

**ORDINANCE #0257
CITY OF GALESBURG
KALAMAZOO COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND CHAPTER 82 OF THE GALESBURG CITY CODE OF ORDINANCES; TO MODIFY PROVISIONS PERTAINING TO SITE PLAN REVIEW; TO REPEAL THAT PORTION OF THE ZONING ORDINANCE OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF GALESBURG ORDAINS:

ARTICLE I

Chapter 82, Article VIII, Site Plan Review, Section 82-173, Developments Requiring Site Plan Review, is hereby amended and shall now read:

Sec. 82-173. Developments requiring site plan review.

Subject to Section 82-180, the City Building Official shall not issue a building permit for the construction of the following buildings, structures or uses until a site plan has been reviewed and approved by the Planning Commission:

- (1) All multiple-family dwellings.
- (2) Mobile home parks.
- (3) Planned unit developments.
- (4) Office, commercial and industrial buildings.

ARTICLE II

Chapter 82, Article VIII, Site Plan Review, Section 82-174, Application Procedure, is hereby amended and shall now read:

Sec. 82-174. Application procedure for new development.

A request for site plan review of new development shall be made by filing with the City Clerk the following:

- (1) *Fee.* A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan.
- (2) *Application.* Three copies of the application for site plan review shall be filled out completely and returned to the Clerk's office.

- (3) *Site plan*. Three prints of the site plan shall be submitted to the Clerk's office. Each print shall contain the following data:
- a. It shall be of a scale not greater than one inch equals 20 feet nor smaller than one inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the plan.
 - b. It shall show an appropriate descriptive legend, North arrow, scale, etc.
 - c. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
 - d. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
 - e. It shall show the topography (at least two-foot contour intervals), natural features such as wood lots, streams, rivers, lakes, drains and similar features.
 - f. It shall show existing man-made features on and within 100 feet of the site, such as buildings, structures, high tension towers, pipe lines, existing utilities, such as water and sewer line, etc., excavations, bridges, culverts, drains and easement and shall identify the existing uses and zoning of adjacent properties.
 - g. It shall show the location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, their relation to one another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple-family residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
 - h. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, and service parking and loading and unloading areas.
 - i. It shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.

- j. Any other information deemed necessary by the Planning Commission.

ARTICLE III

Chapter 82, Article VIII, Site Plan Review, Section 82-175, Action on Site Plan, is hereby amended and shall now read:

Sec. 82-175. Action on site plan for new development.

- (1) The City Clerk shall transmit the completed application to the Chairman of the Planning Commission who shall place it on the agenda of the Commission.
- (2) The Planning Commission shall notify the applicant in writing, either by personal service or by mailing at least five days before the date of the proposed hearing of the date, time and place that his application will be reviewed. Such notice shall state that the applicant may appear in person and/or by his attorney at said hearing. The applicant shall be given the opportunity to be heard in person or by his attorney or both.
- (3) The Planning Commission shall hold a hearing or hearings on the application for site plan.
- (4) Following the hearing, the Planning Commission shall, within 60 days, approve or disapprove the site plan and so notify the applicant of its decision.
- (5) Action on site plan for new development. The Planning Commission shall render its approval or disapproval in writing and so notify the applicant and the building inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid, to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the Building Inspector shall be addressed to the City Hall.

ARTICLE IV

Chapter 82, Article VIII, Site Plan Review, Section 82-176, Application Procedure for Existing Structures, is hereby added, superseding the former Section 82-176, and shall now read:

Sec. 82-176. Application procedure for existing structures.

