

ARTICLE 23

SITE PLAN REVIEW

23.01 PURPOSE

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance; and to achieve the purposes of the Pere Marquette Charter Township Master Plan.

23.02 SITE PLAN REVIEW REQUIRED

A site plan shall be submitted review and approval prior to the issuance of a building permit as follows. Single and two-family dwellings and farm buildings as defined herein shall not require site plan review.

a) Planning Commission Review:

- 1) Any new principal commercial, office, industrial, business, or institutional use.
- 2) Multi-family dwellings.
- 3) An expansion of an existing building or structure which exceeds 25 percent of the gross floor area of the existing building.
- 4) An expansion of a building or use or a change in the use of a building for which additional parking spaces are required by the Zoning Ordinance or an expansion of an existing parking lot to add more parking spaces.
- 5) Conditional uses. See Section 24.06 for expansions of existing conditional uses.
- 6) Planned unit developments.
- 7) Site condominiums.
- 8) Manufactured housing communities.
- 9) All other uses requiring Planning Commission site plan approval as required by this Ordinance.

b) Zoning Administrator Review:

The following uses shall be reviewed by the Zoning Administrator, or the Township Planner and Township Engineer, if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.

- 1) An expansion of an existing building which does not exceed 25 percent of the gross floor area of the existing use.
- 2) Construction of a non-residential building which is accessory to the principal use or building.
- 3) Structure-mounted wind energy turbines (SMWET) and small wind energy turbines (SWET) per Article 29.
- 4) Zoning Administrator review is required for all other site plans not reviewed by the Planning Commission for which a building permit is required by this Ordinance or for building, structure or land alteration or improvements which require approval by the Zoning Administrator.

Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal information if it is determined that such information is not necessary to ensure compliance with the site plan review requirements.

23.03 APPLICATION

An application for site plan review along with nine sets of the site plan shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee as set by the Township Board. The application shall at a minimum contain the following information:

- 1) The applicant's name, address and phone number.
- 2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
- 3) The name, address and phone number of the owner(s) of record if different than the applicant.
- 4) The address of the property.
- 5) Legal description of the property.
- 6) Current zoning.
- 7) Project description.
- 8) Size of the parcel in acres.
- 9) Signature of the applicant and owner of the property.
- 10) An electronic version of the site plan and all other items submitted in a form acceptable to the Township.
- 11) Approximate commencement and completion dates for the proposed development.

23.04 SITE PLAN CONTENTS & PROCEDURES

- a) Upon receipt of the site plans and application, a copy shall be forwarded to the appropriate Township Departments, Planner, Engineer, and others as necessary for review and subsequent report to the Planning Commission.
- b) Final site plans shall be drawn at a scale of not more than one inch to 50 feet and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator:
 - 1) ***A title block containing***
 - i. The project name, if any.
 - ii. The name, address and telephone number of the applicant.
 - iii. The name, address, telephone number, and seal of the professional individual who prepared the site plan.
 - iv. The dates of submission and any revisions to the site plan.
 - 2) ***Property information***
 - i. Scale and north arrow.
 - ii. A locational diagram of the site drawn to scale.
 - iii. A legal description of the subject property.
 - iv. The net acreage (minus right-of-way) and total acreage.
 - v. The land uses and zoning classifications of adjoining parcels and parcels located across the street.
 - vi. The location and dimensions of proposed and/or existing lot lines.
 - vii. All required building setbacks.
 - viii. Existing contour lines at two feet intervals on site and for a distance of 50 feet on adjacent parcels.
 - ix. The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways, 100-year floodplains and all wetlands and other unbuildable areas.
 - x. The location and type of significant vegetation to be removed and preserved.
 - 3) ***Building and land use information***
 - i. The location and setbacks of all on-site existing and proposed buildings, as well as the length, width, height, total square footage, and use of each building and distances between structures and lot lines.

