

ARTICLE XV SITE PLAN REVIEW

SECTION 15.01 PURPOSE

The purpose of this Article 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 15.02 SITE PLANS REVIEWED

In accordance with the provisions of this Article, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

- A. All Permitted Uses, including the construction of a building addition, shall require a Site Plan Review except those specifically excepted; these are limited to single-family and two-family dwellings, agricultural uses, family day care homes, family group care facilities, home occupations and Wind Energy Systems under 65 feet.
- B. Special Land Uses in all Zoning Districts.
- C. Site condominiums, or condominiums of any type in any Zoning District.
- D. Subdivisions.
- E. Land Divisions of ten (10) or more parcels.
- F. Township Board, Planning Commission, Zoning Administrator or Building Inspector may require a Site Plan Review if circumstances warrant, even if not required under A, B, C, D or E above.
- G. Planned Unit Developments.

SECTION 15.03 SITE PLAN REVIEW REQUIREMENTS

- A. Pre-preliminary Site Plan Review – Option of Applicant
 - 1. If desired by the applicant, ten (10) copies of a pre-preliminary site plan may be submitted for review by the Planning Commission prior to preliminary site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better acquaint the applicant of the planning policies of the township and compliance with zoning ordinance and conformance with review standards prior to incurring extensive engineering and other costs which might be necessary for site plan approval.

Pre-preliminary conference suggested information. In order to gain maximum benefit from the pre-preliminary application conference the proprietor should submit the following information for the entire tract of land, whether or not the tract will be developed in stages:

- a.) Property dimensions and area;
 - b.) The concept, objectives, general layout and location and extent of the various uses and facilities to be incorporated within the development, including a general layout of the proposed street system, lot sizes and lot configuration;
 - c.) Proprietor's interest in the property, and verification of all persons having ownership in the parcel.
 - d.) Stages of development;
 - e.) A site analysis showing which of the site conditions the proprietor intends to retain or modify as part of the basic design of the development;
 - f.) Description of natural features, general topographic and general soil conditions on the site. Information is available from the county department of public works;
 - g.) Aerial photograph of the site and surrounding area, with the site clearly defined. (Photos are available from the Muskegon County Equalization Department.)
 - h.) Description of manmade or cultural features, existing and proposed, surrounding the site;
2. Pre-preliminary site plans should be shown to scale. This conceptual plan should show natural features, contour intervals of ten (10) feet or less, zoning of the parcel and contiguous parcels, and any information necessary to inform the commission and the public of the concept of the project and the effect of the design on the parcel and the surrounding area.

B. Preliminary Site Plan Review

- 1. The applicant must submit twelve (12) copies of a preliminary site plan for review by the Planning Commission. Three (3) copies of which if approved 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 Township Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the applicant or his designated representative. The purpose of such procedure is to approve, approve with conditions or deny the plan with specific findings that are to be documented and become a part of the record.
- 2. Preliminary site plans shall include the following, unless deemed unnecessary by the Planning Commission:
 - a. Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area, including the zoning of surrounding property.
 - b. Twelve (12) copies of a site plan to scale. The scale shall not be less than 1"=20' for property under three (3) acres and at least 1"=100' for those three (3) acres or more. Under special circumstances scales other than the above may be approved by the zoning administrator if granted prior to submittal.

The following items shall be shown on the plan:

- (1) Existing adjacent streets and proposed streets.
- (2) Lot lines and dimensions.
- (3) The date, north arrow, and scale.
- (4) The seal, name, and firm address of the professional individual responsible for the preparation of the site plan.
- (5) The name and address of the property owner and petitioner, if different.
- (6) A location sketch.
- (7) Legal description of the subject property.
- (8) The size (in acres) of the subject property and each unit or lot allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- (9) Traffic impact study which describes internal circulation and projected impacts on traffic operation, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
- (10) Drains
- (11) Proposed buffer strips or screening.
- (12) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, streams, wetlands, ponds, floodplains, hills and similar natural assets.
- (13) Existing and proposed buildings
- (14) General topographical features including contour intervals no greater than two (2) feet
- (15) All buildings and driveways within one hundred (100) feet of all property lines.
- (16) The location and size of all surface water drainage facilities.
- (17) Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.
- (18) A narrative (shown on the site plan or submitted separately) describing in general terms:
 - a. An overall description of the proposed development.
 - b. Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets or drives, and open space.
 - 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.
- (19) Preliminary approvals from all necessary regulatory agencies.
- (20) Proposed Restrictive Covenants or Condominium Documents.
- (21) The following additional items shall be shown on a Commercial Site Plan:
 - a. Parking lots and access points.
 - b. Location and size of any signs.
 - c. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.

