

**BARTON HILLS VILLAGE  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 18**

*[AN ORDINANCE TO REPEAL AND ADD SECTIONS TO ORDINANCE NO. 8, AS AMENDED; TO PROVIDE FOR SPECIAL LAND USES IN THE VILLAGE; TO CHANGE CERTAIN PERMITTED USES SPECIFIED IN THE R-1 DISTRICT AND R-C DISTRICT TO SPECIAL LAND USES IN THE R-1 DISTRICT AND R-C DISTRICT; TO PROVIDE FOR AND REGULATE SITE PLAN REVIEW]*

BARTON HILLS VILLAGE ORDAINS:

SECTION 1. Sections 5.01 to 5.03 of Ordinance No. 8, as amended, are modified as follows:

In Subsection 5.01 a (3) delete "private recreational clubs and playgrounds".

Add a new Section 5.02 as follows:

Section 5.02. Special Land Uses

- (a) Private recreational club (s);
- (b) Playgrounds.

Renumber former Section 5.02, Building Height, Area, and Yard Requirements, to Section 5.03.

SECTION 2. Sections 6.02 to 6.05 of Ordinance No. 8, as amended, are modified as follows:

Delete from Section 6.02 subsection (b) and renumber the remaining Subsections (c) through (e) to (b) through (d) accordingly.

Add a new Section 6.03 as follows:

Section 6.03. Special Land Uses

- (a) Golf course, but not including golf driving range operated separately from a golf course;
- (b) Country club;
- (c) Swimming pool;
- (d) Playground (s);
- (e) Tennis court (s).

Renumber former Section 6.03, Required Conditions, to 6.04, and renumber Section 6.04, Area and Bulk Requirements, to Section 6.05.

SECTION 3. Sections 7.01 and 7.02 of Ordinance No 8, as amended, are modified as follows:

In Section 7.01 delete from subsection (d) "private recreational clubs and playgrounds".

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Add a new Section 7.02 as follows:

7.02. Special Land Uses

- (a) Private recreational club (s);
- (b) Playground (s);
- (c) Swimming pool (s);
- (d) Tennis court (s).

SECTION 4. Section 4.08 is added to Ordinance No. 8, as amended, as follows:

Section 4.08 Site Plan Review

- a. Authority. The Barton Hills Village Council shall have the authority to review and approve or deny site plans.
- b. Developments Requiring Site Plan Approval. The following buildings, structures, and uses shall require site plan approval.
  - 1. A building containing two or more dwelling units.
  - 2. Any principal non-residential building or structure or addition thereto.
  - 3. Special land uses.
  - 4. Any condominium development.
- c. Certificates and Permits. The Zoning and Planning Administrator, hereinafter identified as the Administrator, shall not issue a zoning compliance certificate and the Building Inspector shall not issue a building permit for any construction for which site plan approval is required until a site plan therefor has been approved and is in effect. The Building Inspector shall not issue a certificate of occupancy for any building or structure for which site plan approval was required until the Administrator has certified that the building and site improvements have been completed in accordance with the site plan approved by the Village Council, or that financing guarantees therefor have been provided in accordance with Section 4.08 O, herein.
- d. Commencement of Construction. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development for which site plan review is required until a site plan is approved and is in effect.
- e. Application. An application for site plan review shall be filed with the Village Clerk.
- f. Information Required. A site plan application shall provide the following information:

