

# Item 5 - Proposed Zoning Ordinance Changes to Version 4.7

## Proposed Procedures for Site Plan Requirements, Review, and Approval

### ARTICLE XIV ADMINISTRATION

## WILL REPLACE EXISTING SECTION XIV.7 - SECTION XIV.9

### SECTION XIV.7 REQUIREMENTS FOR SITE PLAN

It is the purpose of this article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance.

**A. Planning Commission Approval for Site Plans:** Site plan approval is required by the Planning Commission (PC), prior to the issuance of a Land Use Permit, for the following land uses, including modifications to the location of perimeter walls or outdoor use areas of such existing uses:

1. All new uses by right within the Business zoning district.
2. All uses by right, excluding single family dwellings, where one or more of the following conditions exist:
  - a. The building site exceeds slopes of thirty-three (33) percent.
  - b. The proposed development is required to meet the provisions of one or more of the following:
    - 1) Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
    - 2) Shoreland Protection and Management Act, P.A. 245 of 1970, as amended.
    - 3) Michigan Sand Dunes Protection and Management Act, P.A. 222 of 1976, as amended.
3. All special land uses, as specified in each zoning district, including planned unit developments, whether a new development or a change of use, except as otherwise specified by this Ordinance.

**B. Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Land Use Permit, for all other uses not listed above, including any change of permitted use meeting the minor change criteria. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section XIV.8.

**C. Plot Plan and Site Plan Data Required**

<b>Required Data Description</b>	<b><u>Plot Plan</u> ZA Approval</b>	<b><u>Site Plan</u> PC Approval</b>	<b>Comments</b>
<b>Contact Information</b> for Applicant and Owner (if different)	X	X	
<b>General Information</b> <u>Vicinity sketch</u> showing site relationship to surrounding streets and land uses within 300'	X	X	
PROJECT DESCRIPTION	X	X**	<i>Basic project description can NOT be waived</i>
Description of proposed uses of structures and land	X	X	
Number of dwelling units, sleeping rooms, occupants, employees (by shift), other users	X	X	
Number of square feet, total usable floor area	X	X	
Location, quantity and type of recreation and open space		X	
Outdoor gatherings – description and anticipated participant levels	X	X	
<b>Property Information</b>			
Location, shape, area, dimensions	X		Readable scale drawing
Property survey (including dimensions) and legal description, prepared and sealed by a professional surveyor		X**	<i>Only the survey can be waived or modified</i>
Yard, open space, parking lot and space dimensions, number of parking spaces, and loading areas	X	X	
<b>ROADS, DRIVEWAYS AND EASEMENTS</b>			
Driveways, parking and vehicle stacking areas when required	X	X	
Drainage – county drains and site drainage	X	X	
Easements and deed restrictions for existing public or private rights-of-way	X	X**	<i>Can NOT be waived</i>
Proposed streets and alleys	X	X	
Proposed traffic control measures		X	
<b>UTILITIES</b>			
Location of any well, septic system, drain field, and/or temporary sanitary facilities	X	X	
Storm drainage and storm water management plan, including drains, dry wells, catch basins, retention/detention areas, point of discharge for drain		X	
Location of all utilities		X	
Lighting – location, area of illumination, fixture type and shielding		X	

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<b>Required Data Description</b> (cont'd)	<b>Plot Plan</b> ZA Approval	<b>Site Plan</b> PC Approval	<b>Comments</b>
NATURAL RESOURCES AND FEATURES			
Natural features – such as: woodlands, floodplains, lakes, streams, steep slopes (33 percent), high risk erosion areas, critical dunes, sensitive areas, wetlands	X	X	
Creeks, streams, lakes, ponds and wetland areas within 1,500 feet of property	X	X	
Location of any required agricultural buffers	X	X	
MISCELLANEOUS			
Landscaping plan – location of plants to be preserved, proposed plantings, screening, fences and lighting		X	
Storage location, specifications and containment systems for chemicals, salts, or flammable materials, or hazardous materials		X	
<b>Structure Information (existing and proposed)</b>			
Location, dimensions, height, bulk	X	X	
Proposed structure use	X	X	
Location and size of any waterfront structures and docks	X	X	
Existing man-made features – indicate which are to be retained, removed or altered.		X	
Accessory structures including fences and sheds— size, location and use	X	X	
Trash receptacles – size, location and screening		X	
Signs – type, size and location	X	X	
<b>ADDITIONAL INFORMATION</b>			
Fire and safety preplan coordinated with Fire Chief	X	X	<i>Can NOT be waived</i>
List of all other federal, state, and local permits and current status of required approvals		X**	<i>Can NOT be waived</i>
Expected project completion schedule		X**	<i>Can NOT be waived</i>
Other information deemed necessary by PC to determine compliance with this Ordinance		X**	<i>Can NOT be waived</i>

\*\* Sections (or portions thereof) which shall **NOT** be modified or waived

Waiver Notes:

1. Planning Commission approval of a request for waiver and/or modification of data required from the applicant in no way releases the applicant from the requirements contained in this Ordinance.
2. For each request for modification or waiver of data requirements, the applicant shall provide to the Planning Commission, in writing, its rationale using findings requirements listed in XXXXXXXX
3. Prior to submission of an application to the Zoning Administrator, the applicant shall provide a written preliminary project description to the Planning Commission seven (7) days in advance of a scheduled meeting which includes applicant's rationale for requested data modifications or waivers. The applicant shall attend the meeting at which the request is to be considered. The Planning Commission may make a site visit.
4. The Planning Commission will provide the applicant and the Zoning Administrator a list of the approved data requirements which have been waived or modified prior to submission of the application.
5. The Planning Commission is under no obligation to waive or modify any data requirement.

