) Any building addition, exterior building/structure remodeling, or site alteration that:
 - a. Increases the size of the area of the building by more than five (5) percent, or at least 2,500 square feet (whichever is smaller), or
 - b. Increases the height of an existing building or structure, or adds more stories (partial or full) to an existing building or structure.
 - 4) Any change of use, building/structure changes, or site alteration that requires more off-street parking spaces in addition to that already provided, or impacts the movement of vehicles into or across the site, or adjacent roadways.

Section 19.04.3 – Minor Site Development Plans Administrative Review

~~a. The City Planner is hereby authorized to approve site development plan applications when, in his/her opinion the change will have no effect on the movement of automobiles and persons to and from the property and will not require additional parking spaces, subject to concurrence of the City Manager and the Chairperson of the Planning Commission. In general, this refers to the following:~~

~~1) Any building addition or structural change which does not encroach upon an existing parking lot, will not require additional parking spaces, or will not involve purchasing parking space credits,~~

c. Minor Site Plan Administrative Review: Small-scale construction projects or changes in use or to existing sites that don't qualify for review by the Planning Commission may require a Minor Site Plan review by the City Manager, Planning Commission Chair (or his/her designee), and the City Planner. The City Planner, in concurrence with the City Manager and Planning Commission Chair (or his/her designee), shall determine if a project qualifies for Minor Site Plan review or Planning Commission review, based on the intensity of the proposed use and anticipated impacts on adjacent land uses.

In general, projects that qualify for Minor Site Plan review include, but are not limited to, the following:

1) Any building addition, exterior building/structure remodeling, or exterior site alternation that increases the size of the area of the building by five (5) percent or less, or less than 2,500 square feet (whichever is smaller) as long as the alteration does not:

- a. increase the height of the building or add any stories (full or partial),
or
- b. increase the required off-street parking in addition to that already provided, or
- c. impact the movement of vehicles into or across the site, or adjacent roadways;

2) Structural changes and additions to meet barrier-free requirements;

3) Accessory buildings and structures for other than single- or two-family residential uses;

4) Site improvements, other than to parking areas or underground structures, that meet ordinance standards; or

5) Other similar building or site modifications that are deemed a minor intensification of use, and/or will only have minor anticipated impacts on adjacent land uses.

bd. Exceptions To This Rule ~~Site Plan Review~~ by the Planning Commission or Administrative Staff: Select projects are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable building and fire codes and zoning regulations can be addressed during the building permit review process. A site ~~development~~ plan application review shall not be required by either the Planning Commission or administrative staff (for ~~minor site development plans~~ Minor Site Plans) for the following:

- 1) One family and two family detached dwelling units and related accessory buildings, or
- 2) Any change from one conforming use to another conforming use which does not require off-street parking in addition to that already provided, or will have no impact on the movement of vehicles into or across the site, or adjacent roadways. ~~(Any change from a nonconforming use to a conforming use requires site development plan review and approval, whether sufficient parking exists or not.)~~
- 3) Any building addition, exterior remodeling or exterior alteration which does not meet the standards for Planning Commission or administrative staff (for Minor Site Plan) review, as determined by the City Manager, Planning Commission Chair (or his/her designee) and the City Planner.
 - a) ~~Does not increase the existing area of the building by more than ten (10) five (5) percent and/or~~
 - ~~Does not require off-street parking in addition to that already provided.~~
- 4) This ~~These~~ exceptions does not eliminate the requirement for review of plans by the Historic District Commission for exterior alterations to buildings within the Historic District.

ee. Impact of Development on Entire Site: In the event a change of use and/or a building addition effects the intensity of the entire site area, over and above the previous land use activity, the Planning Commission may determine to apply the review requirements and standards to the entire site area for purposes of ingress and egress, landscaping and screening.

df. Payments in Lieu of Parking in the Central Business District: The payment for parking space credits under Section 17.03 in lieu of providing required off-street parking spaces shall not ~~effect~~ affect the requirement for site ~~development~~ plan review and approval, ~~of additional off-street parking spaces if needed.~~

Section 19.03.1 Special Land Use, Planned Unit Developments, Site Condominiums & Condominium Subdivisions

Site plans for Special Land Use, Planned Unit Developments, Site Condominiums & Condominium Subdivisions shall be subject to site plan review in accordance with Article 19 of this ordinance.

SECTION 19.04 APPLICATION PROCEDURES AND APPROVAL AUTHORITIES

The Site ~~Development~~-Plan approval process is hereby delegated to the City Planner and the Planning Commission, as herein provided.

