

Date: _____

Application No: _____

Review Fee Deposit: \$ _____



CITY OF NEW BALTIMORE

36535 GREEN STREET • NEW BALTIMORE, MI 48047 • (586) 725-2151 • FAX (586) 725-6927

APPLICATION FOR: SITE PLAN REVIEW SPECIAL LAND USE

Name of Proposed Development: _____

Site Address _____, New Baltimore, MI 48047

Proposed Use: _____

Parcel Identification No.: _____

Complete Legal Description (Attach separately if necessary): _____

Existing Zoning: _____ Size (in acres) : _____

Applicant Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Fax: _____

Legal Owner: _____ Phone: _____

Address: _____ City: _____ Zip: _____

Site Plan Preparer's Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Fax: _____

REVISED PLANS WILL NOT BE ACCEPTED AT THE MEETING

If petitioner is not the owner, state basis for representative (i.e., Attorney, Representative, Option to Buy, etc.) Any additional costs incurred by the City during the review of this application shall be born by the applicant. The undersigned authorizes any member of the Planning Commission or other representative of the City, to enter upon the described premises to visually inspect the proposed site, before and after any hearings scheduled for this application. The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

Signature of Applicant

Signature of Legal Owner

Please print/type name below signature

Please print/type name below signature

Twenty (20) copies of the application and plan shall be submitted to the City at least twenty (20) city business days prior to a scheduled Planning Commission meeting (4th Thursday of the month at 7:30 p.m. in the Council Chambers at City Hall.)

The site plan shall include all information required by the City of New Baltimore Zoning Ordinance.

All plans must be folded when submitted.

The applicant or representative must be present at the Planning Commission meeting.

The site plan shall satisfy the requirements of the Zoning Ordinance for issuance of a building permit, but shall not exempt the applicant from compliance with all other City ordinances or requirements.

This application shall also be accompanied by the appropriate filing fee. Any additional costs incurred by the City during the review of this application shall be born by the applicant.

CITY OF NEW BALTIMORE PLANNING DEPARTMENT - SITE PLAN CHECKLIST

APPLICANT: _____ SITE PLAN # _____

A copy of this checklist must accompany this site plan to the City for review.

If not provided, the application will be rejected.

GENERAL SITE DATA	COMPLETE	COMMENTS
1 Applicant name, address and phone		
2 Preparer name, address phone and fax		
3 Signature of legal owner		
4 Prints sealed by Professional		
5 Complete legal description		
6 Zoning of site and area		
7 Existing or proposed addresses		
8 Site plan drawn to scale less than 3 acres: 1"= 20' less than 50 acres: 1"= 50'		
9 Dimensions of all property lines		
10 Proposed use of land and structures		
11 Location and dimensions of existing and proposed improvements within 200' of the subject property		
12 Dimensions setbacks and separations		
13 Size in acres		
14 Location map 4" = 1 mile		
15 Topography existing and proposed		

PROPOSED IMPROVEMENTS	COMPLETE	COMMENTS
1 Proposed structures and improvements		
2 Removal of structures and improvements		
3 Building architectural elevations: front : side : rear		
4 Building surface material and exterior design		
5 Typical floor plans with dimensions		
6 Building fire code compliant		
7 Statistical data, including units by type, etc.		
8 Mobile home sites (size and location)		
9 Large equipment (size and location)		
10 Decks and patios		
11 Carport locations and details		

ACCESS, PARKING AND CIRCULATION	COMPLETE	COMMENTS
Location of existing and proposed (onsite and within 50')		
1 streets, roadways, service drives		
2 entrances or exits		
3 sidewalks		
4 bike paths or trails		
5 Existing and proposed right-of-way		
6 Drive and street approached dimensioned		
7 Hard surface pavement		

ACCESS, PARKING AND CIRCULATION continued		COMPLETE	COMMENTS
8	Parking spaces:		
	location		
	number of stalls		
	width of spaces		
	handicapped		
9	Acceleration/Deceleration of passing lanes		
10	Exterior lighting and shielding		
11	Loading and unloading		
12	Fire and emergency access notes		

