

Article 94: Site Plan Review

9401 Purpose

The purpose of this **Article** is to establish uniform requirements of procedure for all developments in the **Village** so the provisions of this Ordinance can be equitably and fairly applied to all **Persons**, to accomplish safe and convenient movement, encouraging a harmonious relationship of land **Uses** within the site and adjacent lands, and conserving natural resources. Toward this end, this Ordinance requires site plan review by the **Commission** or the **Administrator**.

9402 Site Plan Review

- A. Every application for a zoning permit **shall** include a site plan, drawn according to the specifications of this **Article**. The fee for a site plan review **shall** be set from time-to-time by **Village Council**. The **Administrator shall** review the site plan prior to issuing a zoning permit, or the **Administrator shall** transmit the site plan to the **Commission** for their review.
- B. There **shall** be three levels of site plans, for different complexities of proposed land **Uses**:
1. Category One Site Plan (**Section** 9404), for **Dwellings**, additions to **Dwellings** and construction of accessory **Structures** to **Dwellings**. These site plans **shall** only be subject to review by the **Administrator**.
 2. Category Two Site Plan (**Section** 9405), for any **Use** which is not reviewed pursuant to Section 9402.B1 and 3. When a Category One Site Plan is required and meets at least one of the following criteria, then a Category Two Site Plan **shall** be required. These site plans **shall** be reviewed by the **Commission**.
 - a. Remodeling, alteration, or addition of **Existing Buildings**, other than the **Dwelling**, where such remodeling, alteration or addition covers both 25% or less of the square footage of the existing **Structure** and less than one thousand (1,000) square feet; or
 - b. Improvements to, erection of, or reconstruction of **Accessory Buildings** and **Structures**, parking areas and similar facilities; or
 - c. Site changes that cover 25% or less of the existing developed site area and are less than five thousand (5,000) square feet in area.
 3. Category Three Site Plan (**Section** 9406), for any industrial **Use**, **Apartment Building**, commercial **Use**, mixed-**Use**, Special **Use**, **Planned Unit Development**, **dimensional variance** or site changes more than twenty-five percent (25%) and five thousand (5,000) square feet. These site plans **shall** only be subject to review by the **Commission** and or **Zoning Board Of Appeals**
- C. Whenever possible site plan review by the **Administrator** and **Commission shall** be coordinated and done simultaneously with other reviews by the **Administrator** and **Commission** on the same application.

9403 Optional Pre-application Plan Review

Prior to submitting an application, or site plan, an applicant may choose to submit a sketch plan for review by the **Administrator** and/or **Commission**. The sketch plan **shall** be superimposed on an air photo of the **Parcel** or **shall** be a scaled drawing of the **Parcel** showing the location of existing and proposed **Parcel**, **Parcel** boundaries, all **Structures**, natural features, all improvements, **Streets**, sidewalks, easements and drainage systems. The review **shall** be informal and advisory only, and **shall** not constitute any form of approval or authorization of granting any type of permit. The review **shall** be done without cost to the applicant, but must be scheduled as an item of business on the **Commission's** agenda if the sketch plan is to be reviewed by the **Commission**.

9404 Required Data for a Category One Site Plan

The Category One Site Plan **shall** be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey, of the **Parcel**. The following **shall** be shown on the Category One Site Plan:

- A. The property, identified by **Parcel** lines and location and size.
- B. The **Parcel's** legal description.
- C. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- D. The scale, north point
- E. Natural features such as wooded **Parcels**, water bodies, **Wetlands**, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage, and similar features.
- F. The location of proposed main and **Accessory Buildings**, existing **Structures**, **Fences** on the site, the height of all **Buildings**, and square footage of floor space.
- G. A façade plan showing a sketch or architect's rendition of the exterior appearance of the **Building**. Façade plans can be at the same level of detail as the façade drawings found in the respective **Articles** on zoning Areas.
- H. The proposed driveway and parking area, if applicable.
- I. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the **Commission** issues a Special **Use** Permit **shall** also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special **Use** Permits.)

9405 Required Data for a Category Two Site Plan

The Category Two Site Plan **shall** be drawn to scale and **shall** be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing **shall** be such that the **Administrator** can readily interpret the site plan, and **shall** include more than one drawing where required for clarity and **shall** include the following information, unless specifically waived by the **Administrator** upon the determination that the requirements to be waived are not reasonably related to the proposed **Use**: The **Commission**, upon initial review of the site plan, may act to require any information specifically waived by the **Administrator** to be submitted. Such site plan **shall** be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or community planner (or, if acceptable to the **Commission**, owner or other qualified individual).