- d. The existing zoning and use of all properties abutting the subject property.
 - e. 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.
 - f. Size and location of existing and proposed utilities, including any proposed connections to public or private community sewer or water supply systems.
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 Article. The Planning Commission shall advise the applicant as to the acceptability of the proposed plan. The applicant shall be bound by any statements or indications of acceptance of the plan and final approval shall be dependent upon the final project being completed as per the preliminary approval and the approval of all necessary regulatory agencies.

C. Final Site Plan Review

The purpose of the final review is to have the applicant submit the final copies of the plats and documents prior to recording. Staff shall review the Subdivision Plat, the Certificate of Survey or the Condominium Documents (Exhibits A & B) for compliance with the respective acts, review the final approvals of the required regulatory agencies and compare the final plan with the approved preliminary plan. The Planning Commission shall review the staff report and verify that the project meets all the requirements and has been built or designed according to the approved preliminary site plan. If the final plan is not in compliance with the above requirements the plan may be denied. If denied the applicant may reapply when the deficiencies are corrected. Reapplication for final approval must occur within one year of the preliminary approval or any granted extensions.

- 1. Ten (10) copies of a site plan prepared by a professional competent in such matters must be submitted for review.
- 2. Applications for site plan reviews shall include the following information, unless deemed unnecessary by the Planning Commission:
 - a. The date, north arrow, and scale.
 - b. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan.
 - c. The name and address of the property owner and petitioner, if different.
 - d. A location sketch.
 - e. Legal description of the subject property.
 - f. The size (in acres) of the subject property and each unit or lot allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - g. Traffic impact study which describes internal circulation and projected impacts on traffic operation, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

- h. All requirements necessary for recording of Drawings and Documents.
- i. Final approvals of all necessary regulatory agencies.

SECTION 15.04 APPLICATION AND REVIEW

- A. Site plans, a completed preliminary application form, and an application fee established by the Township Board, shall be submitted by the petitioner or designated agent, at least thirty (30) 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 hold a public hearing on the application, providing the notice of such hearing in accordance with the Zoning Act.
- C. Upon receipt of an application for Site Plan Review, the Applicant shall transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the request, for their review and comment. In some cases agency review may require an onsite visit and an associated fee, which the applicant is responsible for.
 - 1. Muskegon County Road Commission.
 - 2. Muskegon County Health Department.
 - 3. Muskegon County Drain Commissioner.
 - 4. White Lake Fire Authority.
 - 5. Muskegon Conservation District.
- D. 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 Article and the purpose of this Ordinance. The Planning Commission may require the applicant to furnish a financial guarantee, in accordance with this Ordinance, to ensure conformance by the applicant. Final action shall be taken by the Planning Commission within ninety (90) days after fully completed application and site plan has been received by the Township.
- E. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.
- F. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below:
 - 1. The Planning Commission may grant two (2), six (6) month extensions 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 15.05 RECORDED SUBDIVISIONS, CONDOMINIUMS AND LAND DIVISION REQUIREMENTS

A. RECORDED SUBDIVISIONS

In those instances, in which Act 288, Public Act of 1967, 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 288, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

B. CONDOMINIUMS

In those instances, in which Act 59 of 1978, as amended is involved the Township shall require the owner provide a full-size copy of the plan submitted to the register of deeds of the exhibit B plan and a copy of the recorded entire "Master Deed".

C. LAND DIVISIONS

In those instances, in which parcels of land are being divided other than condominiums or recorded subdivisions the Township shall require the owner provide a copy of the Certified Survey recorded at the Muskegon County Register of Deeds as per Public Act 132 of 1970, as amended.