INFRASTRUCTURE (SIZE AND LOCATION)			
1	Water lines		
2	Hydrant locations		
3	Sanitary sewers		
4	Storm sewer or site drainage		
5	Storm retention		
6	Easements (storm drain or utility)		

ENVIRONMENTAL FEATURES			
1	Landscaping plan		
2	Indications of trees, tree grouping, shrubs and woodlands		
3	Trees to be removed		
4	Greenbelts, walls or berms		
5	Sprinklers or site irrigation		
6	Treatment of undeveloped area		
7	Trash receptacles and screening		
8	Site lighting details and shielding		
9	Sign locations, size, lighting (see Sign Ordinance)		
10	Fences (locations and details)		
11	Exterior facing materials		
12	Environmental concerns		
	Hazardous waste		
	Materials to be processed		

CONDOMINIUM PROJECTS			
1	Notice of intent		
2	Survey of site		
3	Utility plan		
4	Floor plans		
5	Boundaries of condominium unit		
6	Number or letter of unit		
7	Map showing common elements and limited commons		
8	Draft master deed		

ARTICLE II. - SITE PLAN REVIEW AND APPROVAL

FOOTNOTE(S):

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State Law reference— Site plans, MCL 125.3501.

Sec. 60-21. - Intent.

Site plan review provides the city with an opportunity to review the proposed use of a site in relation to all applicable provisions of the zoning ordinance and city planning. Site plan review also provides the city with an opportunity to review the relationship of the plan to surrounding uses, accessibility, on and off-site pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.

(Ord. No. 158, § 2.00, 9-22-2008)

Sec. 60-22. - Planning standards.

In reviewing all applications for site plan approval, the planning commission shall consider the plan in relation to the following standards:

- (1) Vehicular access and circulation.
 - a. Access. The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation and minimizes on-site curb cuts, taking into consideration such issues as proper driveway alignment, driveway spacing and internal connectivity between sites. The planning commission shall require public streets adjacent or through a proposed development when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the planning commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.
 - b. Circulation. On-site circulation shall be clearly indicated on the plan. Access lanes, maneuvering lanes, parking stalls, stacking lanes, loading/unloading bays and doors, shall be designed in a manner that promotes the general safety, convenience, and interaction of both vehicles and pedestrians. The relationship to and the impacts upon adjacent properties shall also be considered.
- (2) Relationship to surrounding property. All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, the planning commission shall review the plan for negative conditions, such as, but not limited to:
 - a. Channeling excessive traffic onto local residential streets.
 - b. The lack of adequate screening of parking, maneuvering, or service areas.
 - c. Excessive visual pollution caused from lighting and debris.

- d. The building structure and use shall be generally consistent in size, scale, and intensity with the adjacent uses.
 - e. The impediments to the access of emergency vehicles.
- (3) Relationship to natural features. All buildings, driveways, parking lots, and site improvements shall be designed to be compatible with all natural features on-site. The site buildings and improvements shall not encroach into the physical characteristics of the site, such as wetlands, floodplains and natural drainage ways, and shall minimize the impact on environmental features, including, but not limited to, woodlands, slopes and sensitive soils. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area. In no way shall natural drainage ways or other natural water retention bodies be altered in a manner that reduces or significantly alters the current drainage location, patterns or volumes.
- (4) Infrastructure. The planning commission shall consider the city engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.

(Ord. No. 158, § 2.01, 9-22-2008)

Sec. 60-23. - Submission requirements.

- (a) A site plan shall be submitted for review by the planning commission whenever one or more of the following conditions apply:
- (1) Whenever a building permit is required for the erection or structural alteration of a building (other than single-family homes, farm buildings, or accessory structures to these uses).
 - (2) For the construction, use, or establishment of a new or expanded parking or storage area.
 - (3) For all special land uses.
 - (4) For any change in use or class of use as determined significant by the city.
 - (5) The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.