A request for site plan review of existing structures shall be made by filing with the City Clerk the following:

- (1) *Application.* Three copies of the application for site plan review for existing structures shall be filled out completely and returned to the Clerk's office, including:

- (2) *Fee.* A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan for existing structures.
- (3) *A statement* of the intended use or nature of your proposed business use of existing structure.
- (4) *Site Plan.* Three copies of a floor plan or footprint showing all existing structures on the property shall be submitted to the Clerk's office. Each floor plan or footprint shall contain the following data:
 - a. It shall be of a scale not greater than one inch equals twenty (20) feet or smaller than one inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the plan.
 - b. It shall show an appropriate descriptive legend, North arrow, scale, etc.
 - c. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
 - d. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
 - e. It shall show existing man-made features on, and within 100 feet of, the site such as buildings and structures and shall identify the existing uses and zoning of adjacent properties.
 - f. It shall show streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site, as well as proposed occupancy load.
 - g. It shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
 - h. Any other information deemed necessary by the Planning Commission.

ARTICLE V

Chapter 82, Article VIII, Site Plan Review, Section 82-177, Action on Site Plan for Existing Structures, is hereby added, superseding the former Section 82-177, and shall now read:

Sec. 82-177. Action on site plan for existing structures.

The disposition of all site plans shall be the responsibility of the Planning Commission. The

review procedure established by the City is as follows:

1. The City Clerk shall transmit the completed application to the Chairman of the Planning Commission. In the event that the application has been submitted with all information completely and clearly stated, the application may be granted administrative approval, with no formal Planning Commission review required. If necessary, review by the Planning Commission will include a hearing or hearings on the application.
2. The Planning Commission shall notify the applicant in writing either by personal service or by mailing at least five days before the date of the proposed hearing of the date, time and place that his application will be reviewed. Such notice shall state that the applicant may appear in person and/or by his attorney at said hearing. The applicant shall be given the opportunity to be heard in person or by his attorney, or both.
3. Following the hearing, if formal review by the Planning Commission is deemed necessary, the Planning Commission shall, within 60 days, approve or disapprove the site plan and so notify the applicant of its decision.
4. Action on site plan. The Planning Commission shall render its approval or disapproval in writing and so notify the applicant and the Building Inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid, to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the Building Inspector shall be addressed to the City Hall.

ARTICLE VI

Chapter 82, Article VIII, Site Plan Review, the former Section 82-176, Criteria of Site Plan Review, is hereby renumbered to Section 82-178.

ARTICLE VII

Chapter 82, Article VIII, Site Plan Review, the former Section 82-177, Conformity to Approved Site Plan, is hereby renumbered to Section 82-179.

ARTICLE VIII

Chapter 82, Article VIII, Site Plan Review, the former Section 82-178, Request for Changes in Site Plan, is hereby renumbered to Section 82-180.

ARTICLE IX

Chapter 82, Article VIII, Site Plan Review, the former Section 82-179, Certificate of Compliance, is hereby renumbered to Section 82-181.

ARTICLE X

Chapter 82, Article VIII, Site Plan Review, the former Section 82-180, Bond, is hereby renumbered to Section 82-182.

ARTICLE XI

Chapter 82, Article VIII, Site Plan Review, the former Section 82-181, Deposit for Costs, is hereby renumbered to Section 82-183.

ARTICLE XII

Chapter 82, Article VIII, Site Plan Review, the former Section 82-182, Maintenance of Landscaping, is hereby renumbered to Section 82-184.

ARTICLE XIII

Chapter 82, Article VIII, Site Plan Review, the former Section 82-183 – 82-197, Reserved, is hereby renumbered to Section 82-185 – 82-197.

ARTICLE XIV

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE XV

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE XVI

This Ordinance shall take force and effect on November 30, 2009.

Motion by Councilmember Garrett, and supported by Councilmember Kissinger that the ordinance when read in summary by the City Clerk be considered as being read in its entirety.

Motion approved unanimously

Motion by Councilmember Garrett, and supported by Councilmember Kissinger that the Ordinance as read be now passed.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling,
Allen

NAYS: None

CERTIFICATE

I, Debbie Miner, City Clerk for the City of Galesburg, do hereby certify that the foregoing Galesburg Ordinance No. 0257 was adopted by the City Council at a regular meeting held on November 2, 2009, and that the following is a record of the vote of the members of said City Council on said Ordinance.

AYES: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling,
Allen.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Debbie Miner, City Clerk