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1. Legal description: lot line dimensions and bearings; tax parcel number; address; location of nearest section corner or quarter corner.
2. Location map.
3. Zoning information:
  - a. Zoning district of site and all adjacent property.
  - b. Land use of site and adjacent property.
  - c. Proposed use of site.
  - d. Lot area, excluding road right-of-way.
  - e. Ground floor and total floor area, existing and to be constructed.
  - f. Number and types of dwelling units and density for residential projects.
  - g. Building height, in feet and number of floors.
  - h. Required yards, delineated on the site plan.
  - i. Number of parking spaces required, with supporting calculations; dimensions of spaces and parking lot aisles.
  - j. Existing and proposed deed restrictions.
4. Location and overall dimensions of existing structures and drives.
5. Surface type and width of streets adjacent to the site; surface elevations of existing streets at the intersection of each proposed driveway or street.
6. USGS based bench mark on the site.
7. Existing utilities serving the site -location, size, inverts, fire hydrants, gatewells, manholes, and catch basins; location and elevations of ditches, culverts, and bridges adjacent to the site; location of utility poles and lines; location and size of natural gas lines and appurtenances.
8. Existing topography and proposed grading at no less than 2 foot contour intervals; off-site elevations within 100 feet of each property line not bordered by a street, to assist in determining proper grading and drainage.
9. Proposed buildings and structures - location; dimensions; distance between; finished floor elevations; elevations at building corners.
10. Location and type of natural features on or adjacent to the site, such as woods, streams, wetlands, fence rows, individual trees 8" or larger caliper where not located in a woods; 100 year flood hazard area; natural features to remain or to be removed.

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11. Existing buildings, structures, and other improvements to remain or to be removed.
12. Proposed streets and drives - names; right-of-way or easement width; surface type and width, including typical cross sections; surface elevations; location and type of curbs, where proposed; length and width of turning lanes; curve radii; high points of driveways.
13. Proposed parking areas - number and dimensions of spaces; location of each space; type of surface, including typical cross sections; aisle width; angle of spaces; location of wheel stops, where applicable.
14. Proposed loading /unloading areas - location; dimensions; surface type, including typical cross sections.
15. Proposed sidewalks and pedestrian paths -location; width; surface type, including typical cross sections.
16. Propose fences or screens - location; height; type, typical details, including elevations and sections.
17. Proposed outdoor trash storage - location, dimensions, and typical details of the enclosure. If no outdoor trash storage is intended, the plan should so state.
18. Proposed central mailboxes, if applicable.
19. Proposed signs - location, dimensions, area, height, illumination, copy.
20. Proposed traffic control signs - location, type.
21. Landscape plan - areas of grass or other ground cover; location, type, and size of trees and shrubs.
22. Proposed retaining walls - location; dimensions; materials of walls and fill; typical vertical sections.
23. Proposed outside lighting - location; type; height; intensity; direction; typical details.
24. Proposed water systems - location, size, and material type of line; location of fire hydrants and valves; profiles.
25. Proposed septic system - location and size of septic tank and drainfield.
26. Proposed storm drainage system - location, dimensions, and calculations of stormwater retention areas; location, size, calculations, and material type of storm sewers; location and centerline elevations of swales and ditches; inverts; location of manholes and catch basins; direction of flow; drainage patterns; profiles of sewers, retention areas, culverts, swales, and ditches.
27. Proposed electrical, telephone and gas services; location of new utility poles; location of underground lines and surface equipment; location and size of natural gas lines and appurtenances.

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28. Soil erosion control plan.
  29. Evidence of approval by the following, if required: Michigan Department of Natural Resources; Washtenaw County Road Commission; Washtenaw County Drain Commissioner; Washtenaw County Department of Environmental Services.
- g. Standards for Review. The Village Council shall determine if a site plan meets the following standards.
1. All required information has been provided.
  2. All applicable regulations of the zoning ordinance have been met.
  3. Vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient, and not disruptive to Village residents.
  4. The proposed development will be harmonious with and not harmful, injurious, or objectionable to existing and future uses in the area.
  5. Natural features will be protected and preserved to the maximum feasible extent.
  6. The proposed development will be adequately coordinated with improvements serving the site and with other developments in the general vicinity.
  7. Organic, wet, or other soils that are not suitable for development will be undisturbed or will be modified in an acceptable manner.
  8. Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for access, public utility service, drainage, or erosion control.
  9. The plan meets the Village's standards for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
  10. The proposed development will not cause soil erosion or sedimentation problems.
  11. The drainage plan is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overload water courses.
  12. Outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.
  13. Outdoor storage of garbage and refuse will be contained, screened from view, and located so as not to be a nuisance to the site or neighboring properties.
  14. Grading or filling will not destroy the character of the site or the surrounding area and will not adversely affect the neighboring properties and drainage patterns.

