

## ARTICLE VII. SITE PLAN REVIEW REQUIREMENTS

### DIVISION 1. GENERALLY

#### Sec. 30-551. Scope of Article.

A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, or farm buildings if the farming land use is a conforming land use activity. A site plan must be approved prior to the issuance of a zoning permit within all zoning districts, as provided for in section 30-67. The following development projects shall submit site plans and must receive planning commission recommendation and Village Council approval.

- (1) Subdivision Development Projects
- (2) Condominium Subdivision Projects
- (3) Planned Unit Developments
- (4) Mobile Home Parks
- (5) Private Roads

It is further the intent of this Article to require the gradual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the Village and the goals and design guidelines of the Village of Capac Master Plan.

#### Sec. 30-552. Site Plan Review Required.

A site plan shall be submitted for review according to the standards and procedures of this Chapter for all proposed special land use requests and every construction project except the following:

- (1) Single-family dwelling units on individual lots or parcels.
- (2) Residential and agricultural accessory buildings not requiring special land use approval.
- (3) Farm buildings.
- (4) Construction on or remodeling of any existing permitted use or building that does not require a site change or an exterior structural modification.

### DIVISION 2. FEES

#### Sec. 30-553. Fee Schedules.

The Village Council shall establish by resolution, a schedule of fees, charges and expenses, for site plan review including, but not limited to: planning review, engineering review, attorney review and opinion, as required, inspection and other matters pertaining to this Article; the schedule shall be available in the Village Office and may be amended only by the Village Council.

Any special meeting of the Village Planning Commission requested by the developer shall be paid for by the developer prior to said meeting at the rate of a regularly scheduled meeting.

Pre-application conferences are scheduled by a prospective applicant with the Planning Department and any representative as appropriate including one member of the Planning Commission. During this conceptual review phase, a generalized site plan is presented by the prospective applicant for consideration of the overall character of the development. Basic questions of use, density, integration with existing development in the area and impacts on the availability of public infrastructure are discussed.

Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application.

### DIVISION 3. PROCEDURES AND REQUIREMENTS

#### Sec. 30-554. Filing and review procedures.

The proprietor shall file fourteen (14) copies of the site plan with the application for a zoning permit with the Zoning Administrator at least twenty-one (21) days prior to the next regularly schedule Planning Commission meeting. The zoning administrator shall review the site plans for compliance with the requirements of this Chapter and the Master Plan. The Zoning Administrator shall review the submittal for completeness as to form and if complete, the Zoning Administrator shall forward the materials to the Village Planner, Engineer, Directors DPW and Public Safety, for their review.

If the submitted information is incomplete, the Zoning Administrator shall notify the developer in writing of the deficiencies. Any site plan deemed, by the Zoning Administrator, to be incomplete shall not be forwarded for review until all required information is furnished.

The Zoning Administrator, Planning Commission or Village Council may request additional relevant information regarding environmental concerns with any site plan application, pursuant to any or all state, federal or local environmental regulations.

If the site plan is recommended for approval by the Planning Commission, the Planning Commission shall forward all copies of the site plan along with certification of approval to the Zoning Administrator.

If the site plan is not recommended for approval by the Planning Commission, the proprietor shall be notified by the Zoning Administrator of the reasons for disapproval.

The Zoning Administrator shall forward all copies and the certification of approval to the Village Clerk for submittal to the Village Council for their consideration when Council approval is required. The Village Council, upon consideration of the site plan shall either approve or deny the site plan. If the site plan is denied by the Village Council, the Village Council shall state the reasons for the denial and notify the developer of their action.

### DIVISION 4. REQUIRED INFORMATION

#### Sec. 30-555. General Information.

- (1) Name(s) and address(es) of the proprietor, developer, and registered engineer, registered architect, registered surveyor, registered landscape architect, or registered community planner who participates in the preparation of the submitted site plan.
- (2) Proof of ownership
- (3) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
- (4) The address and/or parcel number of the property.
- (5) Date of the plan preparation, north arrow, and scale of plan, which shall not be greater than one (1") inch equals twenty (20') feet (1" = 20') nor less than one (1") inch equals two hundred (200') feet (1" = 200').
- (6) Full legal description of the subject parcel and dimensions of all lot and/or property lines showing the relationship to abutting properties, and in which land use districts the subject property and abutting properties are located.
- (7) Project description, including the total number of structures, units, bedrooms, offices, square feet, total

and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the ordinance.

