

**AMENDMENT TO ZONING ORDINANCE,
BEING ORDINANCE NO. 479, AS AMENDED
CITY OF MACKINAC ISLAND**

Ord. No. _____, Eff. _____

An ordinance to amend Article 20 of Ordinance No. 278, as amended, (Appendix A – Zoning of the City of Mackinac Island Code) to ensure the proper review of Site Plans by the planning commission.

THE CITY OF MACKINAC ISLAND ORDAINS:

Section 1. Article 20 of said Zoning Ordinance (Ordinance No. 479, as amended) is repealed and replaced with the following:

Section 20.01 - Purpose.

The purpose of this article is to provide for coordination and cooperation between the landowner and the planning commission in order that the owner may accomplish his objectives in the utilization of this land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future uses in the immediate area and vicinity.

This article shall also apply to any construction and/or modifications of any structures, docks, marinas, or uses on land or in water within the "M" Marine District and "L" Lake District.

Section 20.02 - Scope.

Except as set forth below, the zoning administrator shall not issue a zoning permit for construction of structures or uses until a site plan, submitted in accordance with the city zoning ordinance, shall have been reviewed and approved by the planning commission and city council in the case of planned unit development; and the planning commission only for all other area, on land or in water, used for which a site plan is required by this ordinance. "Construction" for the purpose of this article shall be defined as: the construction, erection, reconstruction, alteration, conversion, demolition, deconstruction, repair, moving, or equipping of buildings or structures.

The following buildings, structures, or uses shall be exempt from the site plan review procedure:

A. Interior, accessory and subordinate buildings requiring no new additional means of access thereto from adjoining public streets and complying with all zoning ordinance requirements.

B. Buildings or structures otherwise specifically exempted from site plan review in other sections of this zoning ordinance.

(Ord. No. 539, § 1, 2, 7-20-2016)

Section 20.03 - Optional preliminary plan review.

An applicant may, at his or her discretion, submit preliminary sketches of proposed site and development plans to the planning commission for review prior to final approval. Additionally, the zoning administrator shall have the authority to require the submittal of preliminary sketches of proposed site and development plans to the planning commission for review prior to final approval where, in his or her opinion, the complexity and/or scale of the site or the proposed development so warrants. The purpose of such procedure is to allow discussion between the applicant and the planning commission to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

Applications for preliminary plan review shall be made by filing with the zoning administrator. Preliminary plans shall include as a minimum the following:

- A. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
- B. A legal description of the property.
- C. Sketch drawings showing tentative site plans, property boundaries, placement of structures on the site, and nature of development.

Section 20.04 - Applicable procedure.

Requests for final site plan review shall be made by filing with the zoning administrator the following:

- A. The application shall be accompanied with a fee to cover the cost of processing the review.
- B. Copies of the completed application form for site plan review, in a number as determined by the City, which shall contain, as a minimum, the following:
 - 1. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
 - 2. The legal description of the subject parcel of land.
 - 3. The area of the subject parcel of land.
 - 4. The present zoning classification of the subject parcel.
 - 5. A general description of the proposed development.
 - 6. Condominium subdivision project site plans shall also include the name and address of the planner, design engineer or surveyor who designed the project layout and any interest he holds in the land.
- C. Copies of the proposed site plan, in a number as determined by the City, which shall include, as a minimum, the following:

1. The plan shall be drawn to [a] scale of not greater than one inch equals 20 feet for a development of not more than three acres and a scale of not less than one inch equals 100 feet for a development in excess of three acres with north point and scale shown on the plan drawing.
2. The plan shall show an appropriate descriptive legend. North arrow, scale, date of preparation and the name and address of the individual or firm preparing the same.
3. The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property.
4. The topography of the site with at least two- to five-foot contour intervals and all natural features such as wood lots, streams, wetlands, unstable soils, bluff lines, rock outcroppings, and similar features shall be shown.
5. Existing manmade features upon the site and within 100 feet of the same shall be identified.
6. The location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple family residential development shall also include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each such units.
7. All proposed and existing streets, driveways, sidewalks and other bicycle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size and number of on-site parking areas, service lanes thereto, and parking and delivery or loading areas.
8. The location, use and size of open spaces together with landscaping, screening, fences, walls and proposed alterations of topography or other natural features shall be indicated.
9. The proposed operations on the site shall be described, in writing, in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will be described, together with any special features which will assist in satisfying such demands.
10. Any earth-change plans required by state law shall also be submitted with the application.