SECTION 15.06 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, in compliance with this Ordinance, 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 (5%) percent 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 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 Township, the Muskegon County Road Commission, or other 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 15.07 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, uncontested, 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 and shall use significant traffic calming designs that will reduce speeds naturally, use green islands and curved roads to slow traffic naturally within the site and at ingress/egress points.

- C. The arrangement of public or private vehicular or pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system, for traffic within Fruitland Township.

- 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, native habitats, 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. Every effort shall be made to preserve native ecological communities and minimize impacts to fish and wildlife. Utilities shall be installed to be harmonious with the site and all adjacent property.

- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved in their natural state to provide areas for natural habitats, 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 White Lake Fire Authority.

- H. All streets and driveways shall be developed in accordance with Fruitland Township Private Street Design Standards, the Township Subdivision Control Ordinance, the Muskegon County Road Commission, or Michigan Department of Transportation

specifications, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with the respect to driveway location and spacing. No residential street shall provide connection or access to industrial or commercial property.

In addition, sidewalks may be required if appropriate for the development.

- I Traffic impact study which describes internal circulation and projected impacts on traffic operation, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
- J. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the neighboring properties, aquatic resources, or the public storm drainage system. Provisions shall be made to accommodate storm water, 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. The Site Plan shall fully conform to the Muskegon County Soil Erosion and Sedimentation Control Ordinance. In addition, methods to employ Low Impact Development (LID) techniques are strongly encouraged. LID techniques promote source controls of storm water and maintain the natural hydrological cycle by: preserving open space and minimizing land disturbances; protecting natural features and natural processes; re-examining the use and sizing of traditional infrastructure (lots, streets, curbs, gutters, and sidewalks); integrating natural site elements (wetlands, stream corridors, mature forests) into site designs; and decentralizing and managing storm water at its source. Such techniques include a permeable pavement, grassy swales, bio retention/rain gardens, infiltration trenches and basins, filter strips, tree box filters, cisterns, dry wells, rain barrels and similar best management practices set forth in the State of Michigan's Low Impact Development Manual.
- K. Any 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 character of the Township.
- L. 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.
- M. 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 exits 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.

- N. Site plans shall conform to all applicable requirements of County, State, Federal and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal and Township permits before final site plan approval or and occupancy permit is granted.
- O. Hazardous Waste Management shall consist of all precautions to prevent hazardous materials from entering the environment.
- P. 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.
- Q. The general purposes and spirit of this Ordinance and the Master Plan of Fruitland Township shall be maintained.
- R. A public sanitary sewer system or an approved privately-owned community sewer system shall be required unless the township determines as follows:
 - 1. The soils and terrain will not substantially limit the use of septic tanks because of wetlands, steep slopes, flooding, percolation, ponding or other topographical characteristics based on information from the Michigan Department of Environmental Quality or the Muskegon County Health Department.
 - 2. The lack of a public sanitary sewer system or privately-owned community sewer system will not have an adverse affect on area lakes, the watershed involved or other environmental factors.
- S. A public water system or an approved privately-owned community water supply system shall be required unless the township determines as follows:
 - 1. The soils and terrain will not substantially limit the use of private water wells based on information from the Michigan Department of Environmental Quality or the Muskegon County Health Department.
 - 2. The lack of a public water system or a privately-owned community water system will not adversely affect area lakes, the watershed involved or other environmental factors.
- T. All abandoned or out of service underground storage tanks shall be removed in accordance with applicable local, state and federal law.

SECTION 15.08 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. Such conditions shall be related to and ensure that the review standards of this Article are met and shall meet the requirements of the Zoning Act.

- 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 part of the minutes of the Planning Commission.
- F. The Zoning Administrator and/or Building Inspector 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 a violation of this ordinance and subject to the enforcement provisions of Article XX. If a violation of a condition occurs during the development process, the township may immediately revoke all approvals and terminate all work in progress.

SECTION 15.09 FILING AND RECORDING PROCEDURES

As a condition of receiving final approval, the applicant shall provide the following items to the township:

- A. One reproducible copy of the final approval on mylar or other dimensionally stable material and four paper prints.
- B. One copy of the development drawings in final approved form in an AutoCAD compatible, digital media format.