- (8) Area map showing the relationship of the parcel to the surrounding area within one-half (1/2) mile. "Vicinity Map"
- (9) The location and descriptions of all existing structures on the property, or within one hundred (100') feet of the subject property and their setbacks.
- (10) A written narrative outlining:
  - (a) Project name.
  - (b) Project completion schedule/development phases.
  - (c) The nature and details of the proposed development.
  - (d) Detailed provisions for maintenance responsibility for all improvements, including, but not limited to, streets, parking areas, bikeways, pedestrian ways, storm drainage facilities, water and sewer systems, open space areas, and the like.
  - (e) Written statements relative to project impacts on existing infrastructure (including traffic impact of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
  - (f) Any other information deemed necessary by the applicant to further clarify the proposed development.

#### Sec. 30-556. Physical Information.

- (1) Proposed plans for site grading, surface drainage, water supply and sewage disposal and landscaping/screening.
- (2) The location of existing and proposed landscaping, buffer areas, fences, or walls on the subject property.
- (3) Existing and proposed structure information including, but not limited to the following:
  - (a) Footprint location, dimensions and setbacks.
  - (b) Finished floor and grade line elevations.
  - (c) Building coverage calculations.
  - (d) Elevation drawings that illustrate building design, size, height, windows and doors, and describe proposed construction materials. Elevations shall be provided for all sides visible from an existing or proposed public street or a residential zoning district.
  - (e) The Planning Commission may request a color rendering of the building elevation required in subparagraph (d).
  - (f) Proposed material and colors shall be specified on the site plan. Color chips or samples shall also be submitted at or prior to the Planning Commission meeting to review the site plan. The elevations, colors, and

materials shall be considered part of the approved site plan.

- (g) The location and dimensions of all existing and proposed streets, driveways, curb cuts, sidewalks, service lanes, details of entryways, acceleration, deceleration, passing lanes and other vehicular and pedestrian circulation features within and adjacent to the subject property, whether public or private.
- (h) The location of any access points on both sides of the street within one hundred (100') feet of the propose site.
- (i) Barrier-free access. Showing the site has been designed to provide barrier-free parking and pedestrian circulation.
- (j) Emergency vehicle access. Showing all buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the public safety.
- (k) The location, dimensions, and numbers of off-street parking and loading spaces, as prescribed in Article V. Parking and Loading Requirements.
- (l) Location of proposed lighting or additional lighting when site plan involves an existing land use activity. Details of the site lighting to include:
  - (i) Details of exterior lighting, meeting the requirements of Sec. 30-22 Exterior Lighting, including fixture locations, height, and method of shielding; and
  - (ii) A photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site and described in footcandles.
- (m) Location, design and placement for proposed for refuse storage.
- (n) Locations of all signs including:
  - (i) Location, type, height and method of lighting for identification signs; and
  - (ii) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices. (MUTCD)
- (o) Location of existing and proposed service facilities above and below ground, including but not limited to the following:
  - (i) Well sites
  - (ii) Septic systems and other wastewater treatment systems. The location of the septic tank and drain-field (soil absorption system) should be clearly distinguished.

- (iii) Chemical and fuel storage tanks and containers.
  - (iv) Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
  - (v) Water mains, hydrants, pump houses, standpipes, and building services and sizes.
  - (vi) Sanitary sewers and pumping stations, cleanout locations, connection points and treatment systems.
  - (vii) Storm-water control facilities and structures including storm-sewers, swales, retention and detention basins, drainage-ways, and other facilities, including calculations for size and volume.
  - (viii) Location of all easements, existing and proposed and legal descriptions.
  - (ix) Written verification of access easements or agreements with legal descriptions, if applicable.
  - (x) All utilities lines on the site including but not limited to natural gas, electric, cable, telephone and fiber optic cable.
  - (p) Noise: Showing the site has been designed and buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.
  - (q) Any other pertinent physical features.
- (4) Notation on each site plan sheet stating "Not to be used as construction drawings."