11. On site lighting, surface water drainage for the site, proposed sanitary sewage disposal, water supply, solid waste storage and disposal, other utility services (i.e., propane tanks, electrical service, transformers), and utility easements shall be included in the plans.
12. A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention features.
13. Any feature of the proposed development that would directly or indirectly impact a public right-of-way, public utility, or adjoining property.
14. A freight hauling plan shall be shown to demonstrate how the materials, equipment, construction debris, and any trash will be transported to and from the property, what, if any motor vehicles may be needed for the project. (Applicant is responsible for ensuring frost laws do not delay necessary actions of this plan).
15. A construction staging plan shall be shown to demonstrate where and how materials, equipment, construction debris, trash, dumpsters and motor vehicles will be stored and secured during construction. This plan shall ensure the site is kept clean, show how construction debris and trash will be controlled, and how safety issues will be secured including any necessary fencing or barriers that will be needed.
16. Proposed construction start date and estimated duration of construction.
17. Such other information as may be determined to be necessary by the planning commission because of any peculiar features of the proposed development.

D. Additional information required specific to applications for demolition or raising of a building:

1. Site plan of property where demolition is going to take place. This plan shall include structure(s) being demolished, location of utilities, septic tanks, an itemized statement of valuation of demolition and restoration work to be performed, or other such items as may be required by the building official.
2. Copy of asbestos survey if required by EGLE or other state department.
3. Results of a pest inspection and, if necessary, a pest management plan.

4. Plans for restoring street frontage improvements (curb closure, sidewalk replacement, street patch, or other items as required by the building official). These items will not be required if building permits for redevelopment have been applied for or if redevelopment is planned within six months. In such case, the cash bond will be held until building permits for redevelopment are issued or improvements are complete. Completion shall not be deferred more than six months. Temporary erosion control and public protection shall be maintained during this time.
5. A written work schedule for the demolition project. Included in this may be, but are not limited to, street closures, building moving dates, right-of-way work, or other items as required by the building official.
6. Acknowledgment that if any unknown historic or archeological remains discovered while accomplishing the activity authorized by a permit granted by the City, all work must immediately stop and notification of what was discovered must be made by the applicant to the City as well as any other required offices. The City will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

Section 20.05 - Action on application and plans.

A. The zoning administrator or Planning Commission secretary shall record the date of the receipt of the application and plans, and transmit copies thereof to the planning commission, and place the request on the next available planning commission agenda.

B. The planning commission shall have the authority to approve, disapprove, modify, or alter the proposed plans in accordance with the purpose of the site plan review provisions of the city zoning ordinance and the criteria contained thereon. Any required modification or alteration shall be stated in writing, together with the reasons for such modification, and delivered to the applicant. The planning commission may either approve the plans contingent upon the required alterations or may require a further review after the same have been included in the revised site plan by the applicant. The decision of the planning commission shall be made within 100 days of the date of its first review of the plans by the planning commission.

C. Copies of the approved final site plan, in a number as determined by the City, including required modifications or alterations shall be maintained as part of the city records for future review and enforcement.

Section 20.06 - Criteria for review.

In reviewing the application and site plan and approving, disapproving or modifying same, the planning commission shall be governed by the following standards:

A. That all requirements pertaining to the district in which development is proposed are adequately met.

B. That there is a compatible relationship between the existing streets within the vicinity further defined as: adequate service drives, entrance and exit driveways and parking areas to ensure the safety and convenience of pedestrian, bicycle and horse traffic.