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15. The plan meets the standards of other government agencies, where applicable, and that approval of these agencies has been obtained.
16. The plan provides for the proper extension of existing streets, where applicable.
- h. Council Action. The Village Council shall approve or deny the site plan within 90 days of the filing date. The time limit may be extended by agreement between the applicant and Council. The Council may require changes in the plan to gain approval and may attach reasonable conditions to its approval. If the final site plan is denied, the Council shall notify the applicant in writing of such action and reasons therefor within 10 days following the action.
- i. Effect of Approval. Approval authorizes issuance of a zoning compliance certificate and issuance of a building permit provided all other requirements for the permit have been met.
- j. Expiration of Approval. Approval shall expire and be of no effect 180 days following the date of approval of the site plan unless a building permit has been issued therefor, and 545 days following the date of approval unless construction has begun on the site and is diligently pursued to completion in conformance with the approved site plan.
- k. Amendment of Approved Site Plan. A site plan may be amended by application in accordance with the original procedure.
- l. Modification of Plan During Construction. All site improvements shall conform to the approved site plan. Any changes made by the applicant during construction shall be made at the applicant's risk without assurance that the Council will approve the changes. The applicant shall be responsible for notifying the Administrator of any such changes. The Council may require the applicant to correct the changes so as to conform to the approved site plan.
- m. Phasing of Development. The applicant may divide a proposed development into two or more phases. In such case the initial site plan submitted shall include a plan for the entire property, and shall show phases of development.
- n. Inspection.
  1. The Administrator shall inspect or cause to be inspected all improvements for conformance with the approved site plan. All sub-grade improvements shall be inspected for compliance with the approved site plan before covering. The applicant shall be responsible for requesting the necessary inspections.
  2. The Administrator shall notify the Village Council in writing when a development for which a site plan was approved has or has not passed inspection with respect to the approved site plan. The Administrator shall advise the Council of steps taken to achieve compliance and shall periodically notify the Council of progress toward compliance with the approved site plan.
- o. Performance Guarantees.
  1. Performance bonds, irrevocable bank letters of credit, cash deposits, or other

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acceptable forms of security shall be filed with the Village Clerk. The guarantee shall be provided after a site plan is approved but prior to issuance of a certificate of occupancy. The guarantee shall cover site improvements as shown on the approved site plan that will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets, drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting, utilities, and traffic control signs and pavement markings.

2. The applicant shall provide a cost estimate of improvements to be covered by the guarantee. The amount shall be sufficient to cover all expenses of completing the site improvements, including administrative and contingency expenses. The form of the guarantee shall be approved by the Village Attorney.
3. If the applicant fails to provide any site improvement according to the approved site plan within the time period specified in the guarantee, the Village Council may have the improvements completed. The Council may defray the costs thereof from the deposited security or may require performance by the bonding company.
4. The guarantee shall be promptly released upon inspection and approval of site improvements in compliance with the approved site plan.
5. If a cash deposit or irrevocable bank letter of credit is used, rebate to the applicant shall be made in reasonable proportion of the work completed to the entire project. All required inspections of improvements for which the deposit is to be rebated shall have been completed before funds are rebated.
6. The Administrator may refuse to sign a certificate of occupancy until compliance with the approved site plan is achieved, or until adequate security is deposited as required herein.
  - p. Fees. Fees for review of site plans and inspections as required in this section shall be established and may be amended by resolution of the Village Council.
  - q. Violations. The approved site plan shall become part of the record of approval and subsequent action relating to the site shall be consistent with the approved site plan unless the Village Council approves changes as provided herein.

SECTION 5. Section 4.09 is added to Ordinance No. 8, as amended, as follows:

Section 4.09. Special Land Uses.

- a. General. This ordinance is based on the division of the Village into districts in each of which certain uses are permitted by right. In addition there are certain other uses that are appropriate and compatible with the uses permitted by right, but not at every or any location therein, without conditions being imposed to secure compatibility with neighboring properties. These uses are

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identified as special land uses.

This ordinance therefore requires approval of uses listed in the several zoning districts as special land uses and specifies in this section the procedures and standards to be followed in approving permits for such uses. If compliance with the procedures and standards for a special land use is found, the right to a special land use permit shall exist, subject to conditions that may be imposed. No special land use shall commence until a special land use permit is issued in accordance with this ordinance.