**Sec. 30-557. Natural Features.**

- (1) Map of existing topography at two (2') foot contour intervals with existing surface drainage indicated.
- (2) Soil characteristics of the subject property to at least the detail provided by the U.S. Soil Conservation Service as provided for in the Soil Survey of St. Clair County, Michigan. And any certifications of borings.
- (3) On parcels of more than one (1) acre, existing topography with a maximum contour interval of two (2') feet indicated. Topography on the site and beyond the site for a distance of one hundred (100') feet in all directions should be indicated. Grading plan, showing finished contours at a maximum intervals of two (2') feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
- (4) Location of existing drainage courses, including lakes, ponds, rivers and streams, made-made surface drainage ways, floodplains and wetlands, and all related elevations and direction of drainage flow.
- (5) Location of natural resource features, including woodlands and areas with slopes greater than ten (10%) percent (one (1') foot of vertical elevation for every ten (10') feet of horizontal distance). And location and type of significant existing vegetation.
- (6) A Landscaping plan as required by Article IX Landscaping Design Standards
- (7) Location of significant natural, historical, and architectural features, including landmark trees, that will be designated "to remain" and protected by a fence or a barrier installed prior to site preparation, and/or as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the site, and including acreage of designated areas.
- (8) Storm water management systems and facilities that will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent feasible, with the development not substantially reducing the natural retention of storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off site.
- (9) Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
- (10) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges or polluting materials to the surface of the ground, groundwater, or nearby water bodies. Environmental Assessment Phase 1 documentation if required for financing. (Commercial and Industrial uses only)
- (11) Location of existing wetlands, delineated under the requirements of the Wetland Assessment Program (WAP), as authorized by Part 303, Wetlands Protection, of the Natural resources and Environmental protection Act, 1994 PA 451, as amended. The location of existing wetlands shall begin with at least a Level 1 of a DEQ Wetland Assessment.
- (12) A wetland determination for any person desiring a zoning permit for any activity requiring a Village zoning permit or land use review such as: constructing a building, filing a tentative preliminary plat, submitting a site plan, a planned unit development, condominium subdivision project or site condominium project, a special use permit or requesting a lot/parcel split shall apply to the Zoning Administrator for a preliminary determination, provided for in section 30-575.
- (13) Any of the following activities that are being proposed to occur in a wetland shall obtain a permit from the Department of Natural Resources (DEQ), as required according to Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended and Federal Executive Order No. 11990. The following activities require a permit:
  - (a) Deposit or permit the placing of fill material; example bulldozing, grading, dumping, but may not be limited to these activities.
  - (b) Dredge, remove, or permit the removal of soil or minerals; examples removing tree stumps, bulldozing, digging a pond; but may not be limited to these activities.
  - (c) Construct, operate, or maintain any use of development; example construction of

buildings or structures, Boardwalks, Peat mining, Water treatment; but may not be limited to these activities.

- (d) Drain surface water, example diverting water to another area via ditch, pump or drain; but may not be limited to these activities.

- (14) The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained and approved.

#### DIVISION 5. STANDARDS FOR SITE PLAN REVIEW

##### Sec. 30-558. Review of all Site Plans.

In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

- (1) The proposed development conforms to all provisions of this Chapter.
- (2) All required information has been provided.
- (3) The movement of vehicular and pedestrian traffic within the proposed development are designed to promote a safe and convenient relationship with off-site streets and sidewalks.
- (4) The proposed development will be harmonious with existing and future uses in the immediate surrounding area and the community as a whole.
- (5) The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.
- (6) The applicable requirements of the Village, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.
- (7) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.
- (8) The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.
- (9) The proposed development will not cause soil erosion or sedimentation.
- (10) Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.
- (11) Conformance with the Village of Capac Engineering Design Standards.
- (12) All proposed commercial, office, industrial, institutional and multiple family development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape and meet the objectives of the Village Master Plan. New buildings, additions and renovations shall be designed to preserve or complement the design character of existing development, provide visual

harmony between old and new buildings, and create a positive image for the Village's various commercial shopping nodes. Commercial, office, industrial, institutional and multiple family architecture shall be reviewed by the Planning Commission under the following criteria:

- (a) Buildings shall front towards and related to the public street, as provided for in section 30-5. Buildings shall be located to create a defined streetscape through uniform setbacks and proper relationship to adjacent structures. Building orientation and relationship to the setbacks can provide a staggering effect to create variety and identity. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roof line shapes and rhythm.
- (b) Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. For any side of a principal building facing a public or private street, at least fifty (50%) percent of the façade shall be constructed of, or covered with the following materials:
  - (i) Brick;
  - (ii) Fluted or scored concrete block
  - (iii) Cut stone;
  - (iv) Vinyl siding;
  - (v) Wood siding;
  - (vi) Glass; or,
  - (vii) Other materials similar to the above list of material as determined by the Planning Commission
- (c) Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall provide architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked roof lines.
- (d) Building walls over one hundred (100') feet in length shall be broken up with a combination of the following:
  - (i) varying building lines,
  - (ii) windows,
  - (iii) architectural accents, and
  - (iv) trees
- (e) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.
- (f) Where the rear façade of a building will be visible from a residential zoning district, or the rear of the site will be used for public access or parking, such rear façade shall be constructed to a finished quality comparable to the front façade.
- (g) Signs, landscaping, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby

developments. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian plazas and/or pedestrian furniture.

#### Sec. 30-559. Site Plans With Multiple Phases.

Whenever a development project is proposed to be developed in phases, each phase shall be clearly denoted on the preliminary and final site plan. Final approval shall be required for the entire project. Subsequent phases may be reviewed by the Zoning Administrator. Each phase of a project shall stand on its own; no phase shall rely on the completion of any subsequent phase of the project for parking, loading, utilities, access drives, landscaping, lighting, or any other element required by this Chapter.

When amendments are requested, the Zoning Administrator shall determine whether the changes are minor in nature, as prescribed in Sec. 30-569. The administrative approval process shall comply with Sec. 30-570. More significant changes to a phased development shall require Planning Commission review as prescribed in Sec. 30-571. The Zoning Administrator may also determine that the proposed amendments shall require complete site plan approval for the individual requested phase and submitted proposed amendment changes through Sec. 30-554.

### DIVISION 6. EFFECT OF APPROVAL

#### Sec. 30-560. Final Site Plan Approval.

Upon final approval of the proposed site plan, construction or expansion of any permitted or special land use shall conform to the site plan. The approval by the Planning Commission of a site plan shall expire within one (1) year after the date of such approval, unless a zoning permit has been issued and construction has commenced. The Zoning Administrator shall not issue a zoning permit for any type of construction on the basis of the approved site plan after such approval has expired. Approval shall also confer upon the Zoning Administrator to approve minor modifications to an approved site plan, as described in section 30-569.

#### Sec. 30-561. Conditions placed on Site Plan Approval.

- (1) As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitation as in its judgment may be necessary to ensure that the public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards in Sec. 30-588 and necessary to meet the intent and purpose of this Chapter.
- (2) Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- (3) A record of conditions shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved.
- (4) A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- (5) The Building Official and Zoning Administrator may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the

Planning Commission. Should re-submittal be required, the Building Official and Zoning Administrator may make periodic investigations of the development for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.

#### Sec. 30-561. Amendment of an Approved Site Plan.

A previously approved site plan may be amended by the Planning Commission upon application by the applicant in accordance with procedures provided for in Sec. 30-554. Minor changes during construction or for expansion or certain changes in use may be approved by the Zoning Administrator, as described in Sec. 30-570.

#### Sec. 30-562. Performance Guarantees.

As a condition of approval of the site plan, the Village Council or Planning Commission may require a deposit by the applicant with the Village Clerk in the form of a certificate of deposit, bank letter of credit, escrow account, or a surety bond.

