

**ARTICLE 16
SITE PLAN REQUIREMENTS**

SECTION 16.1: PURPOSE

16.1.1 Purpose: The purpose of the site plan review requirements is to ensure and maintain development practices and patterns to protect the public health and safety of the community and to properly advance the long-term community vision and planning goals set forth in the Port Sanilac Master Plan.

It is further the intent of this section that where a site plan is required, the size, shape, placement and design of buildings, parking lots, landscaping, fencing and related changes to a lot or parcel are all made consistent with a site plan which is submitted and reviewed to establish conformance or nonconformance with the requirements of this Ordinance and any other applicable local, county, state or federal regulations.

SECTION 16.2: USES REQUIRING SITE PLAN APPROVAL

16.2.1 Uses Requiring Site Plan Approval: The Zoning Administrator shall not issue a zoning permit or a certificate of zoning compliance, nor shall the Building Inspector issue a building permit for any principal use listed below, nor for any accessory use on a lot or parcel for which site plan approval was previously granted or is required, until a site plan covering the entire lot or parcel has been reviewed and approved:

- A. Whenever a building permit is required for new construction or alteration of an existing commercial building.
- B. For any substantial change in commercial and industrial use or type of business that may result in additional impacts to the health, safety and general welfare of Village residents or those who will use the facility as well as affect increased service or facility load or additional impact on the natural environment.
- C. Whenever a business parking or storage area is to be constructed or modified.
- D. A site plan is required with all applications for status as a special land use. The application form for site plan review is available from the Village Clerk.
- E. Any use except single-family residential which lies contiguous to a major thoroughfare or collector street that affects internal traffic circulation or requires an increase in off-street parking.
- F. All Special Land Uses permissible on appeal in single-family districts such as, but not limited to: churches, schools, public facilities, and similar uses.
- G. All site condo and condominium subdivisions developed pursuant to the Condominium Act (Public Act 59 of 1978), as amended.
- H. All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure and which do not fall under the requirements of the Land Division Act (Public Act 288 of 1967), as amended.
- I. Increase in floor space of an existing building that requires an increase in off-street parking to satisfy the zoning requirements.
- J. Any site change that affects internal traffic circulation of the property or affects traffic circulation for properties surrounding the property.

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SECTION 16.3: INFORMAL REVIEW PROCESS

16.3.1 Informal Review Process: It is recommended that, prior to incurring any expense associated with preparing and submitting a detailed site plan application for consideration, the prospective applicant meets for an informal review with the Zoning Administrator. At the discretion of the Zoning Administrator, proposed projects may be subject to an informal review at a regularly scheduled Planning Commission meeting.

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within. This may include any potential variance requests that need to be filed with the Zoning Board of Appeals.
- B. To aid in the discussion, the potential applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, location of buildings, and parking areas, internal circulation patterns, proposed size of buildings and uses to be included in the development.
- C. Requests for an informal review process that are made at least fourteen (14) days prior to the next meeting of the Planning Commission will be placed on the agenda of the next regularly scheduled meeting. The applicant is encouraged to pre-schedule the meeting with the Zoning Administrator.
- D. No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the informal review meeting shall be relied upon by the applicant to indicate any potential and subsequent approval or disapproval of the plan.
- E. At the discretion of the Zoning Administrator and/or the Planning Commission, other agencies with appropriate technical advice may attend the meeting.

SECTION 16.4: APPLICATION PROCEDURE

16.4.1 Application Procedure:

- A. All land for which site plan approval is sought must be owned, under the control of the applicants who must have a majority ownership interest if there is more than one owner, or have a valid purchase agreement option on the property. The Zoning Administrator, with Planning Commission approval, may research the parcel ownership and if unsatisfied that the applicant(s) have the majority ownership interest or purchase agreement interest in the property, may require proof thereof.
- B. An application for Site Plan Review by the Village Planning Commission, the required fee, along with a digital copy and two (2) paper copies of the required site plan to be reviewed shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of the Planning Commission meeting at which the review is to be conducted.
- C. All information depicted on a site plan shall be prepared by, or under the direct supervision of, a professional engineer, architect, land surveyor, or landscape architect licensed in Michigan as indicated by the signature and seal of the professional. This requirement may be waived by the Zoning Administrator for site plans involving only accessory structures or minor building alterations as documented by the Zoning Administrator in the official log of waivers.
- D. The Zoning Administrator shall record the date of the receipt of all materials. When all required materials have been received and are determined by the Zoning Administrator to be complete, the Zoning Administrator shall conduct a review of the site plan, attempt to resolve areas of noncompliance and concern with the applicant,

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and then forward the application, site plan, and the review thereof to the Planning Commission prior to the meeting at which it will be considered.

- E. The Zoning Administrator and the Planning Commission shall review and approve or approve with conditions, all other site plans within sixty (60) days. The Zoning Administrator shall document, prior to approval of any site plan within his/her authority to approve, that conformance with the site plan submittal requirements applicable to site plans in Section 16.5 have been met. The authority granted to the Planning Commission in Section 16.6 also rests with the Zoning Administrator on those site plans he/she has the authority to approve.