- A. All the data required for a Category One Site Plan, spelled out in **Section** 9404 of this Ordinance.
- B. Boundary dimensions of natural features such as wooded **Parcels**, water bodies, **Wetlands**, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage, and similar features.
- C. Location dimensions of existing and proposed man-made features such as **Buildings**, **Structures**, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage, and retention lines.
- D. Neighboring driveways, and other vehicular 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, service parking, and snow storage areas.
- E. Location and type of **Outdoor Light Fixtures** including a description of the outdoor light fixture, supports, shading, baffling; and photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions; and other information necessary so it can be determined the outside light requirements of this Ordinance are complied with.
- F. Any proposed alterations to the topography and other natural features **shall** be indicated.
- G. Any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A description of the proposed development.
- I. A vicinity map showing the location of the site in relation to the surrounding **Street** system.

9406 Required Data for a Category Three Site Plan

A Category Three Site Plan which **shall** be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the **Commission** can readily interpret the site plan, and **shall** include more than one drawing where required for clarity and **shall** include the following information, unless specifically waived by the **Administrator** upon the determination that the requirements to be waived are not reasonably related to the proposed **Use**. The **Commission**, upon initial review of the site plan, may act to require any information specifically waived by the **Administrator** to be submitted. Such site plan **shall** be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or community planner (or, if acceptable to the **Commission**, owner or other qualified individual). Unless so waived, all Category Three Site Plans **shall** include the following information:

- A. All the data required for a Category One Site Plan, set forth in **Section** 9404 of this Ordinance and for a Category Two Site Plan, spelled out in **Section** 9405 of this Ordinance.
- B. The proposed location of any open spaces, landscaping, and buffering features such as **Greenbelts**, **Fences**, etc.
- C. The location, proposed finished floor and grade line elevations.
- D. Site plans for residential development **shall** include a density schedule showing the number of **Dwelling** units per acre, including a **Dwelling** schedule showing the unit type and number of each unit type.
- E. Any proposed **Streets**, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
- F. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the **Commission** determines that the site and **Use** warrant a more critical review of topography.
- G. Generalized soil analysis data, which may include data prepared by the Leelanau County Soil Conservation District or Leelanau County Planning Department regarding the soils and their adaptability to the **Use**. More detailed information may be required where the **Commission** determines that the site and **Use** warrant a more critical review of soils.
- H. Soil erosion and sediment control measures which **shall** include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407 Required Data for a Site Plan Involving Special Groundwater Protection Provisions

- A. Except as provided herein, all businesses and facilities which use or generate Hazardous Substances in quantities greater than two hundred twenty (220) pounds per month or twenty-five (25) gallons per month, whichever is less, or store Hazardous Substances in quantities greater than two hundred twenty (220) pounds per month or twenty-five (25) gallons per month, whichever is less, shall comply with the groundwater protection requirements of this Section. Provided, however, the groundwater protection requirements of this Section shall not apply to fuel stored in a fuel tank which is part of the motor vehicle for purposes of use by that vehicle's motor and shall not apply to materials in a five gallon, or smaller, pre-packaged sealed container.
- B. In addition to all the data required for a Category One Site Plan, set forth in **Section** 9404, Category Two Site Plan set forth in **Section** 9405, or a Category Three Site Plan set forth in **Section** 9406, whichever is applicable; the following **shall** also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and **Structures** to be used for storage, **Use**, loading/unloading, recycling, or disposal of **Hazardous Substances**.
 - 2. Location of all underground and above ground storage tanks for such **Uses** as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar **Uses**.
 - 3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins;

retention/detention areas; sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes **shall** be specified on the site plan.

4. Location of all water wells on the site and within 150 feet surrounding the **Parcel's** property boundaries.
5. Delineation of areas on the **Parcel** which are known or suspected to be contaminated, together with a report on the status of site cleanup.
6. Submission of the "**Hazardous Substances** Reporting Form for Site Plan Review".
7. Submission of the "State/County Environmental Permits Checklist".

9408 Submission of a Site Plan

Three (3) copies of a site plan **shall** be submitted with a zoning permit application to the **Administrator**. In the case where the **Commission** is reviewing the site plan, thirteen (13) copies of the site plan **shall** be submitted to the **Administrator**.

9409 Review for Completeness

The **Administrator shall** review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding **shall** be done concurrently with similar required findings that an application is complete.