The planning commission may delegate authority to the building official, city engineer and/or city planner to waive, upon unanimous consent, the site plan submission requirement when the proposed building or site change is minimal.

- (b) A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included. All site plans submitted for consideration shall include the following information:
- (1) General site data.
 - a. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data.
 - b. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable zoning ordinance standards and requirements.
 - c. North point and scale should customarily be provided at 1" = 20', or 1" = 30'. For large-scale development, 1" = 50' or 1" = 100' may be acceptable, provided all important typical areas and chapter requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale.

- d. Complete legal description.
 - e. Parcel identification number.
 - f. Size of the site.
 - g. Location map showing major roads, nearby cross-streets and property lines, where necessary.
 - h. Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts.
 - i. Proposed address, if available.
 - j. Location of existing structures and improvements. Indicate if any such structure or improvement is to be removed.
 - k. Location of proposed structures and improvements.
 - l. Yards/setbacks and critical dimensions between buildings and other site improvements.
 - m. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.) within 200 feet of all property lines.
 - n. Topography at two-foot contours (existing and proposed).
 - o. Benchmarks with USGS reference points.
 - p. Recorded easements and rights-of-way with liber and page numbers.
- (2) Building plans.
- a. All architectural building elevations (front, sides and rear).
 - b. Type of surface material and design of all exterior surfaces.
 - c. Dimensioned floor plans (principal and accessory buildings).
 - d. Decks and/or patios (dimensions, location, height and materials).
 - e. All exterior appliances, such as cooling towers, dust collectors, condensers, evaporators and the like, and method of screening.
- (3) Access, parking and circulation.
- a. Existing and proposed rights-of-way for all abutting roads.
 - b. Location and dimensions of all driveways and street approaches.
 - c. Indicate the type of surface (paving).
 - d. Parking spaces (location, number, dimensions, aisle dimensions and surface material).
 - e. Site circulation pattern (direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement).
 - f. Identification of all fire lanes.
 - g. Sidewalks, interior walks and their connection. Interior sidewalks shall provide a connection to the eight-foot exterior sidewalk.
 - h. Sidewalks, eight-foot asphalt along all exterior roadways.
 - i. Carport locations and details (including architectural elevations).
 - j. Location of emergency access roads.
- (4) Environmental features.
- a. Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings.

- b. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed.
 - c. A tree preservation plan as required by section 20-186.
 - d. Greenbelts, walls and/or berm details. (Provide at least one cross-section for each type used.)
 - e. Site irrigation (sprinklers). Indicate all areas to be irrigated.
 - f. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
 - g. Trash receptacles and method of screening.
 - h. Site lighting details (location, height, type, intensity, method of shielding, and a ground level illumination plan (if required)).
 - i. Wetlands, as determined by a wetlands consultant, shall be indicated on the plan if wetlands are suspected or known to exist on a site, or if a general wetlands map indicates the potential presence of a wetland in the area of the site. A Level 3 wetland assessment from the Michigan Department of Environmental Quality will be required prior to final approval.
- (5) Other information.
- a. Location of all site utilities including fire hydrants and fire department connections (if applicable) as approved by the fire chief.
 - b. Site drainage characteristics and improvements.
 - c. Park and/or recreation areas (show boundary and size in square feet).
 - d. Fences, screen walls, or other similar structures (location and details).
 - e. Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e., one-bedroom, two bedrooms and three bedrooms), if any; and the total gross acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
 - f. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, and other data of all such equipment and/or machinery shall be indicated.
 - g. Location of storage, use and disposal areas, if any, for hazardous substances, and evidence of approval by the applicable federal, state or local review agency.
 - h. List of hazardous substances used, stored or generated at the proposed facility, in accordance with procedures of the planning commission.
 - i. If phasing is proposed or intended, it shall be clearly shown on the site plan.
 - j. Traffic impact studies or market studies.
- (6) Waivers. Where it is determined by the planning commission that certain requirements of this section are not necessary to the review and understanding of the site, the planning commission may waive the requirements.