Section 19.04.1 Pre-Application Meeting

It is encouraged that the applicant attend a pre-application meeting in order to review the Ordinance requirements. The pre-application meeting may be attended by the City Planner, Building Official, Public Works Director, and other individuals as requested by the City Manager. (Rev. 03/14)

Section 19.04.2 City Planner Review

- a. An application for site ~~development~~ plan approval pursuant to this section shall first be submitted to the City Planner. The City Planner shall be responsible for reviewing the plan for conformance with provisions described herein and those administrative rules adopted by the Planning Commission for the review and approval of site ~~development~~ plans. The City Planner shall determine whether the proposal meets the requirements for Planning Commission review or, after conferring with the City Manager and Planning Commission Chair (or his/her designee), for a Minor Site Plan review.
- b. ~~The~~ Regardless of the type of review, the City Planner is hereby authorized to determine if the site ~~development~~ plan application is consistent with the standards of this section and said administrative rules.
 - 1) If the project qualifies for Planning Commission review:
 - a. If the application is consistent with all requirements, then the City Planner shall communicate such in writing to the applicant and the Planning Commission and cause the site plan to be placed on the agenda of the next regular meeting of the Planning Commission.
 - b. Should the site plan application fail to meet the requirements of the zoning ordinance and/or the Planning Commission's administrative rules, the City Planner shall communicate in writing, to the applicant the following:

- i. Where the application fails to meet the requirements, and
 - ii. What steps must be taken to permit the site plan application to be placed on the agenda of the Planning Commission for final approval.
 - 2) If the project qualifies for Minor Site Plan review, then the City Planner will distribute the plans to the City Manager, the Planning Commission Chair (or his/her designee), and City Staff for administrative review. The applicant shall receive the reviews, and conclusions of the review process, in writing. The administrative review may approve, approve with conditions, refer back for modification, or disapprove the Minor Site Plan. The administrative review will provide the applicant with findings of fact or reasons which justify refer back or disapproval of the Minor Site Plan.
 - a. If a Minor Site Plan approval is not granted administratively for any reason, then the applicant shall submit a new application for site plan review by the Planning Commission, per the requirements of 19.04.3 to continue in the process.
- e. ~~Should the site development plan application fail to meet the requirements or the zoning ordinance and the Planning Commission's administrative rules, the City Planner shall communicate in writing, to the applicant the following:~~
 - 1) ~~Where the application fails to meet the requirements, and~~
 - 2) ~~What steps must be taken to permit the site development plan application to be placed on the agenda of the Planning Commission for final approval.~~
- d.c. Should the applicant disagree with the findings of the City Planner, he may request in writing that the site ~~development~~ plan as submitted be forwarded to the Planning Commission for a determination by the Planning Commission.

Section 19.04.3 Minor Site Development Plans

- a. ~~The City Planner is hereby authorized to approve site development plan applications when, in his/her opinion the change will have no effect on the movement of automobiles and persons to and from the property and will not require additional parking spaces, subject to concurrence of the City Manager and the Chairperson of the Planning Commission. In general, this refers to the following:~~
 - 1) ~~Any building addition or structural change which does not encroach upon an existing parking lot; will not require additional parking spaces, or will involve purchasing parking space credits;~~

- ~~2) Structural changes and additions to meet barrier free requirements; provided that this approval process does not eliminate the requirements for review of plans by the Historic District Commission for exterior alterations to buildings within the Historic District.~~

Section 19.04.4—3 Preliminary and Final Site ~~Development Plans~~ Review by the Planning Commission

The Site ~~Development~~ Plan approval process may be a two phased process if requested by the applicant. The process shall include a preliminary site ~~development~~ plan and a final site ~~development~~ plan.

- a. Preliminary Site ~~Development~~ Plan: The purpose of a preliminary site ~~development~~ plan is to permit the applicant to obtain basic agreement regarding the most optimum location of a building(s), points of ingress and egress to the site, and an indication of other likely improvements necessary to facilitate preparation of the final plan. At this stage, details of landscaping, site grading, drainage, etc., are not required unless concurrent preliminary and final site plan approval is requested.

The preliminary site ~~development~~ plan will first be submitted to the City Planner who shall make every attempt to assure that the application is appropriately drawn to scale, and shall contain all the basic requirements and required items of information as stipulated within the City's Site Plan Review Checklist (Appendix D). All required items of information shall be provided unless waived by the Planning Commission. The City Planner will place the preliminary plan on the agenda of the Planning Commission as soon as all requirements are met and will make a recommendation to the Commission regarding the resolution of the plan's acceptability.