- b. Authority to Grant Permits. The Village Council shall have the authority to approve special land use permits.
- c. Application. An application for a special land use permit shall be filed with the Village Clerk.
- d. Fee. The fee for the special land use permits shall be set by resolution of the Village Council.
- e. Information Required. An application for a special land use permit shall contain the following information.
  - 1. The applicant's name, address, and phone number.
  - 2. Names and addresses of all record and known owners and proof of ownership.
  - 3. The applicant's interest in the property. If the applicant is not the fee simple owner, the owner's signed authorization for the application.
  - 4. Legal description, address, and tax parcel number of the property.
  - 5. A detailed description of the proposed use.
  - 6. A site plan meeting the requirements of section 4.08, herein.
- f. Public Hearing.
  - 1. Date. Upon receipt of the application, the Clerk shall set a date for a public hearing thereon.
  - 2. Notification. The Clerk shall provide notification as required by the City or Village Zoning Act (Act 207, Public Acts of 1921, as amended).
- g. Village council Action. The Council shall review the application in terms of the comments made at the public hearing and in relation to the standards in this section. The Board shall approve, approve with conditions, or deny the special use permit within 90 days of the application date. This period may be extended by agreement between the applicant and Council. The Council's decision, the basis for the decision, findings of standards, and all conditions imposed shall be made a part of the record of the meeting at which action was taken.
- h. Standards. The Village Council shall review the application in terms of the following standards and shall make findings thereon.

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1. Will be harmonious and in accordance with the objectives and regulations of this ordinance.
  2. Will be compatible with the natural environment and existing and future land uses in the vicinity.
  3. The proposed use will be adequately served by public facilities and services.
  4. The proposed use will not be detrimental, disturbing, or hazardous to existing or future neighboring uses, persons, property, or the general welfare.
  5. The proposed use will not create additional requirements at public costs for facilities or services that will be detrimental to the economic welfare of the community.
- i. Conditions of Approval. In approving a special land use the Village Council may impose conditions it deems necessary to achieve the purposes and standards of this ordinance. Failure to comply with any such conditions shall be a violation of this ordinance. An approved special land use permit, including all conditions, shall run with the land and shall be binding upon all successors in the property. The conditions shall remain unchanged except upon mutual consent of the Village Council and landowner. Any such changes shall be entered into the minutes of the Council meeting at which the action is taken. A public hearing shall be held on any proposed change, as required for an original application.
- j. Continuation and Expansion.
1. Continuation. Any use lawfully existing on the date of adoption or amendment of this ordinance and that is permitted as a special land use under this ordinance or amendment shall be deemed a conforming use, and may continue without approvals required in this section.
  2. Expansion. Expansion of a special land use shall require a special land use permit.
- k. Re-Application. An application for a special land use permit that has been denied in whole or in part by the Village Council shall not be resubmitted for a period of 60 days from the date of denial, except on grounds of new evidence of changed conditions determined by the Council to be valid.
1. Revocation of Permit. The Village Council may, after hearing and cause shown, revoke a special land use permit in case of false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this ordinance, or in case of lack of compliance with the approved site plan or any conditions of approval of the permit.
- m. Appeals to Board of Zoning Appeals. A decision on a special land use permit shall not be appealed to the Board of Zoning Appeals.

**SECTION 6.** Separability; Repeal.

- a. Separability. Should any section, clause or provisions of this Ordinance be declared by the Court to

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be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

- b. Repeal. Any ordinance, section, subsection or provision thereof which is inconsistent with this Ordinance is to the extent of such inconsistency hereby repealed.

SECTION 7. Publication; Effective Date.

Within fifteen (15) days after adoption, this Ordinance shall be published once in a newspaper having general circulation in the Village. This Ordinance shall take effect one (1) day after the date of publication. A copy of this Ordinance may be purchased or inspected by contacting the Clerk of the Village during regular business hours.

Adopted: October 17, 1994  
Published: October 31, 1994  
Effective: November 1, 1994

Doris E. Foss, Clerk  
Herbert Sloan, President