(Ord. No. 158, § 2.02, 9-22-2008)

Sec. 60-24. - Review procedures.

- (a) Submission. The proposed site plan shall be submitted to the planning and zoning administrator, or other designated representative, who shall check the submission data and transmit it to the following departments, agencies and consultants, if applicable:
- (1) Macomb County Road Commission or Michigan Department of Transportation, whichever is appropriate (applicant's responsibility).
 - (2) Macomb County Public Works Commissioner (applicant's responsibility).
 - (3) Macomb County Health Department (applicant's responsibility).
 - (4) Fire department.
 - (5) Building department.
 - (6) Assessor's office (check legal description).
 - (7) Water department.
 - (8) Sewer department.
 - (9) D.P.S.
 - (10) Construction inspector.
 - (11) City engineer.
 - (12) City planner.
 - (13) Police department.
 - (14) Planning commissioners (one for each).
 - (15) Planning commission file.
 - (16) Appropriate school district (residential plans).

Each department, agency or professional shall acknowledge the date of its receipt of the site plan for its inspection and comments. The planning and zoning department shall next submit the site plan with the available written comments from the various agencies and departments to the planning commission for review at the meeting at which the site plan is placed on the agenda.

- (b) Submission deadline. The site plan may be placed on the following agenda of the next regular planning commission meeting if it has been received a minimum of 20 business days prior to the meeting. The resubmission of a site plan that has already been in front of the planning commission at least one time shall submit plans a minimum of ten business days prior to the next regularly scheduled planning commission meeting.
- (c) Planning commission review. The site plan shall be reviewed by the planning commission with reference to the specific requirements of this chapter, including those items listed above and other factors to be considered by the city in planning and establishing zoning districts as authorized under this chapter. The commission shall also require review and comment from the city planner, city engineer and city attorney, where appropriate. Approval of the site plan (as submitted, or with additions, corrections or alterations) by the planning commission shall satisfy the requirements of this zoning ordinance. It shall not, however, exempt the petitioner from compliance with other city ordinances.
- (d) City council review. Upon determination of the planning commission that a site plan is in compliant with the zoning ordinance, the plans shall be forwarded to the city council for final approval. Approval of the site plan by the city council shall satisfy the requirements of this chapter.
- (e) Approval period. A site plan approval shall be valid for 12 months from the date of approval. If physical improvement of the site is not in actual progress at the expiration of the approval and

diligently pursued to completion, the approval shall be null and void, unless renewed or extended by specific action of the city council. Any request for an extension shall be made in writing. If approval is not extended before expiration of the 12-month period, then a new application and a new approval shall be required before a building permit may be issued. The city council may grant a maximum of four extensions.

- (f) Performance bonds. The city council may require a cash deposit or irrevocable bank letter of credit acceptable to the city, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the city clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.
- (g) Review fees. A site plan fee shall be required to cover the cost of review by the city's engineer, planner, and other professional and city services, in accordance with a schedule of fees as determined by the city council.
- (h) Compliance.
 - (1) Any construction, development and/or activity(ies) approved by the city, by and through the site plan review process, shall be undertaken and completed in strict compliance with the approved site plan of record.
 - (2) The approved site plan of record shall include any properly recorded plan(s), map(s), drawing(s), photograph(s), specification(s), documents(s), and audio/video transcription(s) which serve to describe or illustrate any specific development, construction and/or activity approved by the city, by and through the site plan review process.
 - (3) Developments will be reviewed by the Planning Commission as to their conformance with the approved site plan 12 months from the date of city council approval.

(Ord. No. 158, § 2.03, 9-22-2008)

Sec. 60-25. - Site condominium subdivision and condominiums.

