

## **ARTICLE XIII SITE PLAN REVIEW**

### **Section 13.1 Intent and Purpose**

Act 110 of 2006, as amended, the Michigan Zoning Enabling Act, authorizes local government to require the submission and approval of a site plan before authorization of a land use or activity regulated by the Zoning Ordinance.

It is the intent and purpose of this section to provide for consultation and cooperation between the land owner, developer and/or applicant for a site plan review for certain uses as outlined elsewhere in this ordinance and the Planning Commission. As used in this ordinance, "site plan" includes the documents and drawings required by this ordinance to insure that a proposed land use or activity is in compliance with this ordinance and other local, state and federal requirements or statutes.

### **Section 13.2 Minor and Major Site Plan**

#### **A. Minor Site Plan**

A minor site plan is required for all uses listed in the zoning districts for which a site plan approval is required. The site plan requirements listed below under section 13.4.A, Optional Sketch Plan Review are the minimum requirements for a minor site plan review. The applicant is encouraged to provide any additional information that will assist the Planning Commission in evaluating the proposed use.

#### **B. Major Site Plan**

A formal site plan as specified in Section 13.4.B below is required for a use for which a special use permit is required.

### **Section 13.3 Review and Approval**

Special land uses and activities eligible in a respective zoning district may be permitted only after a site plan review and approval of the Planning Commission. A site plan shall be approved if it contains the information required by this Ordinance and is in compliance with the conditions imposed under this Ordinance, other applicable ordinances, and state and federal statutes.

### **Section 13.4 Procedures**

Each application for a site plan review shall include the following:

#### **A. Optional Sketch Plan Review**

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to submitting a formal application. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of the

proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include, as a minimum, the following:

1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
2. Legal description, property parcel number and street address of the subject parcel of land.
3. Sketch plans showing tentative site and development plans. The Planning Commission shall receive the sketch plan one week prior to the Planning Commission meeting for their information and study. The Planning Commission shall not be bound by any comments given at this time.
4. For Minor Site Plans, the following additional information will be provided:
  - a. Application fee
  - b. Present zoning classification
  - c. Present and proposed land use.
  - d. Applicant's statement of expected effect on emergency services.
  - e. Itemization and depiction of manmade features.
  - f. Dimensions of setbacks shall be shown.
  - g. Location of public and private rights of way and easements
  - h. Curb cuts, driving lanes, parking and loading areas.
  - i. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
  - j. Proposed earth changes.
  - k. Signs and on site illumination.

(part 4 added by amendment #10-01 effective 1/7/11)

## **B. Formal Site Application Procedure**

Request for formal site plan review shall be made by filing with the Township Clerks the following:

1. All applications for site plan review shall be accompanied by a filing fee specified by Article XIV, Section 14.4.
2. Thirteen (13) copies of the completed application form for site plan review, which shall contain at a minimum the following information:
  - a. Name and address of applicant.
  - b. Legal description, property parcel number and street address of the subject parcel of land.

- c. Area of the subject parcel of land stated in acres or, if less than one (1) acre, in square feet.
  - d. Present zoning classification on parcel.
  - e. Present and proposed land use.
  - f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volumes.
3. Thirteen (13) copies of the proposed site plan, which shall include at a minimum the following information:
- a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer. Three (3) copies of the drawing at 24 inches by 36 inches in size, and the balance of the drawings at 11x17 size for Planning Commission members use.
  - b. Property parcel number (from the Assessment Role of the Township).
  - c. The topography of the site in two (2) foot contours and its relationship to adjoining land.
  - d. Itemization and depiction of existing man-made features.
  - e. Dimensions of setbacks shall be shown.
  - f. Locations, heights and sizes of structures and other important features.
  - g. Percentage of land covered by buildings and that reserved for open space.
  - h. Dwelling unit density where pertinent.
  - i. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including percent (%) grades and types of construction of those upon the site.
  - j. Curb-cuts, driving lanes, parking and loading areas.
  - k. Location and type of drainage, sanitary sewers, storm sewers and

other facilities.

- l. Location and nature of fences, landscaping, screening.
- m. Proposed earth changes.
- n. Signs and on-site illumination.
- o. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Zoning Administrator or the Planning Commission.

### **C. Action on Application and Plans**

1. Upon receipt of the plans and application in complete form, each Township Clerk shall record the date of the next scheduled meeting of the Planning Commission as the file date, and transmit eleven (11) copies thereof to the Chairman of the Planning Commission; one (1) copy to the Zoning Administrator and one (1) copy to be retained by each Township Clerk.
2. The Planning Commission shall review the application plans, and the recommendations of the Zoning Administrator with regard thereto.
3. The Planning Commission shall have the authority to approve, disapprove, or conditionally approve the proposed plans in accordance with the purpose of the site plan review provisions of this Ordinance and criteria herein contained.
4. Any modifications or alterations required by the Planning Commission shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modification, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made by within one hundred (100) days of the receipt of the application by the Township Clerk.
5. Two (2) copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the townships records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Joint Planning Commission for identification of the finally approved plans. If any variance from this Ordinance has been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the townships records as a part of the site plan and delivered to

the applicant for their information and direction.

#### **D. Criteria for Review**

In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the requirements of Act 110 which provides for approval of a discretionary decision if all approval standards are met, and in accordance with the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Townships or the County Road Commission.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owner and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities proceeding here from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
6. That all buildings and structures are accessible to emergency vehicles.
7. That the plan as approved is consistent:
  - a. To encourage the use of lands in accordance with their character and adaptability.
  - b. To avoid the overcrowding of population.
  - c. To lessen congestion on the public roads and streets to reduce hazards to life and property.

- d. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
  - e. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
  - f. To preserve property values and natural resources.
  - g. To give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.
8. That a plan for erosion controls and storm water discharge has been approved by appropriate public officials.

**E. Conformity to Approved Site Plan**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform to such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this Ordinance.

**F. Term of Approval Site Plan**

Approval of the site plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site. A six (6) month extension may be requested, and may be approved by the Planning Commission based on a finding of fact that the extension will result in completion of the project.

## **G. Amendment to Site Plan**

1. Minor Amendment: The owner of property for which a site plan has been approved shall notify the Zoning Administrator for any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - a. Reduction in size of any building and/or sign.
  - b. Movement of buildings and/or signs by no more than ten (10) feet.
  - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the uses or increase the amount of required parking.
  - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - f. Changes related to items a) through d) above, required or requested by the Townships, Benzie County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
  - g. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
2. Major Amendment: A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.