

ARTICLE 5 SITE PLAN REVIEW

Sec. 5.01 Intent

These site plan review procedures are instituted to provide an opportunity for the Village Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, off-street parking structural relationships, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, morals, and general welfare, as well as to provide for the best interests of the property owner.

Sec. 5.02 Procedures

A. General

A site plan shall be required before the issuance of any zoning permit which changes either the size or usage of a structure except single family residences and their associated accessory structures. Site plans are also required for all uses permitted by Conditional Use Permit and for all condominium projects. For any projects that only involve a change in a permitted use, an addition of 600 sq. ft. or less or construction of an accessory structure of 600 sq. ft. or less, or a CUP request that does not involve any changes to the dimensions of the structure or the exterior of the site such as the parking lot, a simple site plan may be submitted. In all other cases, a detailed site plan must be submitted.

B. Simple Site Plan

A simple site plan shall be drawn to a standard scale of no less than 1"=50' and shall include the following.

1. The parcel dimensions.
2. The dimensions of all existing and proposed structures, including height.
3. The distance of all existing and proposed structures from lot lines.
4. The dimensions of all existing and proposed parking, the type of surface (gravel, asphalt, concrete) and the dimensions of all existing and proposed drives and curb cuts.
5. Show existing easements and utility lines with a simple sketch of drainage patterns.

C. Detailed Site Plan

A detailed site plan shall be drawn to a standard scale of not less than 1"=30', unless subject parcel is over ten (10) acres in size, in which case the site plan shall be no less than 1"=50' and shall include the following.

1. Statistical data including: Number of dwelling units (e.g., 1-bedroom, 2-bedrooms, and 3-bedrooms), if any, total gross acreage involved. In the case of mobile home parks the size and location of each mobile home site shall be shown. In all other cases, the location, type, horsepower, fuel, dimension, and other data of all machinery to be used on the proposed site.
2. The location of principal and accessory buildings on the lot and the relationship of each structure to another (to determine compliance with setback and separation requirements).
3. Vehicular traffic and pedestrian circulation features within and without the site to verify compliance with Article 7 Parking.
4. The location and dimensions of all off-street parking areas including maneuvering lanes, handicapped, service lanes, off-street loading spaces and other service areas within the development, and the parking calculations based on the requirements of Article 7 to verify compliance with that article.
5. The location, dimensions, and proposed use of all on-site recreation areas, if any.

6. The location of all proposed landscaping, fences or walls (to determine compliance with minimum landscape standards and maximum height).
7. The height and dimensions of all structures (to determine compliance with dimensional requirements).
8. Front, rear, and side elevation of any typical structure proposed for development (to determine compliance with height requirement).
9. The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site, including fire hydrant locations (to determine adequacy of infrastructure for the proposed use).
10. The location, dimensions, and lighting of all signs (to determine compliance with clear vision and lighting requirements).
11. The location, intensity, and orientation of all lighting, including a photometric plan of lighting intensity (to determine compliance with requirements regarding lighting being directed off adjacent premises and road ROW).
12. A location map at a larger scale, indicating the relationship of the site to the surrounding land use, including the zoning of adjacent parcels (to determine compliance with requirements relating to setbacks from adjacent land use or to identify access issues).
13. The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation and the name and address of the individual or firm preparing the same, and a note "Not to be Used for Construction Drawings".
14. The seal of the professional engineer, architect or surveyor that prepared the site plan.
15. The property shall be identified by lot lines and general location together with dimensions, angles and size correlated with the legal description of the property. The legal description shall be tied to existing monumentation. Information on net and gross land area shall be included (to determine compliance with minimum lot size and density standards and verify the site's location).
16. Location of all-natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar features shall be shown (to determine compliance with any standards related to the protection of natural features and/or compliance with applicable local, state and federal laws).
17. Existing man-made features within 100 feet of the parcel shall be shown (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a conditional use permit, to determine suitability of the site for the proposed use based on proximity to incompatible uses).
18. Floor plan showing existing and proposed uses (to verify floor area vs. usable floor area and principal vs. accessory uses).
19. All proposed and existing streets, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown including existing or proposed acceleration, deceleration and passing lanes and driveways or streets opposite the site (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways).
20. Designation of fire lanes (to determine compliance with fire code requirements).
21. Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).
22. Location of trash receptacles (to determine compliance with ordinance requirements regarding location and screening).
23. Listing of type, quantity, storage location and secondary containment provisions for any hazardous material stored or used on the site (to verify compliance with any groundwater protection requirements).

