

CHAPTER 14

SITE PLAN REVIEW

(Amended 7/28/93 as New Section)

SECTION 14.01 PURPOSE. The purposes of Site Plan Review are as follows: to determine compliance with the provisions of this Ordinance, to promote the orderly development of the Township, to prevent the depreciation of land values through uses or structures which do not give proper attention to site planning or area protection, and to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance.

SECTION 14.02 SITE PLAN REVIEW REQUIRED. A site plan shall be submitted for review according to the provisions of this chapter for all permitted and special land uses except the following:

- (a) Single family and two family dwelling units on individual lots, in the A-1, R-1, R-2, R-3 and VR zoning districts. *(Amended 01-04-11)*
- (b) Residential and agricultural accessory buildings, not listed as Special Uses.
- (c) Non-residential accessory buildings less than eight hundred (800) square feet in area.
- (d) Single and two family homes, Type I and Type II home occupations and temporary dwellings requiring approval as a special use and. For such uses requiring a special use permit, a sketch plan drawn to scale shall be provided. The sketch plan shall include the location, dimensions and area of all structures, parking areas and driveways the approximate location of buildings located on adjacent property and proposed future additions or future buildings if contemplated. The sketch shall include a scale, north arrow, and date of drawing; the property owner's name and address; and description of the proposed use of each building if for other than residential purposes. *(Amended 10/96 and 4/03)*
- (e) Ponds for Agricultural Use

SECTION 14.03 APPLICATION PROCEDURE.

- (a) Nine (9) copies of an application for site plan review shall be made to the Zoning Administrator along with a fee as required by Township Board resolution. The application shall, at a minimum, contain the following information:
 - (1) The applicant's name, address and phone number.
 - (2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - (3) The name, address and phone number of the owner(s) of record if different than the applicant.
 - (4) The address and/or parcel number of the property.
 - (5) Project description, including number of structures and dwelling units, square footage of each building, number of parking spaces, estimated number of employees, and any unique features of the site or proposed development.

- (6) Area of the parcel in acres, excluding road right-of-ways.
- (7) A site plan for the project containing all of the information listed in Section 14.04, below.
- (b) The Building Inspector shall forward copies of the application and site plan to the Planning Commission within seven (7) days after the receipt of the application.

SECTION 14.04 SITE PLAN CONTENT. Unless exempted from the following requirements by Section 14.02 (d) or specifically waived by the Zoning Administrator in consultation with the planning Commission, each site plan submitted shall be drawn to a minimum scale of 1' inch = 200' and shall contain the following information: (*Amended 10/96*)

- (a) Name of development and general location sketch showing major thoroughfares and site location.
- (b) Name, address and phone number of site owner(s), developer and designer, including professional seal of designer.
- (c) North arrow, scale, and date of original drawing and any revisions.
- (d) The area of the site in square feet and acres, excluding all existing and proposed rights-of-way. Property lines, dimensions, and building setback distances and dimensions of all structures and lot lines within one hundred (100) feet of the site shall also be indicated. If the parcel is a part of a larger parcel, boundaries of the total land holding shall be shown.
- (f) Existing zoning of the site and all adjacent properties.
- (g) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site. Ground elevations of all existing buildings, drives and parking lots, and any unusual surface conditions shall be provided.
- (h) Direction of storm water drainage and indication as to how storm water runoff will be handled.
- (i) Location of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building.
- (j) Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all driveways within one hundred (100) feet of the site. The centerline of road rights-of-way shall be shown.
- (k) Location and size of all existing and proposed water and sanitary sewer lines, storm drainage lines, wells, fire hydrants, catch basins, septic tanks and drain fields and utility easements.
- (l) Proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. Also, the method of surfacing such areas shall be noted.
- (m) Location of all sidewalks, bike paths, and other pathways.
- (n) Location and size of any walls, fences, greenbelts, or other screening provisions.
- (o) Landscape plan indicating type and size of all plant material, including all areas to be sod or seeded for grass. Provide cross sections of all berms.

- (p) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Trees which are to be removed on the site shall be illustrated.
- (q) Building floor plans and architectural wall elevations. The height of all buildings or structures shall be indicated.
- (r) Location of all proposed accessory structures, including outdoor lighting fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, signs, and existing and proposed utility poles. Indicate screening for trash receptacles.
- (s) Location of all outdoor storage areas for materials and the manner in which materials shall be screened or covered.
- (t) If phased construction is to be used, each phase must be noted and each phase must stand on its own.
- (u) Notation of any variances or special use permits which are required, any legal non-conforming uses or structures, and any State or Federal permits which have been secured or may be necessary to secure.
- (v) **In addition, the following requirements shall apply to certain businesses and facilities for the protection of groundwater:**
 - (1) **Applicability:** These provisions shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 25 gallons or 220 pounds per month. Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources and Environment (*Amended 01-04-11*); hazardous substances as defined by the U.S. Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.
 - (2) **Site Plan Information Requirements**
 - a. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
 - b. Completion of the "Hazardous Substances Reporting Form for Site Plan Review."
 - c. Location of existing and proposed service facilities and structures, above and below ground, including:
 - [1] Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.
 - [2] Underground storage tank locations.
 - [3] Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of

discharge for all drains and pipes should be specified on the site plan.