- (a) The intent of these requirements is to ensure that all site condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the city's ordinances and requirements. All references to site condominiums are also meant to include condominiums within the provisions of this section.
- (b) Single-family detached condominiums may be allowed as a special land use in any single-family zoning district, subject to site plan review by the city. The review procedures for commercial and industrial site condominium subdivisions shall also be regulated by this section. Condominiums are permitted uses in all commercial, industrial and multiple-family districts.
 - (1) Submission requirements. All site condominium subdivision plans shall be submitted for review, as required by Article II of this chapter and Section 66 of the Condominium Act, and include the following additional information:
 - a. A boundary survey of the site condominium subdivision site.
 - b. A plan delineating all natural and man-made features on the site, including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
 - c. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
 - d. A copy of the master deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of Act 288 of 1967, at some future date.

- e. A utility plan showing all sanitary sewer, water and storm drainage improvements, plus all easements granted to the city for installation, repair and maintenance of all utilities.
 - f. A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision plan.
 - g. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
- (2) Review procedures. Pursuant to authority conferred by Section 141 of the Condominium Act, all site condominium subdivision plans shall require approval by the planning commission and city council before units may be sold or site improvements initiated. In determining whether to approve a site condominium subdivision plan, the planning commission shall consult with the city attorney, planner and engineer regarding the adequacy of the submission as it relates to the City of New Baltimore Zoning Ordinance and requirements of the Condominium Act. The review process shall consist of the following two steps:
- a. Preliminary plan review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of the City of New Baltimore Zoning Ordinance. Plans submitted for preliminary review shall include information specified in items a., b. and c. of the submission requirements in subsection (1) above.
 - b. Final plan review.
 - 1. Upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the planning commission. Final plans shall include information as required by the Submission Requirements in subsections a. through g. above. Such plans and information shall be reviewed by the city attorney, engineer and planner.
 - 2. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.
- (3) District requirements. The development of all site condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The density of development of the project shall be no greater and spacing no less than would be permitted if the property were a platted subdivision. Site condominiums located within a planned unit development (PUD) shall be governed by the standards approved as part of the overall PUD plan.
- (4) Design standards. All streets and roads in a site condominium subdivision shall conform to the standards of the City of New Baltimore Land Division and Subdivision Ordinance if the streets are to be dedicated to the public, or to standards and requirements of the City of New Baltimore Engineering Ordinance if private. Public streets shall be required, when necessary, to provide continuity to the public road system. All other improvements in site condominium subdivisions shall meet the standards of the City of New Baltimore Land and Subdivision Ordinance.
- (5) Utility easements. The condominium subdivision plan shall include all necessary public utility easements granted to the City of New Baltimore to enable the installation, repair, and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, lines and storm drainage improvements shall be provided.
- (6) Final acceptance. The city shall also require all the appropriate inspections. After construction of the site condominium subdivision, an as-built reproducible mylar of the completed site improvements (excluding dwelling units) is to be submitted to the city for review by the city engineer. A final certificate of occupancy and any construction bonds or letter of credit will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the city.

(Ord. No. 158, § 2.04, 9-22-2008)

State Law reference— Condominium act, MCL 559.101 et seq.

Sec. 60-26. - Condominium conversions.

(a) For all condominium projects, other than site condominiums, including convertibles, conversions or expansions, the following shall apply:

(1) Required information. Concurrently with the notice of proposed action, required to be given to the city pursuant to section 71 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.171), as amended, a person intending to develop a condominium development in the city shall provide the following information:

- a. The name, address and telephone number of the following:
 1. Persons with an ownership interest in the land on which the condominium development will be located, together with a description of the nature of each entity's interest (e.g., fee owner, optionee, land contract vendee, etc.).
 2. Engineers, attorneys, architects or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium development.
- b. The legal description and acreage of the land on which the condominium development will be developed, together with any existing development and any proposed expansion plans and appropriate tax identification numbers.
- c. The purpose of the development (i.e., residential, multiple-family, commercial, industrial, etc.).
- d. Number of condominium units existing or to be developed on the subject parcel.
- e. The condominium plan for the project prepared by a registered architect, land surveyor or engineer.
- f. Site plan meeting the requirements of the appropriate zoning district.
- g. The nature, location and approximate size of the general and limited common elements.
- h. Utility plan, including water, sewer, and storm drainage.
- i. Floor plans and typical elevations of each side of the structure, if applicable, coded to the corresponding number or letter on the site plan.
- j. The size, location, area and horizontal boundaries of each condominium unit.
- k. The vertical boundaries and volume for each unit comprised of enclosed air space, if any.
- l. A number or letter assigned to each condominium unit.
- m. Floodplain and wetland information, if the condominium lies within or abuts a floodplain or wetland area.
- n. Correspondence from the proper and appropriate state, county and local authorities.
- o. Building section showing the existing and proposed structures and improvements, including their location on the land. Any proposed structures and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, storm drainage, landscaping and an access road, such shall be shown and designated as "must be built"; however, the obligation to deliver such items exists whether or not they are shown and designated.

- (2) Site plans. Prior to recording of the master deed required by section 72 of Public Act No. 59 of 1978 (MCL 559.172), the condominium development shall undergo site plan review and approval pursuant to Article II of this chapter. In addition, the city shall require appropriate engineering plans, building permits, inspections and approval of the master deed prior to the issuance of any certificates of occupancy.
 - (3) Site plans for expandable or convertible projects. Prior to expansion of or conversion to a condominium development, the project shall undergo site plan review and approval pursuant to this chapter. Water, sewer and storm drainage facilities must be reviewed and upgraded to meet the separate ownership or public system requirements. Variances or deviations shall be considered only by the zoning board of appeals or the construction code board.
- (b) General requirements are as follows:
- (1) Master deed, restrictive covenants, and as-built survey. The draft master deed and bylaws shall be submitted to the planning commission for its review. The site or survey plan shall show all common elements. Prior to the issuance of a building permit, the draft master deed shall be recommended for approval by the planning commission, and prior to the issuance of a certificate of occupancy, the final master deed shall be reviewed by the city attorney and approved by the city council. The condominium development developer or proprietor shall furnish the city with the following: three copies of the master deed; three copies of all restrictive covenants; and two copies of an as-built survey. One copy of each of the above shall be provided to the city attorney, the building department, and the city engineer. The as-built survey shall be reviewed by the city engineer for compliance with city ordinances. Fees for this review shall be established by resolution of the city council.
 - (2) Monuments required. All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall be marked with monuments, as provided in the condominium act (Public Act No. 59 of 1978 (MCL 559.101 et seq.)).
 - (3) Performance bond. If deemed necessary, the City shall require a performance bond for the total costs, as approved and determined by the city engineer, of all improvements required.
 - (4) Building department review. The building department shall conduct a full inspection of all buildings in the condominium project to ensure that current city building code requirements have been met prior to the granting of a certificate of occupancy.

(Ord. No. 158, § 2.05, 9-22-2008)

State Law reference— Condominium act, MCL 559.101 et seq.

Secs. 60-27—60-40. - Reserved.

ARTICLE X. - SPECIAL LAND USE AND PLANNED UNIT DEVELOPMENT (PUD)

FOOTNOTE(S):

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State Law reference— Special land uses, MCL 125.3502, 125.3504; planned unit development, MCL 125.3503.

Sec. 60-211. - Intent, standards and procedures.