- A. If the site plan is not found to be complete, the **Administrator shall** return the site plan to the applicant with a written list of items needed to make the site plan complete.
- B. If the site plan is found to be complete, the **Administrator shall**:
 1. Only as applicable, forward copies of the site plan to the **Village** Engineer, County **Road Commission**, **Village** Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and
 2. Determine if the site plan is to be reviewed and acted upon by him or her, and then do so, or
 3. Determine if the site plan is to be reviewed and acted upon by the **Appeals Board** when submitted as part of a **Variance** request and then forward the copies of the site plan to each member of the **Appeals Board** a week prior to their meeting, or
 4. Determine if the site plan is to be reviewed and acted upon by the **Commission**, and then set up a site plan review meeting and forward the copies of the site plans to each member of the **Commission** a week or more prior to the **Commission's** meeting.

9410 Standards for Site Plan Review

The **Commission**, or zoning **Administrator**, as applicable, **shall** approve, or approve with conditions, a site plan if that site plan meets all of the following standards:

- A. All applicable regulations of this Ordinance which apply generally to all Areas, found in General Regulations **Article** of this ordinance;
- B. All applicable regulations of this Ordinance which apply to the specific zoning Area;
- C. All specific standards for the specific proposed special **Use**, if applicable;
- D. Any conditions imposed with the granting of a Special **Use** Permit or **Variance**;
- E. All utility easements **shall** be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines **shall** be located underground;
- F. Water lines, sewer lines, all provisions of surface water drainage **shall** be approved by the **Village** and designed in compliance with any applicable federal and state statute, **Village** and county ordinance.

- G.** There exists sufficient protection to ensure there **shall** be no additional storm water run-off created by the project, or that adequate measures have been taken to accommodate such storm water run-off from the site. For purposes of this standard, the storm water run-off **shall** be determined from a twenty five year storm event.

9411 Approval and Compliance

- A.** In cases where the **Administrator** reviews the site plan pursuant to **Section** 9402; the **Administrator shall** act to approve, approve with modifications, or disapprove the site plan in writing with reasons and findings of fact.
- B.** In cases where the **Commission** reviews the site plan, the **Commission shall** act to approve, approve with modifications, or disapprove the site plan in writing with reasons and findings of fact.
- C.** The action **shall** be recorded in a record of the zoning application and **shall** be filed with the **Administrator**. The **Administrator** or **Commission shall** notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, **shall** be given to the applicant, in writing, attached to the rejection.

9412 Conditions of Site Plan Approval

- A.** The planning commission or zoning board of appeals may attach reasonable conditions with the approval of a site plan, special use permit, planned unit development, or variance. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:
- 1.** Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2.** Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - 3.** Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

9413 Security Requirement

If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete

or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

9414 File Copies

At least two (2) copies of the site plan, all accompanying documents, record of approval, list of conditions, security **shall** be kept by the **Village** for its records.

9415 Zoning Permits

No Michigan Construction Code **Building** permit, issued pursuant to P.A. 230 of 1972, as amended, (being the Stille-Derossett-Hale Single State Construction Code Act, M.C.L. 125.1501 et. seq.), **shall** be issued or otherwise authorized until after the site plan has been approved and any required securities have been received. A zoning permit **shall** be issued after the site plan has been approved, or the zoning permit **shall** be issued conditioned upon site plan approval.

9416 Amendment of Site Plan

Amendments to an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan land use has been approved shall notify the zoning administrator of 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:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved on the site plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. 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 use or increase the amount of required parking.
 - 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes related to subsections 1 through 5 above, required or requested by 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.
- B. 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.
- C. An amendment to an approved site plan that cannot be processed by the zoning administrator under subsection A above shall be processed in the same manner as the original site plan application.

9417 As-built Site Plan

For a project which requires a category two or category three site plan, when the project is nearly

complete and subject to a final inspection for an occupancy certificate, at least three days prior to the final inspection the **Village shall** be provided with an as-built site plan prepared to the same standard as the approved site plan. The **Administrator shall Use** this as-built site plan as a comparison to the approved site plan, and the actual construction on the ground to insure compliance with the conditions, and other requirements of the site plan, **Planned Unit Development**, special **Use** permit, and requirements of this Ordinance.

- A. If the as-built site plan does not show compliance with the conditions, and other requirements of the site plan, **Planned Unit Development**, special **Use** permit, and requirements of this Ordinance the deviation **shall** be handled as a violation, an amendment to the site plan, or as a **Variance**