The Village Engineer shall estimate to be a sufficiently adequate sum to cover the cost to construct or to complete construction of the required proposed improvements. In determining the adequacy of the performance guarantee, the following shall be considered:

- (1) The amount of the performance guarantee for improvement installation shall be equitable so that the proprietor is not required to provide an excessive amount, yet the public is sufficiently protected to ensure the improvement installations are properly constructed, installed and operational.
- (2) All estimates shall reflect an accurate value for the proposed improvements.
- (3) The estimated cost of the improvements shall include an added cost factor to provide for a margin of error and to cover inflation and other costs if the Village is forced to complete the installation of the improvements some years in the future.
- (4) As improvements are completed and approved by the Village, a rebate in reasonable proportion to the amount of work completed on required improvements may be returned to the developer.
- (5) Village shall set time periods to specify both the installation of improvements and beyond the completion of the improvement to ensure that the improvements are operating properly.

The Village shall return to the developer, as work progresses, amounts of the deposit equal to the ratio of work satisfactorily completed to the entire project. Such return shall be based upon the report and recommendation of the Zoning Administrator.

#### Sec. 30-563. Request for Appeals.

The decision of the Planning Commission with respect to a site plan is appealable to the Village Zoning Board of Appeals upon written request of the applicant and payment of the appropriate fee. In the absence of such request being filed within sixty (60) days after the decision is rendered by the Planning Commission, such decision remains final.

### DIVISION 7. REVIEW OF MINOR MODIFICATIONS

#### Sec. 30-564 Intent.

The intent of this division is to permit submittal of a plot plan in certain specific instances where a complete site plan is not

considered essential to ensure compliance with the intent and standards of this chapter.

**Sec. 30-565 Plot Plans and Special Land Uses.**

A plot plan shall not be permitted for any expansion to a Special Land Use or for a project requiring a variance.

(1)

**Sec. 30-566. Plot Plan for Certain Uses.**

A plot plan may be permitted for the following uses, when permitted in the zoning district:

- (1) Group day care homes
- (2) Essential service buildings
- (3) Home occupations
- (4) Two-family dwellings
- (5) Accessory open air buildings
- (6) Accessory buildings and structures
- (7) Outdoor recreational facilities
- (8) Temporary uses and seasonal sales establishments
- (9) A change in permitted use within an approved shopping center (only a floor plan is required if improvements to parking, signs, or landscaping are not required.)

**Sec. 30-567. Requirements of a Plot Plan.**

The Zoning Administrator may accept a plot plan upon determining a complete site plan is not required for review of the project for compliance with this chapter. Such plot plan submittal must include at least the following:

- (1) Application form and fee
- (2) Name, address and telephone number of the applicant
- (3) North Arrow
- (4) Legal Description of the subject property
- (5) The plot plan shall be drawn at an engineer's scale. Any building expansion over five hundred (500) square feet within a five (5) year period shall require a professional seal of an architect, landscape architect or engineer.
- (6) Property lines and dimensions
- (7) Existing and proposed buildings with dimensions and setbacks.
- (8) Existing and proposed parking including number of spaces provided and the number required according to Article V Parking and Loading Requirements. If changes are made to an existing parking area, a detail of pavement, storm water runoff calculations and description of detention methods shall be provided.
- (9) Details on any new driveways or changes to existing driveways.
- (10) Location of existing signs and details on any proposed changes or new signs.
- (11) General illustration of existing landscaping; locations, size and species of any new landscaping.
- (12) Layout of any proposed changes to utilities.

- (13) Description of any proposed changes to drainage.
- (14) Floor plan of any new building area or building elevations, if applicable.
- (15) Any other items requested by Village staff reviewing the plot plan or the Village Planning Commission.
- (16) It shall be at the discretion of the Zoning Administrator as to whether the proposed land use activity requires a full site plan review, as required in Sec. 30-554.

**Sec. 30-568. Minor Modifications.**

A plot plan, rather than a complete site plan, may be submitted for minor modifications to a legally existing conforming use and building. A minor modification shall include alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards.