- (a) Intent. These use permit review procedures are instituted to provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses and should not be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. These procedures apply to those special land uses which are specifically designated in this chapter.
- (b) General standards. For all special land uses, a site plan shall be submitted to the New Baltimore Planning Commission and shall conform to the requirements and procedures for site plan review as described in article II. The city council, after a recommendation from the planning commission, shall have sole power to approve or disapprove all special land uses. If the plans meet the required standards of this chapter and indicate no adverse effect which, in the opinion of the city council, could cause injury to the residents, users of adjoining property, or the city as a whole, the city council shall approve the use. In all other instances, the city council may deny or approve, with conditions, requests for special land use approvals. In considering all applications for special land uses, the city council and planning commission shall review each case on an individual basis as to its conformity, and the proposed special land use must meet and satisfy each of the following general standards, as well as the standards for each special land use.
 - (1) The proposed special land use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
 - (2) The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, routes of traffic flow and parking lot circulation, proximity and relationship to intersections, adequacy of sight distances, location and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian vehicle conflicts.
 - (3) The proposed use will be designed so that the location, size, intensity, site layout and periods of operation of the proposed use eliminate any possible nuisance emanating therefrom which might be objectionable to the occupants of any other nearby uses.
 - (4) The proposed use will be designed so that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - (5) The proposed use will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.
 - (6) The proposed use has been designed to relate harmoniously with existing environmental, aesthetic, cityscape and surrounding neighborhood amenities.

- (7) The proposed use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
 - (8) The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- (c) Procedures.
- (1) The proposed site plan, which meets the requirements of article II and the application for special land use, shall be submitted to the city offices at least 20 business days prior to the meeting of the planning commission. Copies of the application and site plan shall be submitted to the planning commission, building inspector, planning consultant, city engineer and other city advisors, as necessary (fire, police, etc.). The planning commission may request comments from county, state or local agencies, as they deem necessary.
 - (2) Upon receipt of an application (which shall also include the proposed site plan), the application shall go in front of the planning commission, who will then set a public hearing. At the time the planning commission sets the public hearing, the city shall publish a notice of public hearing in a newspaper of general circulation in the City of New Baltimore; and the city shall follow the procedures of the state law by giving notice by mail or personal delivery to the owners of property for which approval is being considered; and the city shall give notice to all persons to whom real property is assessed within 300 feet of the boundary of the property in question.
- (d) Planning commission review.
- (1) The planning commission shall review the application after proper notice has been given as required by state law.
 - (2) The commission shall base its recommendations upon review of the individual standards for that special land use, the general standards of this section, and the specific standards for each use. The commission shall recommend approval of the application, with any suggested conditions the commission may find necessary, or recommend disapproval of the application. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
- (e) City council action. After receipt of the planning commission's recommendation, the city council shall consider the application for approval, conditional approval, or disapproval. If a public hearing before the city council is requested as provided by state law, then the council, after proper notice, shall hear any person wishing to express an opinion on the application.
- (1) Approval. If the city council determines that the particular special land use(s) meets the eight standards outlined for special land use approval, it shall clearly set forth in writing the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the city not later than one year thereafter, or such approval shall automatically be revoked. Provided, however, the city council may grant an extension thereof for good cause shown under such terms and conditions and for such period of time as it shall determine to be reasonable and appropriate.
 - (2) Denial. If the city council shall determine that the particular special land use(s) requested does not meet the standards of this chapter or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the city, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.
 - (3) Conditional approval. The city council may impose such conditions or limitations in granting approval as may be permitted by state law and this chapter which it deems necessary to fulfill the spirit and purpose of this chapter.

- (4) Record. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. This record shall be on file in the clerk's office, as well as being made a part of the site plan or building records for that parcel.
- (f) Conditions.
 - (1) The city council may impose such conditions or limitations in granting approval as may be permitted by State law and this chapter which it deems necessary to fulfill the spirit and purpose of this chapter. The conditions may include:
 - a. Conditions necessary to insure 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. Protecting the natural environment and conserving natural resources and energy;
 - c. Insuring compatibility with adjacent uses of land; and
 - d. Promoting the beneficial use of land in a socially and economically desirable manner.
 - (2) Conditions imposed shall meet each of the following:
 - a. Be designed to protect natural resources; the health, safety and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this chapter for the land use or activity under consideration; and be necessary to insure compliance with those standards.

(Ord. No. 158, § 10.00, 9-22-2008)