

## Chapter 4. Site Plan Review

### SECTION 4.00 PURPOSE

The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, shore, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance.

### SECTION 4.01 SITE PLAN REQUIRED

- A. Site plan review and approval shall be required for all uses described in this Section before any change of use, or before any excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development; and, except as hereinafter provided, no building permit shall be issued for any Building or use, or reduction or enlargement in size or other alteration of any Building or change in use of any Building including Accessory Structures unless a site plan is first submitted and approved by the Planning Commission pursuant to the provisions of this Article.
- B. All uses in the following districts shall require site plan approval:
- |       |                               |
|-------|-------------------------------|
| OSC-1 | Office Service Commercial – 1 |
| OSC-2 | Office Service Commercial – 2 |
| GC    | General Commercial            |
| RC    | Rural Commercial              |
| IND   | Industrial                    |
| PC    | Public Conservation           |
| PUD   | Planned Unit Development      |
- C. In the AG, RR, SR, MHR, UR districts, site plan approval shall be required for all uses other than single-family and two-family dwellings, their accessory buildings and uses, and farming structures.
- D. Site plan review and approval shall be required for all special land uses, and for all developments, including Single-Family Dwellings, to be located in wetland as defined by the Michigan Department of Natural Resources (DNR) or the Michigan Department of Energy, Great Lakes, and Environment (EGLE), or within a 100-year Floodplain as determined by FEMA.
- E. Site plan review and approval shall not be required if the construction, alteration, or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan review.

### SECTION 4.02 OPTIONAL SKETCH PLAN REVIEW

- A. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of such procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of his 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 the tentative site and development plans.
- B. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the sketch plan review process.

#### SECTION 4.03 APPLICATION PROCEDURE

A request for site plan review shall be made at least 30 days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following:

- A. An application for site plan review consisting of the following:
  - 1. A completed application form, as provided by the Township.
  - 2. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
  - 3. A legal description of the subject property.
  - 4. Ten copies and a PDF of the site plan, which shall include and illustrate at a minimum the following information:
    - a. Small scale sketch of properties, streets, and use of land within one-half mile of the area.
    - b. A site plan at a scale of not more than one inch equals 100 feet showing any existing or proposed arrangement of:
      - c. Existing adjacent streets and proposed streets.
      - d. Existing proposed lots.
      - e. Parking lots and access points.
      - f. Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills, and similar natural assets both on the subject property and within 100 feet of the property line.
      - g. Location of any signs not attached to the building.
      - h. Existing and proposed buildings.

- i. Existing and proposed general topographical features including contour intervals no greater than two feet.
  - j. Present zoning of the subject property and adjacent property.
  - k. 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 grades and types of construction of those upon the site.
  - l. Location and type of drainage, storm sewers, and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
  - m. A landscape plan in accordance with Chapter 22.
  - n. Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television, and other utilities, the proposed location of connections to existing utilities, and any proposed extensions thereof.
  - o. Detail pertaining to proposed signage including an illustration of all proposed signs, their surface area, height, and nature of illumination.
  - p. 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.
5. A narrative describing:
- a. The overall objectives of the proposed development.
  - b. Number of acres allocated to each proposed use and gross area in building, structures, parking, public, and/or private streets and drives, and open spaces.
  - c. Dwelling unit densities by type, if applicable.
  - d. Proposed method of providing sewer and water service as well as other public and private utilities.
  - e. Proposed method of providing storm drainage.
- B. Modification of Requirements. The Zoning Administrator or Planning Commission may waive the submission of certain materials outlined in this Section 4.03 if such materials are determined to be not pertinent to the application.
- C. The Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements, or hydrogeological studies to aid in the evaluation of any site plan.

**SECTION 4.04 ACTION ON APPLICATION AND SITE PLANS.**

- A. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit one copy to each Planning Commissioner; one copy to the Fire Department when applicable, one copy to other area review agencies when applicable, and retain one copy in the Township offices.
- B. A Planning Commission meeting shall be scheduled for a review of the application and site plan. The meeting shall be held within 60 days of the date of the receipt of the completed plans and application.
- C. The Planning Commission or Zoning Administrator may hold a public hearing on any application site plan review, though it is not required. If held, notice of such hearing shall be provided in accordance with Section 29.03 of this Ordinance.
- D. After a public hearing, if held, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and delivered to the applicant.
- E. The Planning Commission may attach reasonable conditions to the approval of a site plan.

#### SECTION 4.05            SITE PLAN REVIEW STANDARDS

In the process of reviewing a site plan, the Planning Commission shall consider all of the following:

- A. 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 conform to any street or access plan adopted by the Township or the Road Commission for Montcalm County.
- B. That the buildings structures and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- C. 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.
- D. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining properties, residents, or owners shall be minimized by appropriate screening, fencing, walls, or landscaping.
- E. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- F. That all buildings and structures are accessible to emergency vehicles.
- G. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.
- H. That the plan as approved is consistent with the intent and purpose of this Ordinance.

- I. That the plan as approved is consistent with the goals, objectives, and future land use policies of the Eureka Charter Township Master Plan.
- J. That the plan is reasonable.

**SECTION 4.06            APPROVED SITE PLANS**

- A. Site Plan Approval. A site plan shall be approved if it contains the information required by, and is in compliance with, the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman or Secretary of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Township and the other copy shall be retained by the applicant.
- B. Conformity to Approved Site Plans. Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto which have received the approval of the Planning Commission or Zoning Administrator. If construction and development does not conform with such approved plans, the approval may be revoked or suspended by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.
- C. Duration of Approval. An approved site plan shall be valid for a period of one (1) year after the date of approval. Upon written request by the applicant stating the reasons therefore, the Zoning Administrator may extend a site plan approval for an additional one (1) year period if the evidence shows that all of the following conditions exist:
  - 1. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
  - 2. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
  - 3. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
  - 4. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
  - 5. The Zoning Administrator may refer any extension of an approved site plan for a full decision by the Planning Commission at his/her discretion.
  - 6. The Zoning Administrator may attach reasonable conditions to a site plan time extension.
- D. An application for an extension of a site plan must be filed at least 60 days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Township, whichever is applicable.

- E. If a site plan expires pursuant to subsection 4.05 C, above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Chapter.

#### **SECTION 4.07            CHANGES TO APPROVED SITE PLAN**

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

- A. Minor changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping, and building size up to 10 percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.
- B. Major changes or amendments to an approved site plan involving a change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved.

#### **SECTION 4.08            APPEALS**

Site plan decisions may not be appealed to the Zoning Board of Appeals.

#### **SECTION 4.09            PERFORMANCE GUARANTEES**

In approving a site plan, the Planning Commission may require a performance guarantee pursuant to Section 29.06 of this Ordinance.

#### **SECTION 4.10            REVOCATION**

The Planning Commission may revoke an approved site plan after a public hearing for any violation of this Ordinance or the approved site plan.