**Sec. 30-569. Situations and Criteria.**

The granting approval of a final site plan extends to the Zoning Administrator the authority to approve minor modifications administratively during construction, or subsequent changes to approved site plans, as described in Sec. 30-570. Administrative approval may be permitted when the following are proposed:

- (1) An increase in the floor area of the structure by up to one thousand (1,000) square feet or five (5%) percent of the existing floor area, whichever is less, with no required increase in parking area. Administrative approval is not permitted if the cumulative total of the proposed expansion and any expansion within the last five (5) years, as determined by the Zoning Administrator, exceeds this amount.
- (2) A change in internal floor plan which does not increase the intensity of use or parking requirements.
- (3) Movement of a building, drive, road or parking by up to ten (10') feet during construction due to an unanticipated and documented constraint, to improve safety or to preserve natural features. The site plan shall meet all required setbacks and other standards of this Chapter.
- (4) An increase or decrease road width by up to three (3') feet to improve safety or preserve natural features. The design shall remain consistent with the standards of the Village.
- (5) An existing building and site are to be re-occupied by a use permitted in the subject zoning district and the new use will not require any significant changes in the existing site facilities only when the site conforms to the current regulations.
- (6) Expansion, replanting or alterations of landscaping areas consistent with the other requirements of this Chapter.
- (7) Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant and meets, or if necessary, has been modified to meet the Article requirements for the building and/or use, and the construction plans and lot construction are approved by the Village Engineer.

- (8) Relocation of a refuse container to a more inconspicuous location or installation of screening around the dumpster.
- (9) Relocation of replacement of a sign meeting the dimensional and location standards of this Chapter.
- (10) Fences improved or installed consistent with the other requirements of this Chapter.
- (11) Sidewalks, bike paths or pathways are being constructed or relocated with the intent of improving public convenience and safety.
- (12) Modifications to upgrade a building to state barrier free design, the Americans with Disabilities Act or other federal, state or county regulations.

- (3) A change to lighting consistent with this Chapter's standards.
- (4) Proposed changes to building height, façade or architectural features that are being changed (an elevation plan describing changes and construction materials is required.)
- (5) A permitted accessory building is proposed for construction or relocation on the site.
- (6) Situations similar to the above, as determined by the Planning Commission.

(Note: See the nonconforming uses/lots-parcels/structures Article VI)

**Sec. 30-572. As-Built Drawings.**

**Sec. 30-570. Process for Administrative Approval.**

- (1) Applicant submits a plot plan and required application form and fee.
- (2) The Zoning Administrator shall obtain a review and written approval from the Planning Commission Chairperson and Village Engineer on an as needed basis, prior to granting an administrative approval.
- (3) The Zoning Administrator shall deliver a report of such administrative approvals to the Planning Commission.
- (4) The Zoning Administrator may determine that the proposed modifications require a complete site plan review, if any of the following are at issue:
  - (a) Sites that do not comply with previously approved site plans,
  - (b) Sites with existing or potential drainage problems,
  - (c) Sites abutting residential uses,
  - (d) Sites with parking deficiencies ; and
  - (e) Uses where there are general health and safety issues.
- (5) If a full site plan is required, the Zoning Administrator shall inform the applicant in writing of the reason for the decision.
- (6) The applicant must then submit a set of site plans in accordance with Division 4 Required Information.

- (1) The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a site plan was approved. The drawings shall be submitted to the Village Clerk.
- (2) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention and/or detention basins; and location and type of other utility installations, as required. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (3) The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

**Sec. 30-571. Planning Commission Approval of Minor Modifications Through Plot Plan Review.**

The following will represent activities where the Planning Commission shall review a plot plan involving minor modifications:

- (1) An increase in the floor area of a structure by up to two thousand (2000) square feet or ten (10%) percent of the existing floor area, or whichever is less, when there is no increase to required parking area. A full site plan review shall be required if the cumulative total of the proposed expansion and any other expansions within the last five (5) years, as determined by the Zoning Administrator, exceeds this amount.
- (2) An existing building and site are to be re-occupied by a Special Land Use in the subject zoning district and the new use will not require any significant changes in the existing site facilities.

**Sec. 30-573. Property Maintenance After Approval.**

It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, damage-free walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to provide such maintenance, as was originally approved shall be deemed in violation of Sec.30-20 Penalties of this Chapter, as provided for in Code of Ordinances Sec. 1-12. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, regarding maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of Sec.30-20 Penalties of this Chapter, as provided for in Code of Ordinances Sec. 1-12.

**Sec. 30-574. Revocation.**

Approval of a site plan may be revoked by the Planning Commission if construction is not in conformance with the approved site plan. In such case, the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Building Official and Zoning Administrator, applicant and any other

interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke approval from the site plan.