24. The topography of the site with at least two-foot contour intervals extending 50 feet beyond the property line (to determine compliance with any minimum or maximum grade requirements, clear vision requirements and height requirements, and to check drainage information).
 25. The proposed finished floor and grade line elevations of proposed buildings.
 26. Cross section showing construction of drives and parking area (to show compliance with requirements regarding pavement surface and adequacy of base material).
 27. The location, use and size of open spaces together with landscaping (shown on a separate landscape plan meeting the requirements of Article 9), screening, entrance details, fences, walls and proposed alterations of topography or other natural features shall be indicated (to determine compliance with screening and landscaping requirements).
 28. Any earth-change plans required by state law shall also be submitted with the application.
 29. Proposed surface water drainage for the site including run-off calculations and method of retention or detention (to ensure that adequate drainage will be provided to the property, and that the proposed development will not direct any additional surface water onto adjacent property).
 30. Traffic impact studies for new commercial development on M-15 if determined necessary by the Planning Commission.
 31. Such other information as may be determined to be necessary by the Village Planning Commission because of any peculiar features of the proposed development.
 32. The Planning Commission may waive, either by general rule or on a case by case basis, any of the above informational requirements they determine unnecessary to evaluate a site plan's compliance with the standards for approval under this zoning ordinance.
- D. The applicant shall provide twelve (12) copies of the site plan along with one electronic copy in "pdf" format to the Village Clerk. The site plan shall be referred by the Village Clerk at least fourteen (14) days prior to the Planning Commission meeting at which it is to be reviewed to the Village Planning Commission, Fire Chief, Village Police Chief and Village DPW Director for their review and evaluation.
- E. The Planning Commission shall review and communicate its approval or recommended site plan modifications to the applicant and the Village Zoning Administrator within not more than forty-five (45) days after the receipt of a complete site plan. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for their review.
1. The Planning Commission shall approve a site plan only upon a finding that the proposed site plan complies with the requirements of this ordinance.
- F. If revisions to the submitted site plan are required, upon receipt of the modified site plan, the Village Planning Commission shall evaluate the changes which have been made and if deemed acceptable shall communicate its approval of the site plan to the applicant and the Village Zoning Administrator within not more than forty-five (45) days after receipt of the modified site plan.
1. Such modified site plan shall be disapproved if it is determined to not comply with the requirements of this ordinance.
 2. If a site plan is determined to be in compliance with the ordinance, except for requirements for which a variance may be granted by the ZBA, the Planning Commission may approve contingent on approval of the variance.

3. Two (2) copies of the approved final site plan, including any required conditions, shall be maintained as part of the village records for future review and enforcement. One (1) copy shall be returned to the applicant.

Sec. 5.03 Criteria for Review

A. Site Plan Review Standards

All site plan reviews shall use the following set of standards, along with the other applicable requirements in the ordinance such as district regulations, general provisions, parking, etc.

Should lack of off-site improvements create unacceptable conditions, then that lack of off-site improvement is sufficient justification for denial of a site plan.

1. **Building Relationships.** Buildings and structures shall meet or exceed all setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Maximum building and lot coverage shall be consistent with standards prescribed in Article 4. Any accessory buildings and structures (garages, decks, fences, etc.) except those in an approved mobile home/manufactured housing park, shall meet the standards in Article 3 of this ordinance.
2. **Impact on Surrounding Land Uses and Zoning.** The proposed site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with other developments in the vicinity.
3. **Preservation of Natural Features.** Regulated and non-regulated wetlands and other natural features are preserved or modified in an acceptable manner. A ten (10) foot setback from the identified natural feature will be provided.
4. **Access and Circulation.** Proposed driveways shall meet the design and spacing standards provided in Article 7 of this ordinance. Streets and parking lots shall be designed to promote safe, convenient, uncongested and well defined vehicular and pedestrian circulation. Access to the site shall be designed to minimize conflicts between vehicles and pedestrians and with traffic using adjacent streets and driveways. Shared access or service/frontage drives shall be used where appropriate.
5. **Parking and Loading Spaces.** The number and dimension of off-street parking and loading/unloading, the design and setback of parking and loading areas and the number of barrier free spaces shall meet the standards indicated in Article 7 of this ordinance and the State of Michigan Barrier Free Standards.
6. **Utilities.** The development shall have access to adequate sanitary sewer facilities. The development shall have access to or provide adequate water to meet the current and future needs of the proposed development. All proposed watermain and sewer extensions shall be approved by the Michigan Department of Environmental Quality (DEQ), the Village's engineer and any other regulatory agency.
7. **Conditional Use.** If the site plan review is being conducted for a proposed Conditional Use Permit, any Conditional Use Standards relating to the proposed use, as identified by Chapter 6, also shall be satisfied.
8. **Phasing.** Any phases of the development shall be in logical sequence so that any phase shall not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
9. **Agency Coordination.** The applicant shall have secured the approval of and provide evidence for the proposed site plan meeting standards of other governmental agencies.
10. **Views and Building Elevations.** Placement and height of buildings, structures and parking shall preserve existing views of woodlands and other significant visual resources

to the greatest extent reasonable. Proposed architecture shall complement the character of the surrounding area.