- ii. The location and use of all off-site buildings or structures within 100 feet of the subject property.
 - iii. Building façade elevations for all sides of all proposed buildings, drawn at an appropriate scale and descriptions of exterior building materials and colors.
 - iv. The proposed location of accessory structures, buildings and uses and of the method of screening, where applicable.
- 4) ***Streets, vehicle and pedestrian circulation and parking***
- i. The name, location, dimensions, and associated right-of-way of all existing and proposed on-site and adjoining off-site streets (public or private); typical details of curbs, location, dimensions; any deceleration lanes; radii and grade of all access points into the site.
 - ii. All driveways within 100 feet of the site on both sides of the street.
 - iii. The location, dimensions, surface, and number of all parking spaces and unloading areas, including information on proposed curbing, barrier-free access design and circulation aisles. Calculations to demonstrate compliance with the required number of parking spaces shall be provided. (See Article 27)
 - iv. The location and design of all existing and proposed sidewalks, walkways, bicycle paths, and areas for public use.
- 5) ***Lighting***
- i. The location, height and type of fixture of all exterior lights including building lights. Light fixtures shall be fully shielded and placed to avoid light spillover onto adjacent properties and roadways. See Section 3.22.
 - ii. A photometric plan showing areas of illumination at all property lines measured in foot candles.
- 6) ***Utilities, grading, storm water management***
- i. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site, above and below ground, including but not limited to:
 - a. electric;
 - b. telephone and gas distribution lines;
 - c. water mains;
 - d. fire hydrants and well sites;
 - e. storm sewer lines;
 - f. sanitary sewer lines;
 - g. septic systems, if applicable;
 - h. retention and detention areas (inverts, hydrants, drainage flow patterns, locations of manholes and catch basins, calculations for size of storm drainage facilities, underground tanks and transportation pipelines county drains on site).
 - ii. The grading plan showing finished contours at a minimum interval of two feet and correlated with existing contours so as to clearly indicate cut and fill required.
 - iii. The description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations.
- 7) ***Landscaping*** (See Article 26)
- i. Number of plants, type, size, location, and spacing for:
 - a. greenbelts;
 - b. front yard along all streets abutting property;
 - c. parking lots including landscaping within islands and on perimeter.
 - ii. Computations for all required landscaping.
 - iii. Berms, walls and fences.
- 8) ***Waste disposal / hazardous materials***
- i. The location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. See Section 26.08.
 - ii. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any

containment structures or safety clear zone that confines the adverse effects of a hazardous material operation required by state or federal agencies.

9) ***Residential developments***

- i. The total number of residential units proposed by type (eg. 1-bedroom units, 2-bedroom units, etc.).
- ii. Floor area per unit for each type of unit.
- iii. Proposed density calculations for the completed project (dwelling units per acre).
- iv. Location, use, dimensions, and elevations of all common or community buildings.
- v. Garage and/or carport locations and details.
- vi. Location, type, size, and dimensions of the recreation and open space areas.

10) ***Signs*** (See Article 28)

The location, size and specifications of all signs including signs to be placed on buildings. A separate sign permit is required.

- 11) The Planning Commission may require written statements relative to the effects of the proposed use on the traffic capacity and safety of existing streets, and the proposed development's impact on schools, existing utilities, the environment, and natural features. In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

23.05 FINAL SITE PLAN APPROVAL

- a) The Planning Commission shall review the final site plan according to the standards for site plan review as contained in the chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny or approve with conditions, the final site plan.
- b) If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Planner, Engineer, Township Departments, or others as necessary, to ensure that all revisions as required by the Planning Commission have been made.
- c) Upon approval of the final site plan, three copies of this plan shall be approved, dated and signed by the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Zoning Administrator.

23.06 STANDARDS FOR APPROVAL

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied. If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.

- a) The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions and provide for vehicle access between adjoining parcels where practicable. The site plan must comply with the Access Management Regulations of this Ordinance as well as the requirements of the Mason County Road Commission and Michigan Department of Transportation as applicable.
- b) The site plan shall comply with the requirements of the Township Water and Sewer Department.
- c) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the landscape provisions of this Ordinance.
- d) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Measures shall be taken to minimize negative impact on woodlots, sand dunes and water features of the site.
- e) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved

insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

- f) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- g) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
- h) A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
- i) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a condition appropriate to the traffic volume and type of traffic they will carry.
- j) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent the formation of dust.
- k) The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- l) Exterior lighting fixtures shall be full-cut-off design and arranged so that illumination is deflected downward and away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.

The maximum foot candle measurement at the property line shall not exceed 0.5-foot candle if the adjacent property is zoned or planned for residential use or 1.0-foot candle if the adjacent property is zoned or planned for non-residential use or abuts a public right-of-way. Measurement standards of the Illuminating Engineering Society of North America (IES) shall be used.