#### **DIVISION 8. VILLAGE WETLAND DETERMINATION**

##### **Sec. 30-575. Filing procedure/Wetland Determination.**

Any person desiring a zoning permit for any activity requiring a Village zoning permit or zoning review shall apply to the Zoning Administrator. The filing procedure for a wetland determination may be completed by and through this process or the MDEQ Wetlands Assessment process described above. Those activities requiring a wetland determination are as follows, but not limited to:

- (1) Constructing a building
- (2) Filing a tentative preliminary plat
- (3) Submitting a site plan
- (4) Planned Unit Development project
- (5) Condominium Subdivision or Site Condominium project
- (6) Special Land Use Application
- (7) Requesting a lot/parcel split

##### **Sec. 30-576. Preliminary Wetland Determination.**

If the Zoning Administrator or the Planning Commission determines, after reviewing available wetland maps, the USDA Soil Survey maps, and other related reference material, that the proposed activity may encroach into a MDEQ regulated wetland, as defined according to Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, then a final wetland determination shall be conducted by the applicant prior to further processing of the zoning permit application.

If the Zoning Administrator or the Planning Commission determines that a site is buildable, and if there is no potential for activity to impact a MDEQ regulated wetland, and also finds all other applicable Village requirements to be in compliance, the Zoning Administrator can issue a zoning permit without submittal of a final wetland determination.

##### **Sec. 30-577. Final Wetland Determination.**

If the Zoning Administrator or the Planning Commission determines the proposed activity may encroach into a MDEQ regulated wetland area, the applicant shall arrange to have a final wetland determination completed by an experienced wetland consultant before the zoning permit can be processed. The study shall be prepared by an experienced consultant in the delineation and composition of wetland assessment. This does not preempt any responsibility of the applicant to also apply to MDEQ for the required wetland permits.

##### **Sec. 30-578. Final Wetland Determination Required Information.**

- (1) The name, address and telephone number of the applicant
- (2) The wetland boundary shall be flagged on-site at intervals of not more than twenty-five (25') feet to permit on-site inspection and verification by Village officials.
- (3) The name, address, telephone number, a curriculum vitae and list of professional experience in the field of wetland assessment of the applicant's agent, firm or individual preparing the wetland determination.

- (4) The owner of the property, if different from the applicant, and the applicant's interest in the subject property.
- (5) A legal description of the property, including the total area, exclusive of public road rights-of-way, accurate to the nearest hundredths of an acre.
- (6) Written and graphic descriptions of the proposed activity.
- (7) An accurate graphic description of the wetlands, complete with all the following:
  - (a) A written summary of how and when the wetland was delineated;
  - (b) Boundary of the wetland and the upland area
  - (c) Whether surface water of present due to natural occurrence or attributed to a seasonal accumulation
  - (d) Major plant species and animal breeding habitat that are present and an estimation of how the wetland functions or relates to its general environment;
  - (e) Known soils
  - (f) The presence of any hills or springs;
  - (g) If there has been recent disturbances (e.g. lack of vegetation, disturbed soils, drainage diversion, etc.)
  - (h) An accurate measurement of the wetland area in acres and square feet, to the nearest hundredth of an acre; and
  - (i) Any proposed remedial or mitigating actions to be completed as part of the activity proposed in the land use request.

##### **Sec. 30-579. Submittal Review Process.**

Upon receipt of the final wetland determination, the Zoning Administrator or the Planning Commission shall review the proposed activity to determine if it encroaches into a regulated wetland.

If the proposed activity is determined to encroach into a MDEQ regulated wetland, the applicant shall be required to produce written evidence of compliance with an approved permit from the Department of Natural Resources (DEQ), as required according to Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

#### **DIVISION 9. VILLAGE FLOODPLAIN REGULATIONS**

##### **Sec. 30-580. Purpose.**

It is the purpose of this Division to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactment, rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register Federal Executive Order No. 11988 and Part 31, Floodplain Regulatory Authority, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

##### **Sec. 30-581. Intent.**

The provisions of this division are intended to:



- (1) Help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts;
- (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause excessive increases in flood heights or velocities;
- (3) Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
- (4) Protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding;
- (5) Permit reasonable economic use of property located within a designated floodplain area.