## **Data Waivers**

1. The Planning Commission may waive, in whole or in part, or modify any of the above site plan requirements.
2. The Zoning Administrator may waive, in whole or in part, or modify any of the above plot plan requirements.
3. Planning Commission approval of a request for waiver and/or modification of data required from the applicant in no way releases the applicant from the requirements contained in this Ordinance.
4. Prior to submission of an application to the Zoning Administrator, the applicant shall provide a written preliminary project description to the Planning Commission seven (7) days in advance of a scheduled meeting which includes applicant's rationale for requested data modifications or waivers. The applicant shall attend the meeting at which the request is to be considered. The Planning Commission may make a site visit.
5. The Planning Commission is under no obligation to waive or modify any data requirement.
6. Waivers Findings Requirements:
  - a. The requirement is not applicable to the proposed development.
  - b. The data will serve no useful purpose and/or no good public purpose will be achieved by requiring strict conformance with the listed requirement.
  - c. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted.
  - d. Another reasonable circumstance or condition exists.

## **SITE PLAN REVIEW PROCEDURES**

**A. Submittal and Distribution of Site Plans:** The applicant shall consult with the Zoning Administrator prior to submitting an application to review the process and determine if any additional agencies will need to review the proposed site plan. Prior to submitting an application to the Zoning Administrator, the applicant shall submit a copy of the proposed site plan and relevant supplemental information to the each of the following entities for comment:

1. Fire Department
2. County Road Commission.
3. District Health Department.
4. County Drain Commissioner.
5. County Construction Code office
6. Other agencies as may be relevant, including the Department of Natural Resources and the Natural Resources Conservation Service.

Three (3) copies of the application, site plan, and agency comments shall be submitted to the Zoning Administrator. The Zoning Administrator (or designated agent(s) and/or consultants) shall review the application and site plans for completeness and if such application or plans are not complete according to Section XIV.8, a written notice shall be provided identifying the inadequacies of the plans and any additional information required. Once the application submittal materials are determined to be complete, an additional five hard copies and one electronic copy of all application materials shall be submitted to the Zoning Administrator.

- B. Review:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section XIV.8.
- C. Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons, and delivered to the applicant. Decisions by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, other Township planning documents, and state and federal statutes.
- D. Approved Site Plans:** Three (3) copies of the approved site plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. Each copy shall be signed and dated with the date of approval by the Zoning Administrator and the applicant for identification of the

approved plans. One (1) copy shall be returned to the applicant. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

#### **SECTION XIV.8 SITE PLAN REVIEW AND APPROVAL STANDARDS**

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- A. All elements of the site plan shall be organized in relation to topography, the size and type of lot, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of XXXXX Landscaping and Screening.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.
- D. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. A fire and safety preplan review shall be required and coordinated by the applicant with the Glen Arbor Township Fire and Rescue chief or his/her designee.
- F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
- G. Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
- H. Walkways shall be provided, separate from the road system, where feasible.
- I. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.
- J. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.
- K. All streets shall be developed in accordance with County Road Commission specifications if public, and in accordance with Private Roads, if private.
- L. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- M. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.
- N. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- O. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.
- P. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:
  - 1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
  - 2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
  - 3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

#### **SECTION XIV.9 CONFORMITY TO APPROVED SITE PLANS**

Following the approval of a site plan by the Planning Commission, and the issuance of the Land Use Permit by

the Zoning Administrator, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

## **SECTION XIV.10 CHANGES AND APPEALS**

- A. Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures;
1. **Major Changes:** major changes or amendments to an approved Site Plan involving changes that significantly alter the approved design or layout and/or the intensity or impact due to change is likely to be greater than that which was originally approved. Major changes shall include changes in the location or extent of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls if such changes will impact the original approval standards or conditions or approval, or negatively impact neighboring properties; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an 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 and subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this section; and
    - c. Such changes shall not result in the reduction of open space area as required herein.Minor changes to an approved Site Plan upon which the Zoning Administrator defers judgment to the Planning Commission, shall be treated as a major change.
  2. **Minor Changes:** Minor changes to an approved Site Plan (including a Site Plan associated with a Special Land Use approval) which still meet all Zoning Ordinance requirements and the conditions of the original approval, in addition to not meeting the major change criteria listed in 6.08.A.1 above, may be approved by the Zoning Administrator. The Zoning Administrator may at his or her discretion request the Planning Commission to review the proposed minor change.
  3. **Deferred to PC:** Changes to an approved Site Plan, which do not technically meet the requirements for a major change, but which the Zoning Administrator at his or her discretion has deferred to the Planning Commission for review shall be reviewed under the process for a site plan review for a permitted use.
- B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved plot plan in accordance with the standards specified in this ordinance. Changes to a plot plan which contain elements which require site plan approval according to this section shall require that the entire project be processed as a site plan according to the procedures of xxxxxx.
- C. Appeals:** With regard to site plan and plot plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner of other administration decisions. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.
- D. Circuit Court Review:** Any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may obtain a review both on the facts and the law, in the Circuit Court; provided that application is made to the Court within thirty (30) days after the delivery of a final decision.

## **SECTION XIV.10 NOTICES FOR PUBLIC HEARINGS**

Whenever this Zoning Ordinance or the Michigan Zoning Enabling Act requires a public hearing to be held, notice of the public hearing shall be given in the manner provided for in Section 103 of the MZEA [MCL 125.3103], as modified (where appropriate) by the following Sections:

Section 202 [MCL 125.3202]; Section 306 [MCL 125.3306]; Section 401 [MCL 125.3410];  
Section 502(2) and (3) [MCL 125.3502(2) and (3)]; Section 503(5) [MCL 125.3503(5)]; Section 508(4) [MCL 125.3508(4)]; Section 604(4) [MCL 125.3604(4)]; and Section 604(5) [MCL 125.3604(5)].