11. Storm Water Management and Soil Erosion Control. The development shall not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing potential flooding. Provisions shall be made to accommodate storm water, which complements the natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage or sedimentation ponds may be required to reduce or filter storm water runoff. Storm water runoff on paved areas will be collected at intervals but will not obstruct the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material.
12. Preservation of Topography. The site plan and impact assessment shall demonstrate judicious effort to preserve the integrity of the land, existing topography and natural drainage patterns. Grading or filling shall not destroy the character of the property or the surrounding area and shall not adversely affect the adjacent or neighboring properties.
13. Preservation of Woodlands and Trees. The site plan shall be designed to preserve existing woodlands and individual quality trees with a caliper of twelve (12) inches to the greatest extent reasonable. Woodlands, trees and natural areas to be preserved shall be protected during construction by fencing or other barrier obvious to construction personnel. If any trees are proposed for transplant, transplant methods shall be adequately described.
14. Greenbelt, Landscaping and Screening. The amount, type and minimum size of landscaping meets Ordinance standards and are properly labeled and identified in Article 9 of this ordinance. Trees and shrubs native to Michigan should be used where appropriate.
15. Traffic Impacts and Mitigation. Traffic impacts shall be addressed in the Traffic Impact Study, if required. Improvements, such as deceleration lanes, where warranted.
16. Emergency Vehicle Access. Adequate access shall be provided for emergency vehicles to the site and all buildings or groups of buildings. The Forest Township fire department should approve location of fire hydrants and access points. Building plans should be reviewed for compliance with Section 23.11.510 of the International Fire Code – Emergency Responder Radio Coverage
17. Waste Receptacles. Waste receptacles (dumpsters, compactors and individual recycling stations) shall meet all applicable standards in this ordinance.
18. Site Lighting. Site lighting fixtures shall be designed to direct lighting within the site. The height of fixtures shall meet the accessory use standards in Article 3. The intensity of the fixtures shall meet the standards for glare and lighting in Article 3 or the Village Sign Ordinance, where appropriate.
19. Signs. Proposed signage shall meet the standards of the Sign Ordinance and are generally complementary with the surrounding signs and traffic operations.
20. Storage of Potentially Hazardous Materials or Waste. The applicant meets all of the standards for hazardous waste storage and handling established by the Michigan Department of Environmental Quality, State Health Department and the County Health Department.
21. Design and Construction Standards. All construction approved under site plan shall comply with village adopted construction and design standards.

B. Engineering Review

In granting final site plan approval, the Planning Commission may defer those engineering issues they believe can be reviewed and approved by the village engineer.

Sec. 5.04 Conditions

The Planning Commission may condition approval of a site plan including conditioning approval on conformance with the standards of another local, county or state agency, such as but not limited to the County Drain Commission, County Health Department and the Department of Environmental Quality. They may do so when such conditions:

- A. would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
- B. would protect the natural environment and conserve natural resources and energy;
- C. would ensure compatibility with adjacent uses of land; and
- D. would promote the use of land in a socially and economically desirable manner.

In determining appropriate conditions, the Planning Commission shall ensure that there is a rational nexus and rough proportionality between the condition imposed and the impact it is mitigating. As used in this ordinance, rational nexus refers to a condition that clearly is intended to address an impact anticipated as a result of the approval of the proposed used and rough proportionality refers to the reasonable correlation between the impact of the proposed impact the extent of the condition to address that anticipated impact.

Sec. 5.05 Appeals

An individual with a vested interest in a Planning Commission decision related to a site plan may appeal the Planning Commission decision to the Zoning Board of Appeals. A site plan that has been appealed to the Zoning Board of Appeals and denied may not be resubmitted to the Planning Commission for one (1) year unless the Planning Commission determines that substantial changes have been made to the nature and scope of the project other than minor changes approved by the zoning administrator as outlined.

Sec. 5.06 Conformity to Approved Site Plan

A. Revocation of Site Plan Approval

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission other than minor changes, approved by the Zoning Administrator as outlined below. If construction and development does not conform with such approved plan, the approval of the Site Plan shall be revoked by the zoning administrator of the Village by written notice of such revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of such approval, all construction activities shall cease upon the site until such time as the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan to coincide with the owner's construction or altered plans for construction as being in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Village Zoning Ordinance.

B. Minor Changes

A minor change to a site plan are changes that do not increase the overall building size by over 100 square feet, do not need a variance, do not result in an increase in the number of required parking spaces and does not affect a condition of approval.

Sec. 5.07 Amendment to Site Plan

A proposed amendment, modification or alteration to a previously approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

Sec. 5.08 Time Limits

- A. The applicant shall have twelve (12) months from the date of final approval of the site plan to begin physical construction of the project.
- B. The applicant shall have eighteen (18) months from the date that physical construction has commenced to complete the project.
- C. The applicant may apply to the Planning Commission for an extension of up to eighteen (18) months. The applicant must demonstrate that suitable progress has been made on the project. If an extension is granted, the project must be completed by the end of the extension period.

Sec. 5.09 Performance Guarantee

The Planning Commission shall have the right and authority to require the developer to file with the Village Zoning Administrator at the time of application for a building permit, a performance bond in such amounts as may be determined by the Planning Commission to ensure the development of the site in accordance with the approved site plan, conditioned upon such property construction and development. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which covers the estimated total cost of construction and site development.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Village Treasurer prior to the issuance of a zoning permit. The village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an account.
- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Village of Otisville shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Village use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Village of Otisville to ensure completion of an improvement associated with the proposed project prior to the Village's conditional approval, the applicant shall not be required to deposit with the Village of Otisville a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Village and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Village of Otisville regarding the performance guarantee.