The Planning Commission may approve, approve with conditions, refer back for modification, or disapprove the preliminary site ~~development~~ plan. The Planning Commission will provide the applicant with findings of fact or reasons which justify a motion to refer back or disapprove a site plan applications. ~~Approval of a preliminary site development plan shall expire six (6) months from the date of approval.~~ (Rev. 8/06) Section 19.09 describes expiration or extension of preliminary site ~~development~~ plan approval.

Should the Planning Commission decide to disapprove the site ~~development~~ plan, it shall set forth in the motion of disapproval findings of fact and revisions to the plan the applicant must take to obtain approval of the Planning Commission.

- b. Final Site ~~Development~~ Plan: Following approval of a preliminary site ~~development~~ plan, the applicant may submit a final site ~~development~~ plan to the City Planner. The City Planner shall review the plan for consistency with the approved preliminary site ~~development~~ plan and those matters of further detail required by the final site ~~development~~ plan approval phase.

Where the City Planner is satisfied that the final site ~~development~~-plan is consistent with the provisions of this section and the administrative rules of the Planning Commission, he/she shall place the final site ~~development~~-plan on the agenda of the next regularly scheduled meeting of the Planning Commission. The City Planner shall make a written recommendation to the Planning Commission regarding the resolution of the plan's acceptability. The Planning Commission may approve, approve with conditions, refer back for modification, or disapprove the final site ~~development~~-plan. ~~(Rev. 8/06)~~ [Section 19.09 describes expiration or extension of final site ~~development~~-plan approval.](#)

Should the Planning Commission decide to disapprove the site ~~development~~-plan, it shall set forth in the motion of disapproval findings of fact and revisions to the plan the applicant must take to obtain approval of the Planning Commission.

Section 19.04.5-4 ~~Outside Review Agencies and Number of Copies~~

~~Six (6) copies of the preliminary and final site development plan will be submitted to the building department for administrative review by the following: City Planner, City Engineer, Director of Public Works, Police Chief, Fire Chief, File Copy.~~

Should a review of the ~~site development~~-plan be necessary by State, Wayne or Oakland County Agencies, it will be the responsibility of the applicant to consult these agencies and return a copy of their review of the plan to the City Planner.

~~The City Planner will be responsible for coordinating these reviews and advising the applicant of appropriate revisions to the plan prior to its submission to the Planning Commission as herein provided.~~

~~When the plan is to be submitted to the Planning Commission, the applicant will submit ten (10) copies of the plan for distribution to the members of the Planning Commission.~~

SECTION 19.05 ~~SITE DEVELOPMENT~~-PLAN STANDARDS

In the process of review for approval and/or approved with conditions, the City Planner (~~minor site development plans~~[Minor Site Plans](#)) and/or the Planning Commission shall ~~have regard to apply~~ the following design standards and criteria. ~~Additional standards may be included in the Planning Commission's administrative guidelines for site development plan approval.~~ The Planning Commission's and the City Planner's decision to approve, approve with modifications, ~~able refer back for modifications,~~ or disapprove will be based upon both the definitive and subjective guidelines described below.

Adequate documentation in the form of plans and specifications sufficient for the [City Planner](#) (~~minor site development plans~~[Minor Site Plans](#)) and/or the Planning Commission to address the standards contained herein shall be included on the plans. Generally, the specific level of information required is indicated on the site plan application form and checklist which will be

provided each applicant and the adopted administrative rules of the Planning Commission. Failure to adequately prepare site ~~development~~ plans containing the level of information required by each application phase will result in the submitted material being returned to the applicant for [revision and resubmittal](#).

(No additional changes are proposed for this section.)

SECTION 19.08 PLAN REVIEW TIME

The Planning Commission [or the City Planner \(Minor Site Plan\)](#) shall within forty-five (45) days advise the applicant and Building Official that the plans as submitted are approved, or are conditionally approved, provided the modifications as specified by the Planning Commission [or during administrative review](#) in its communication are accepted by the developer and the plans are so modified. In the event of disapproval, the Planning Commission [or City Planner](#) shall state ~~its~~ conditions for approval in a communication to the developer and the Building Official. (Rev. [12/064/17](#))