- d. Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service.
 - e. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
- (w) Identification of the limits of any required "natural vegetation zone" and/or "transition zone" adjacent to a riparian feature, as established by the riparian area protection standards contained in Chapter 25. (*Amended 2-08*)

SECTION 14.05 REVIEW PROCEDURE AND AUTHORIZATION.

All site plans required under this Chapter shall be subject to review as follows:

- (a) *Authorization.* The Planning Commission shall have the power to approve, deny, modify, or approve with conditions all site plans submitted to it under this Ordinance. The Planning Commission shall advise the applicant of its action in writing. A building permit shall not be issued until a site plan has been approved as required herein.
- (b) *Review Period.* The Planning Commission shall render a decision on a site plan within sixty-five (65) days of its initial review of the site plan, unless an extension of time is agreed to by the Planning Commission and the applicant.
- (c) *Review Standards.* The Planning Commission shall review each site plan according to the standards for site plan review as contained in Section 14.06 of this chapter and any other applicable regulations of this Ordinance. In addition, the Planning Commission is empowered to seek the review and recommendation of appropriate county, state or federal agencies, the Township Engineer or Planner, or other professionals, consultants, or agencies as the Commission deems necessary to assist it in its review.
- (d) *Approval.* Upon approval of a site plan, two copies of the plan shall be signed and dated by the Planning Commission. One copy of the plan shall be retained by the applicant and the chairperson of the applicant and one shall be submitted to the Building Inspector as part of the building permit review process.
- (e) *Effect of Approval.* Approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (f) *Expiration of Approval.* Approval of a final site plan shall expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of the site plan approval. Approval of a final site plan shall expire and be of no effect five hundred thirty-five (535) days following the date of approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.

SECTION 14.06 STANDARDS.

- (a) *General.* The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance and conformance with the following general standards:
- (1) The applicant may legally apply for site plan review.
 - (2) All required information has been provided.
 - (3) The proposed development conforms to all regulations of the zoning district in which it is located.
 - (4) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, 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.
 - (5) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
 - (6) Natural resources will be preserved and protected to the maximum feasible extent and organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
 - (7) The proposed development will not cause soil erosion or sedimentation problems.
 - (8) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
 - (9) The proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
 - (10) The plan meets the specifications of the Salem Township for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
 - (11) With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; special attention shall be given to the location, number and spacing of access points; general interior circulation; separation of pedestrian and vehicular traffic; the avoidance of building corners next to access drives; and the arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties and flow of traffic on adjacent streets.
 - (12) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means as required by the Township fire department.
 - (13) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - (14) All loading and unloading areas and outside storage of materials which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials. Also, outdoor storage of

garbage and refuse shall be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

- (15) Outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- (16) Phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

(b) *Standards for Groundwater Protection.*

- (1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and steep slopes.
- (2) General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- (3) Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- (4) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- (5) Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (6) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
- (7) Secondary containment structures such as out buildings, storage rooms, sheds, and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
- (8) Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.
- (9) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and the State Police Fire Marshal Division.
- (10) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or

inventory control must be retained and available for review by government officials.

- (11) Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division, and the Michigan Department of Natural Resources and Environment. *(Amended 01-04-11)*
- (12) Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
- (13) Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Natural Resources and Environment is available indicating that cleanup will proceed in a timely fashion. *(Amended 01-04-11)*
- (14) No aboveground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any property line or one hundred (100) feet of any residentially zoned property.
- (15) No underground storage tank shall be within thirty (30) feet of any property line or fifty (50) feet of any residentially zoned property.

SECTION 14.07 ISSUANCE OF BUILDING PERMIT. The Building Inspector shall, upon receipt of notice of approval from the Planning Commission and upon application by the applicant, issue a building permit provided all other applicable Township regulations have been met.

SECTION 14.08 CHANGES AND AMENDMENTS TO AN APPROVED SITE PLAN.

MAJOR AND MINOR CHANGES. Major changes (amendments) to an approved site plan shall be reviewed under Section 14.05 and may be authorized in the same manner as the original application. Certain site plan adjustments classified as “minor changes” may be permitted by the Zoning Administrator. All proposed site plan changes shall be evaluated by the Zoning Administrator and shall be authorized only under the following procedures and circumstances: *(Amended 11-10)*

- (a) The holder of an approved Site Plan shall notify the Zoning Administrator of any proposed change to an approved Site Plan. *(Amended 11-10)*
- (b) Administrative approval of minor site plan changes may only be granted upon determining that the proposed revision(s) either singularly or collectively, will not alter the basic design or any specific conditions imposed as part of the original approval and will otherwise continue to meet all applicable ordinance standards and agency regulations. Administrative site plan approval may not be granted for any use regulated or approved as special land use under Chapter 15. Before acting upon a request the Zoning Administrator who may consult with the Planning Commission Chairperson, planning consultant or others. Administrative site plan approval shall be further limited to the following: *(Amended 11-10)*
 - (1) The approval shall relate specifically to an approved site plan already on file with the Township.

