

## **SECTION 10 SITE PLAN REVIEW**

Various provisions of this ordinance require review of site plans before certain types of administrative approval may be granted. The Village Zoning Administrator reviews site plans or plot plans before issuing a zoning permit. The Village Planning Commission conducts such reviews before granting various types of requests. However, for certain activities, a formal Site Plan Review process is required. This section defines the procedures and standards to be used for such a review.

### **1. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW**

The Village Planning Commission must review and approve site plans before granting approval to Special Land Use Permits. In addition, a Site Plan Review before the Village Planning Commission is hereby required for any zoning permit request that means one of the following conditions.

- a. The proposed project will have more than four dwelling units.
- b. The proposed project is in a commercial or industrial zoning district.
- c. The proposed project will require 20 or more parking spaces as determined by the off-street parking and loading requirements.
- d. The project site is larger than five acres and involves a use other than a single family residence.
- e. The project involves expansion of an acceptable non-conforming use, building or structure.

At no time shall a site plan be required as part of the decision on a rezoning request. This is because the determination to rezone property should be based on the merits of the proposed zoning district, the uses it would allow, and their effect on the subject property, surrounding land use and their relation to the Village Master Plan.

### **2. PUBLIC HEARING**

The public hearing shall be advertised by at least one (1) publication in a newspaper of general circulation in the village not less than 15 days before the date of the hearing. Notice shall be given to the owners of the property that is the subject of the request, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to all occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery services not less than 15 days before the date the request will be considered.

Said notice shall indicate the following:

- a. Describe the nature of the request.

- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exists within the property. If there are not street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

### 3. SITE PLAN REVIEW PROCESS

The following is an outline of the formal Site Plan Review process.

- a. **Application Deadlines** - If a zoning application requires a site plan review by the Planning Commission a complete application package must be received at least fifteen days before the date of the Planning Commission meeting for it to be reviewed. If a Site Plan Review is being conducted for a Special Use Permit, the application deadline specified for that process will apply.
- b. **Application Material** - Applications requiring Site Plan Review, in addition to meeting the requirements of Section (a) the site plan must be accompanied by a fee as established by the Village Council and with at least ten (10) copies of the completed site plan which meets the requirements below. The application will not be reviewed until the complete application package has been submitted, including the fee.
- c. **Site Plan Requirements** - Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submitted will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the zoning permit issued pursuant to site plan approval, and is subject to the enforcement provisions of section 15.215 of this ordinance.
  - 1. **Scale** - The site plan must be drawn to a consistent scale of not less than one inch equals fifty feet for sites of three acres or less, or one inch equals two hundred feet for larger sites.
  - 2. **Identification** - The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
  - 3. **Property information** - The site must accurately depict the subject property and land adjacent to and across any thoroughfare from it. Including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties must be identified. A legal description of the property must accompany the site plan.
  - 4. **Site Features** - The site plan should depict existing environmental conditions, including the location of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, any existing structures including those proposed for removal, and other significant conditions. The

approximate location and use of structures and location of the nearest driveways on adjacent or opposing parcels should be shown.

5. **Transportation Features** - The site plan must show the location and surface type of all existing and proposed public roads, access drives internal vehicle circulation areas, parking lots (including number and location of handicapped spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup areas.
  6. **Utilities** - The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include location of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes, storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities such as natural gas, electricity, telephone and cable television.
  7. **Structures** - The site plan must show the location, and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls.
  8. **Supplementary Material** - The site plan shall be complemented by any additional information, which in the Zoning Administrator's opinion, is important to the site plan review process. This could include, but not be limited to, an assessment of the proposed projects impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impact as noise, smoke, particulates, vibration, odors or fire hazards.
- d. **Staff Review of Site Plan** - The following outlines the staff review of the site plan.
1. **Persons involved** - Before the site plan is reviewed by the Planning Commission, the Village Zoning Administrator, Public Works Director and Fire Chief of their designees, shall be given the opportunity to review and comment on it. In addition, the Zoning Administrator shall submit the plan to any other department of Village or County government that he or she believes would have an interest in some aspect of the proposed project. The Zoning Administrator shall submit the comments received along with his recommendation on the action to be taken to the Planning Commission.
  2. **Standards to be used** - Reviewers shall address the considerations identified by the Review Standards. If a Site Plan Review is being conducted for a proposed Special Use Permit, that additional Special Use Permit standards shall also be considered.
- e. **Planning Commission Review of Site Plan** - The Planning Commission shall address the site plan review at a public meeting. In such cases, the public shall be heard before the Planning Commission acts on the site plan. The findings of the staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the

applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

1. **Approval** - An affirmative vote of a majority of the Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any Zoning Permit issued for the proposed project.
  2. **Conditional Approval** - The Planning Commission may elect to attach conditions to its approval of the site plan. Conditions must be justified by one or more of the requirements of this ordinance or by provisions of other local, state or federal laws.
    - i. **These conditions**, along with the authority and reasoning which justifies them, must be included in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become part of the site plan.
    - ii. **Approval** of any proposed site plan that must also receive approval from other public agencies shall include any variance that must be issued by the Village Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan or specified in the conditional approval does not require additional approval by the Planning Commission.
    - iii. **Denial with explanation** - failure to comply with one of the review standards listed is the only justification for denial of a site plan. The vote of a majority of the Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must include a statement as to which review standard was not met by the site plan, and how the plan failed to meet the review standard. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny included.
    - iv. **Table** - The Planning Commission may table a decision to attain more information regarding the site plan. A decision must be made within sixty (60) days from the date of the public hearing.
- f. **Deviations from Approved Site Plan** - It is recognized that unforeseen circumstances can necessitate changes in the project during its development. Therefore, minor deviations from an approved site plan are permitted if the zoning Administrator determines that all Site Plan Review Standards have been complied with.

If the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall immediately notify the permit holder and the Village Planning Commission that the site plan approval has been suspended and the permit holder's notice shall be delivered by certified mail.

If construction has begun, a stop work order should be issued by the building inspector or Zoning Administrator affecting the portion of the project that is not in compliance with Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of charging the project to conform with the Review Standards, or of restarting the Site Plan review procedures.

When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder and the Planning Commission that the project's site plan has again been approved.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before any performance guarantee attached to the Zoning Permit may be fully refunded.

- g. **Record To Be Maintained** - The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the Zoning Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator.

#### 4. SITE PLAN REVIEW STANDARDS

All site plan reviews shall use the following set of standards to judge whether the plan should be approved or denied.

No off site improvements can be required as a condition for site approval, unless the applicant has volunteered to construct such improvements as documented by their site plan drawing. If the lack of such off site improvements will create unacceptable conditions, said lack is sufficient justification for denial of site plan.

- a. **District Regulations** - The project must comply with the applicable district regulations regarding use, dimensions, off street parking and any other aspects of development.
- b. **Special Use Standards** - If the site plan review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the use must also be satisfied.
- c. **Transportation** - Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to roads rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is questioned, the input of the Tuscola County Road Commission shall be sought.
- d. **Utilities** - Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use or sufficient provisions shall be made to provide these services on site. Private utility services, including electricity, telephone, and natural gas, must be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

- e. **Fire Protection** - The proposed project must comply with applicable fire safety regulations. Also, current fire department personnel and equipment must be sufficient to serve the project. Finally, location number and capacity of fire hydrants must be adequate to serve fire suppression needs.
- f. **Environment** - Natural features of the landscape should be retained whenever practicable to serve as a buffer between the projects and adjoining properties or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site will be developed with the goal of controlling any negative impacts the project might have, such as noise, smoke vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Environmental Quality, Tuscola County Health Department or other agencies.
- g. **Completion Date** - All site plans must include a completion date. Any extension must be applied for no earlier than ninety (90) days of the completion date. Extensions can be submitted for a period of up to, but not exceeding, two (2) years to the Village Planning Commission for approval.