SECTION 19.09 EXPIRATION OF PRELIMINARY AND FINAL SITE PLAN APPROVALS

[Approval of a preliminary site development plan shall expire six \(6\) months from the date of approval, and shall be of no effect unless an application for a final site plan for all or part of the area in the approved preliminary site plan is filed with the city. The Planning Commission may grant an extension on preliminary site plan approval for up to six \(6\) months. All requests for extensions shall be made in writing before the approval expires, and shall include a statement of why the extension is necessary and confirmation of ability to submit a final site plan. For phased plans, if a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three \(3\) years from the date of approval of the previously approved final site plan;](#)

Final site plan approval, [whether granted by the Planning Commission or as a result of a Minor Site Plan review](#), is valid for a period of one year from the date of Planning Commission [or administrative](#) action within which time all necessary Building or Construction Permits shall be secured and construction substantially commenced. The Planning Commission may grant an extension on [final](#) site plan approval for up to one year. [This shall apply to all approvals, whether granted by the Planning Commission or administratively.](#) All requests for extensions shall be made in writing [before approval expires](#) and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the [final](#) site plan as approved. [For phased plans, if a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than three \(3\) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site, unless good cause can be shown for the](#)

[development schedule. In such case the Planning Commission may require that the site plan be revised to meet current ordinance requirements.](#)

SECTION 19.10 APPEALS OF FINAL SITE PLAN DECISION BY PLANNING COMMISSION

- a. Any person aggrieved by the decision of the Planning Commission in granting or denial of final site plan approval shall have the right to appeal the decision to the Board of Zoning Appeals (BZA). The appeal shall be filed with the [City Clerk Building Department](#) within five (5) business days of the decision of the Planning Commission. The appeal shall state the aggrieved parties' grounds for appeal.

(No additional changes are proposed for this section.)

SECTION 19.12 PROCESS AND APPLICABILITY

The table below summarizes the approval process and level of compliance required for development and re-occupancy applications. The following abbreviations represent the approval requirements for the projects listed in the table:

- SUR – Special Use Review in accordance with Article 16
- SPR – Site Plan Review in accordance with Article 19
- MSD – Minor Site Development in accordance with Section 19.04.2
- BP – Building Permit
- BR – Business Registration License in accordance with Chapter 18, City Code

Type of Project / One- and Two-Family Residential Excluded	Definition	Approval Required	Level of Compliance	Responsibility for Review
New Development – Vacant Site	Building or site modifications.	SPR or SUR as required by Planning Commission, BP, BR	Full compliance with all standards	Planning Commission
Redevelopment	Expansion or alteration of building footprint <u>by greater than 5% or 2,500 s.f., increase in height</u> , and/or exterior site modifications.	SPR, SUR, BP, BR	Full compliance with all the standards or in accordance with Article 22, Nonconformities	Planning Commission
Minor Site Development	Development which has no impact on movement of autos and <u>Expansion or alteration of building footprint by 5% or less, or less than 2,500 s.f., does not increase height, and/or</u> does not require additional parking as specified in Section 19.04.02.	MSD, BP, BR	Full compliance with all the standards or in accordance with Article 22, Nonconformities	Committee consisting of Planner, City Manager, Chairman of Planning Commission
Change of Use (See Article 26)	An alteration or re-use which is an intensification of land, requires additional parking, and/or other negative impacts.	SPR, SUR, BP, BR	Full compliance with all the standards or in accordance with Article 22, Nonconformities	Planning Commission
Re-occupancy (See Article 26)	Re-occupancy of an existing building and site which does not require additional parking and is not a change of use.	BP, BR	Full compliance or partial compliance, depending on prior use	Building Official

Note: Historic District Commission review required for areas within the City of Northville Historic District.

Note: Refer to Article 19 for complete regulations and requirements for site development, and Article 22 for development regarding non-conforming sites.

Section 3. Rights and Duties

Rights and duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Section 4. Validity

Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore, other than the part declared invalid.

Section 5. Ordinances Repealed

All other ordinances inconsistent with the provisions of this ordinance are to the extent of such inconsistencies hereby repealed

Section 6. Effective Date

This Ordinance shall become effective on the 8th day following publication.

The foregoing ordinance amendment was adopted at the regular meeting of the City Council of the City of Northville, Oakland and Wayne Counties, Michigan, held on _____ at 7:00 p.m. at the City of Northville Municipal Building, 215 W. Main Street, Northville, Michigan, 48167.

Ken Roth, Mayor
City of Northville

Dianne Massa, City Clerk
City of Northville

The undersigned certifies foregoing ordinance was:

Introduced: _____
Enacted: _____
Published: _____
Effective: _____

By a vote of _____

Dianne Massa, City Clerk