**Sec. 30-582. Delineation of Floodplain Areas.**

- (1) Designated floodplain areas shall overlay existing zoning districts delineated on the Village of Capac Zoning District Map. The boundary of the floodplain areas that are identified in the report entitled Flood Insurance Rate Maps (FIRM) prepared by FEMA.
- (2) The standard applies to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with riverside flooding, a floodway is designated within the floodplain area.
- (3) Where there are disputes as to the location of the floodplain area boundary, the Village Zoning Board of Appeals shall resolve the dispute in accordance with sections 30-146 through 30-150.

**Sec. 30-583. Application of Regulations.**

In addition to other requirements of this Chapter applicable to development in the underlying zoning district, compliance with the requirements of this division shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this division and other requirements of this Chapter or any other ordinance shall be resolved in favor of this division, except where the conflicting requirement is more stringent and would further the objectives of this division. In such cases the more stringent requirement shall be applied.

Upon application for a zoning permit in accordance with section 30-67, the Zoning Administrator shall determine whether said use is located within a designated floodplain area utilizing the documents cited in section 30-566. The issuance of a zoning permit within the floodplain area shall comply with the following standards:

- (1) The requirements of this division shall be met.
- (2) The requirements of the underlying zoning districts and all other applicable provisions of this Chapter shall be met.
- (3) All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from Michigan Department of Environmental Quality, as provided for in Part 31, Water Resources Protection of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Where a development permit cannot be issued prior to the issuance of a zoning permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

**Sec. 30-584. Floodplain Management Administrative Duties.**

With regard to the National Flood Insurance Program, and the regulation or development within the flood hazard area zone as prescribed in section 30-566, the duties of the Zoning Administrator shall include, but are not limited to:

- (1) Notification to adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any water course, and the submission of such notifications to the Federal Insurance Administration (FIA).
- (2) Verification and recordation of the actual elevation in relation to the mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood-proofed structures, the elevation to which the structure was flood-proofed; and
- (3) Recordation of all certificates of flood-proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- (4) All records and maps pertaining to the National Flood Insurance program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- (5) It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this division in the absence of data from FEMA.

**Sec. 30-585. Floodplain Standards and Requirements.**

The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:

- (1) All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and mobile homes, shall:
  - (a) Be designed and anchored to prevent flotation, collapse, or lateral movement of structure;
  - (b) Be constructed with materials and utility equipment resistant to flood damage;
  - (c) Be constructed by methods and practices that minimize flood damage.
- (2) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
- (3) All new and replacement sanitary sewer systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- (4) All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- (5) Adequate drainage shall be provided to reduce exposure to flood hazards.

- (6) The Village Engineer or his representation shall review development proposals to determine compliance with the standards in this division, and shall transmit the determination to the Zoning Administrator.
- (7) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of the Article.
- (8) The flood carrying capacity of any altered or relocated water-course not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- (9) Available flood hazard data from state, federal or other sources shall be reasonably utilized in meeting the standards of this division. Data furnished by FEMA shall take precedence over data from other sources.

#### **Sec. 30-586. Standards Applied Floodplain Areas.**

The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated at least one (1') foot above the base flood level.
- (2) All new construction and substantial improvements of nonresidential structures shall have either:
  - (a) The lowest floor, including basement, elevated at least one (1') foot above the base flood level.
  - (b) Be constructed such that below base flood level; together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impervious to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied; and that the flood-proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure.

#### **DIVISION 10. MOBILE HOME STANDARDS**

##### **Sec. 30-587. Mobile Home General Standards.**

The general standards and requirements that apply to mobile homes located within floodplain areas are located in the Code that specifically addresses mobile home development standards.

**Exception for Manufactured Housing Development:** The Planning Commission shall take action on a site plan (preliminary) for a manufactured housing development within sixty (60) days or the preliminary plan is automatically approved. The Michigan Department of Consumer and Industry has the authority to approve a final site plan and issue construction permits; a Village building permit is not required.

Mobile home park district regulations and standards shall be applied as prescribed in Sec. 30-351.

