

CHAPTER 16 SITE PLAN REVIEW

SECTION 16.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

SECTION 16.02 SITE PLANS REVIEWED

- A. In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the establishment of a use or the erection of a building in the Districts and conditions cited below:
1. All Permitted Uses within the R-3, C-1, C-2, C-3, C-4, and LI Districts which include:
 - a. The construction of a new building or structure with an enclosed gross floor area of two thousand five hundred (2,500) square feet or greater.
 - b. A building addition with an enclosed floor area greater than twenty five percent (25%) of the existing enclosed building gross floor area.
 2. Special Land Uses in all Zoning Districts.
 3. Planned Unit Developments.
 4. Any use within the WD District, except as noted in B, below.
 5. Site condominiums in any Zoning District.
- B. The following uses will be exempt from Site Plan Review, regardless of the District, unless otherwise requiring a Special Land Use approval: single family detached and two-family dwellings, farms, roadside stands with less than two-hundred (200) square feet of sales area, state licensed residential family care facilities, family day care homes, home occupations, accessory buildings and uses.

SECTION 16.03 SITE PLAN REVIEW REQUIREMENTS

- A. Preliminary Site Plan Review
1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
 2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator. (Amended 11-13-00 - Village; 12-27-00 Township)

- a. Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the area, including the zoning of surrounding property.
 - b. Ten (10) copies of a site plan. The scale shall be not less than 1"- 10' for property under two (2) acres and at least 1"=100' for those two (2) acres or more. The following items shall be shown on the plan:
 - (1) Existing adjacent streets and proposed streets
 - (2) Lot lines and approximate dimensions
 - (3) Parking lots and access points
 - (4) Proposed buffer strips or screening
 - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, wetlands, steep slopes, floodplains, and similar natural assets.
 - (6) Location of any signs not attached to the building
 - (7) Existing and proposed buildings.
 - (8) General topographical features including contour intervals no greater than ten (10) feet.
 - (9) All buildings and driveways within one hundred (100) feet of all property lines.
 - c. A narrative (shown on the site plan or submitted separately) describing in general terms:
 - (1) Description of the proposed development.
 - (2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - (3) Dwelling unit densities by type, if applicable.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. Final Site Plan Review

If desired by the applicant, a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include fifteen (15) copies of a site plan containing the following information, unless deemed unnecessary by the Zoning Administrator: (Amended 11-13-00 - Village; 12-27-00 Township)

1. The date, north arrow, and scale. The scale shall be not less than 1"-10' for property under two (2) acres and at least 1"=100' for those two (2) acres or more.

2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Planning Commission.
3. The name and address of the property owner or petitioner.
4. A location sketch.
5. Legal description of the subject property.
6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
7. Property lines and required setbacks shown and dimensioned.
8. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas
11. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
12. The percent of impervious surfaces, as defined in Chapter 2, relative to the parcel size if the subject property is located within the WD District.
13. The existing zoning and use of all properties abutting the subject property.
14. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
15. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
16. The location and size of all surface water drainage facilities.
17. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
18. The approximate size (in acres) of significant natural features, such as wetlands and woods, located on the site, if applicable.
19. Mitigation plans, if deemed necessary by the Planning Commission, to compensate for the loss of significant natural features, including but not limited to wetlands, floodplain areas, and tree stands.
20. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

SECTION 16.04 APPLICATION AND REVIEW

- A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or his designated agent, at least fourteen (14) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter and the purpose of this Ordinance.
- C. Any conditions or modifications desired by the Planning Commission shall be recorded

in the minutes.

- D. Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One (1) of these approved copies shall be kept on file by the Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.
- E. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted in the following:
 - 1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
 - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

SECTION 16.05 PLAT REQUIREMENTS

In those instances in which Act 591, Public Acts of 1996, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 591, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

SECTION 16.06 ADMINISTRATIVE FEES

Any Site Plan application shall be accompanied by a fee, in an amount to be established by the Community. Such fee shall be for the purpose of payment for the administrative costs and services expended by the communities in the implementation of this Chapter and the processing of the application. Such fee may be used to reimburse another party retained by the Community to provide expert consultation and advice regarding the application. No part of such fee shall be returnable.

SECTION 16.07 CHANGES IN THE APPROVED SITE PLAN

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

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Change in the building size, up to five percent (5%) in total floor area.
 - 2. Movement of buildings or other structures by no more than ten (10) feet.
 - 3. Replacement of plant material specified in the landscape plan with comparable

- materials of an equal or greater size.
4. Changes in building materials to a comparable or higher quality.
 5. Changes in floor plans which do not alter the character of the use.
 6. Changes required or requested by the Community, or any County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

SECTION 16.08 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Pentwater Community.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- 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, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.

- H. All streets and driveways shall be developed in accordance with the Pentwater Subdivision Control Ordinance, the Oceana County Road Commission, or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. 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.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural and small town character of the Pentwater Community.
- K. All 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 streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- M. Site plans shall conform to all applicable requirements of County, State, Federal, and local statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township or Village permits before final site plan approval or an occupancy permit is granted.
- N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- O. The general purposes and spirit of this Ordinance and the Master Plan of the Pentwater Community shall be maintained.

SECTION 16.09**CONDITIONS OF APPROVAL**

- A. As part of an approval to any site plan, the Planning Commission, as applicable, may

impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.

- B. Conditions imposed shall be those necessary to:
1. meet the intent and purpose of the Zoning Ordinance,
 2. relate to the standards established in the Ordinance for the land use or activity under consideration,
 3. insure compliance with those standards,
 4. protect the general welfare,
 5. protect individual property rights, and
 6. ensure that the intent and objectives of this Ordinance will be observed.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. 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 reason for the decision reached, and any conditions attached to such decision shall be kept and made 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. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

SECTION 16.10 APPEAL

If any person shall be aggrieved by the action of the Planning Commission, appeal in writing to the Board of Appeals may be taken within twenty-one (21) days after the date of such action. The Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.