- m) Loading and unloading areas and outside storage areas including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height. The finished side of any wall, fence or other screen shall face adjacent properties.
- n) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or any occupancy permit is granted.
- o) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater and nearby water bodies.

23.07 CONDITIONS OF APPROVAL

- a) As part of an approval to any site plan, the Planning Commission or Zoning Administrator, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 23.06 are met. Any conditions imposed shall meet the following standards:
 - 1) Will ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- 2) Will protect the natural environment and conserve natural resources and energy.
 - 3) Will ensure compatibility with adjacent uses of land.
 - 4) Will promote the use of land in a socially and economically desirable manner.
- b) The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
 - c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership or control.
 - d) A record of conditions imposed shall be maintained by the Zoning Administrator. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
 - e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as a part of the minutes of the Planning Commission.
 - f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved.
 - g) Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

23.08 TIME LIMIT FOR APPROVED SITE PLANS

- a) A site plan approval granted pursuant to this article shall be valid for one year from the date of final approval. If substantial construction/progress has not commenced within the one year, the approval of site plan shall be void.
- b) Upon written application, filed prior to the termination of the one year review period, the Planning Commission or Zoning Administrator may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.
- c) The Planning Commission shall have the authority to revoke any site plan approval after the applicant has failed to comply with any of the applicable requirements in this article or any other applicable sections of this Ordinance.

23.09 AMENDMENTS TO APPROVED SITE PLAN

- a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of buildings and/or signs by no more than 10 feet.
- 3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- 4) Changes in floor plans which do not alter the character of the use.
- 5) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 6) Changes required or requested by the Township officials for safety reasons.
- 7) Changes which will preserve the natural features of the site without changing the basic site layout.
- 8) Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to be not material or

significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

23.10 IMPROVEMENTS; FINANCIAL GUARANTEES

To ensure compliance with the zoning ordinance and any conditions imposed thereunder, the Planning Commission or Zoning Administrator, whichever approved the site plan, may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of the improvements associated with the use for which site plan approval is sought, be deposited with the Treasurer of the Township to ensure faithful completion of the improvements.

If a performance guarantee is required, the amount shall be determined by the Planning Commission or Zoning Administrator as applicable and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein.

In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

Furthermore, the Planning Commission may recommend to the Board the rebate or refund of a proportionate share of a cash bond.

23.11 EXPANSION OF EXISTIN USE, STRUCTURE OR BUILDING

It is recognized that land uses, buildings and structures are existing which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When these uses, buildings and structures are proposed to be expanded, enlarged or increased in intensity so that a site plan review is required per Section 23.02 herein, the following regulations shall apply:

- a) The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity, any of the following situations exist:
 - 1) Existing stormwater drainage provisions on-site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Mason County Stormwater Management Ordinance.
 - 2) There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust, and to reduce gravel and soil runoff into the public stormwater drainage system.
 - 3) Existing driveways may result in hazardous vehicle movements.
 - 4) Additional plantings are needed in order to comply with the intent of the landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
 - 5) Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.
 - 6) Safety for pedestrians can be improved and better emergency vehicle access can be provided.

- 7) Less bright lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties.
 - 8) Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
 - 9) Sidewalks are needed to improve pedestrian safety.
- b) In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission or Zoning Administrator shall be guided by the following criteria:
- 1) Whether or not compliance would ensure safer on-site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.
 - 2) The practicality of requiring complete compliance with the applicable regulations of this Ordinance based on the existing design, layout and operation of the existing use and size of the site or if only partial compliance would be more practical.
 - 3) Whether or not requiring compliance would have a negative impact on the character, safety and welfare of the neighborhood or surrounding area.

23.12 REQUIRED IMPROVEMENTS PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT

- a) In approving a site plan, the Planning Commission or Zoning Administrator, whichever first approved the site plan may, in addition to other matters, require that all or any part of the improvements, buildings or other elements approved be constructed and completed prior to the issuance of an occupancy permit.
- b) In the event these buildings, structures, improvements, and other elements are partially completed to a point where occupancy will not impair the health, safety and general welfare of all parties concerned, then the Building Inspector may grant an occupancy permit on such reasonable conditions relating to completion as the Planning Commission or Zoning Administrator shall establish. The Building Inspector may, at their discretion, decline to determine whether or not such occupancy permit should be granted, and instead, refer the decision thereon to the Planning Commission.