- (2) Increases or decreases in the building size of up to five percent (5%) or 1000 square feet of gross floor area, whichever is smaller, provided such increase does not result a change to the approved parking arrangement and/or vehicle circulation.
 - (3) Installation of underground structures or the movement of buildings or other above ground structures by no more than ten (10) feet, provided that the installation or movement does not result in a change to the approved drainage plan, parking arrangement and/or vehicle circulation.
 - (4) Construction or installation of detached accessory structures such as storage sheds, refuse enclosures and heating and cooling units not exceeding 150 square feet in size and not resulting in a change to the approved drainage plan, parking arrangement and/or vehicle circulation.
 - (5) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size or with materials required by a permitting County, State or Federal regulatory agency.
 - (6) Changes in building materials to a comparable or higher quality.
 - (7) Replacement of the site lighting fixtures specified on an approved site plan with fixtures of comparable or higher quality that do not increase the amount of light trespass or glare that is visible from the street or adjacent properties.
 - (8) Changes to signs and sidewalks.
 - (9) Additions of fewer than 6 parking spaces or changes to the approved parking, loading or driveway surface provided that drainage, on site circulation and landscape arrangement is not affected.
 - (10) Elimination of impervious parking surfaces may only be approved if the area is not needed to meet required parking, storage or circulation needs of the site or use. Impervious surfaces may only be replaced with lawn or a decorative landscape material.
 - (11) Changes in building floor plans which do not alter the character of the use.
 - (12) Minor changes required or requested by the Township Fire Department, the Allegan County Road Commission or other County, State or Federal regulatory agency. In such instance the change must be necessary for the project to conform to other laws or regulations and may not conflict with any specified condition required at the time of the original approval or result in a site plan change that is not otherwise considered minor based upon the above limitations. Examples may include but shall not be limited to modifications to drainage structures, reductions in the number of allowed driveways, driveway improvements required within the public street right of way or creation of fire lanes. *(Amended 11-10-09)*
- (c) Prior to the authorization of a minor site plan change, the applicant/holder of the approved site plan shall have submitted the request for a minor change in writing to the Zoning Administrator along with a copy of the approved site plan and a clear demarcation of the proposed changes. The request and approved site plan changes authorized by the Zoning Administrator shall be dated and placed in the same file and record pertaining to the original approved Site Plan. The Zoning Administrator shall, provide the Planning Commission with written notification of all minor site plan changes within 10 days of approval. *(Amended 11-10-09)*

- (d) A proposed site plan change that is determined not 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 (ref. Sec 14.05). The Planning Commission shall record its reasons for allowing a major site plan amendment in the minutes of the meeting at which the action is taken. The amended site plan shall be signed and dated and shall be included in the same file as the original approved site plan. *(Amended 11-10-09)*

SECTION 14.09 MODIFICATION OF PLAN DURING CONSTRUCTION.

All site improvements shall conform to the approved site plan. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk, without any assurances that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Building Official and the Planning Commission of any changes. The Building Official or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

SECTION 14.10 AS-BUILT DRAWINGS.

- (a) The applicant shall provide as-built drawings of all sanitary sewers, water and storm sewer lines and all appurtenances which were installed on a site for which a site plan was approved. The drawings shall be submitted to the Building Inspector.
- (b) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (c) The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

SECTION 14.11 PHASING OF DEVELOPMENT.

The applicant may divide the proposed development into two or more phases. In such case, the site plan shall show the entire property involved and shall clearly indicate the location, size and character of each phase. However, complete site plans for all phases of a project need not be provided at once. Subsequent site plans may be submitted for review and approval for each phase as the project proceeds.

Each phase of a project shall stand on its own; no phase shall rely on the completion of any subsequent phases of the project for parking, utilities, landscaping or any other element required by this Ordinance.

SECTION 14.12 PERFORMANCE GUARANTEE.

The Planning Commission may require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, drainage

and other required improvements associated with the project. The estimated amount shall be determined by the applicant. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan. If not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and the balance, if any, shall be returned to the applicant.

SECTION 14.13 FEES.

Fees for the review of site plans and inspections as required by this Chapter shall be established and may be amended by resolution of the Township Board.

SECTION 14.14 VIOLATIONS.

An approved site plan shall become part of the record of approval, and subsequent action relating to a site in question shall be consistent with the approved site plan, unless the Planning Commission agrees to such changes as provided in this Chapter. Any violation of the provisions of this Chapter, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance and shall be subject to all penalties therein.