C. That the buildings and structures to be located upon the premises are so situated to minimize adverse effects upon owners and occupants of adjacent properties, in relationship to lighting, loading activities, noise producing activities, erosion and flooding, and site access.

D. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the character of the area.

E. That the adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways.

F. That the lot layout and individual building design is harmonious with the historic and natural character of the island to insure an optimal relationship between the proposed development and existing contiguous land uses.

G. That the proposed development will be adequately served by essential public facilities and services, such as streets, police and fire protection, water, sewer (if appropriate), stormwater management, and refuse disposal.

H. That all provisions of the city zoning ordinance are complied with unless appropriate variance therefrom has been granted by the board of zoning appeals.

I. That all structures and objects associated with utilities including but not limited to electrical transformers, telephone boxes and wires be underground, covered or addressed as to minimize the visual or adverse effects on the surrounding areas.

J. That the proposed development will not encroach upon or interfere with a public right of way, public utility or adjoining property.

K. That all freight being transported to and from the project is being done in a manner that is considered the least invasive.

L. That all materials, equipment, dumpsters, and any motor vehicles needed for the project will be staged and stored in a manner that will minimize the visual or adverse effects on the surrounding areas.

M. That all dumpsters are removed from the property prior to the frost law restrictions are imposed.

N. That the start date and timeline for the proposed construction is least invasive to the summer season.

O. That the site plan is in compliance with all applicable local, state and federal laws.

P. Additional criteria for review specific to demolition or raising of a building:

1. That the proposed plans properly and safely disconnect, remove and dispose of all utilities, septic tanks, propane tanks and other items connected to the building or land.
2. That the proposed plans will adequately restore street frontage improvements including but not limited to: curb closure, sidewalk replacement, street patch.
3. That the proposed plans properly and safely handle and dispose of all materials including hazardous materials.
4. In the event that a redevelopment plan has been applied for and is planned, that the proposed plans will adequately protect the public and erosion control for the interim period.
5. That the proposed plan properly accounts for the need and procedure that will be followed if a pest or insect management plan is necessary.
6. That the adverse effects of the proposed demolition and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, timing of work, and cleanup process.
7. That notice of the address, dates and times of the demolition and cleanup process shall be posted in a conspicuous manner on the front of the property to be demolished for no less than seven (7) consecutive days. The notice sign shall be provided by the City's Building Department. Working hours for demolition and cleanup shall be limited to 8am-5pm.

Section 20.07 - Conformity to approved site plan.

Any property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the planning commission. The site plan, as approved, shall become a part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan.

Section 20.08 - Violation of site plan approval.

Sites not developed in conformance with an approved site plan are in violation of this ordinance.

Section 20.09 - Commencing construction.

Approval of the site plan shall be valid for a period of one year. If a building permit has not been obtained and on-site development activity actually commenced within one year, the site plan approval shall be null and void. The planning commission, upon application by the owner, may grant an extension thereof for good cause for a period not to exceed one year.

Section 20.10 - Amendment to site plan.

The zoning administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The zoning administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing is submitted showing such minor changes, for purposes of record.

Section 20.11 - Performance bond.

The city council, upon recommendation of the planning commission, shall have the right and authority to require the developer to file with the city clerk following approval of the site plan and at the time of the application for a building permit, a performance bond or bank letter of credit in such amounts as may be determined by the said commission to insure installation of improvements in accordance with the approved site plan, including but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. Such bond, if required shall continue for the duration of the construction and development of the site and any cash deposits shall be rebated in a reasonable proportion to the ratio of work completed on the required improvements

Section 2. Effective Date. This ordinance shall become effective _____.

Margaret M. Doud, Mayor

Danielle M. Leach, Clerk

Adopted: _____

Effective: _____