SECTION 16.5: SITE PLAN SUBMITTAL REQUIREMENTS

16.5.1 Site Plan Submittal Requirements: In addition to the property owner's and applicant's full name, address, telephone, fax and e-mail numbers, and signature(s), the preparer of the site plan must also provide the same information. The following data and other items as may be requested by the Zoning Administrator and/or Planning Commission is required to be depicted on every site plan submitted for review and approval, except if waived by the Zoning Administrator:

- A. Name and address of the developer (if different from the applicant).
- B. Name and address of the engineer, architect, land surveyor, or landscape architect licensed in Michigan as indicated by the signature and seal of the professional.
- C. Legal description of the property, lot numbers, property lines including angles, dimensions, and a reference to a section corner, quarter corner, or point on a recorded plat. Include a copy of any existing deed restrictions or previous zoning approval which limits use of the property, as well as any proposed deed restrictions.
- D. A vicinity sketch showing the location of the site in relation to the surrounding street system and the classification of land bordering the site in question.
- E. Building Elevations.
- F. A map at a scale of not less than 1"=20' if the subject property is less than three (3) acres and 1"=100' if three (3) acres or more. The following items shall be shown on the map:
 - 1. Existing zoning classification of the site and surrounding properties and any variances to be requested;
 - 2. Name, address and seal of the preparer and date site plan was prepared or last updated.
 - 3. The topography of the site at a minimum of two (2) foot intervals and its relationship to adjoining land;
 - 4. Existing man-made features and existing natural features, including all trees and woods on site and all drains, streams, lakes, ponds, floodplains, sand dunes, high risk erosion areas, and similar features on the site with an indication as to which will be retained and which will be removed or altered by earth changes;
 - 5. Dimensions of yards, setbacks, locations, heights and size, use and shape of all buildings and structures. Lot area, lot coverage, floor area, floor elevation, finished ground and basement floor grades, and building height by side of building shall all be indicated;
 - 6. Proposed grading, drainage systems, on-site retention and detention basins, and the direction of drainage flow;
 - 7. Location and type of drainage, sanitary sewers, storm sewers, water, electric and gas lines and any other utilities, as well as any easements that exist or are proposed for the installation, repair and/or maintenance of utilities. Any septic systems, drain fields, dry wells, catch basins, water wells (active or abandoned),

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- and underground storage tanks (active or abandoned) shall also be indicated, as well as the point of discharge for all drains and pipes;
8. Proposed streets, driveways, parking spaces and sidewalks, with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown. Parking areas shall be designed showing individual spaces and shall conform to the provisions of Section 3.21.
 9. Adjacent properties and their uses shall be identified;
 10. Location and type of signs and on-site lighting;
 11. Existing and proposed trash receptacles and dumpsters and the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities;
 12. Any other information necessary to establish compliance with Village Ordinances.

SECTION 16.6: PLANNING COMMISSION REVIEW OF SITE PLAN AND PERFORMANCE GUARANTEE

16.6.1 Planning Commission Review of Site Plan and Performance Guarantee: The Village Planning Commission shall review the required site plan and either approve, deny, or approve with conditions the site plan based on the purposes, objectives and requirements of this Ordinance and specifically, the standards listed in Section 16.5. Any conditions required by the Planning Commission shall be shown on the site plan, as well as stated in writing and delivered to the applicant. The Planning Commission shall document its conclusions, the rationale for the conclusions, and, if an application is denied but approval appears feasible, what must be done to obtain approval.

- A. Further, the Planning Commission is empowered to require a performance bond, certified check, irrevocable letter of credit, and/or cash bond in the amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Village Treasurer 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 faithfully completed, said performance bond shall be forfeited. The Village shall rebate a proportional share of the performance guarantee when requested by the depositor, based on the percent of improvements completed, as attested by the depositor and verified by the Zoning Administrator. In cases where the provisions of Section 16.5 have not been met, the amount of the aforementioned performance guarantee shall be used by the Village to return the property to a safe and healthy condition, including completion of required improvements, and the balance of the performance guarantee, if any, shall be returned to the applicant.
- B. Each development for which site plan approval is required shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said applicant does not fulfill this provision, the Planning Commission may grant a sixty (60) day extension, provided the applicant has an opportunity, preceded by at least ten (10) days' notice, to present reasonable evidence which is discussed at a public meeting of the Planning Commission, to the effect that said development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired without construction underway, the Planning Commission shall hold a hearing to decide whether the site plan will be voided. If a site plan is determined by the Planning Commission to be null and void following a hearing, It may be reconsidered only upon

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reapplication and payment of all fees.

- C. Upon approval of said site plan, the Zoning Administrator shall sign and date three (3) copies thereof. One (1) signed copy shall be made part of the Planning Commission's files and one (1) shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals relative to the property for which site plan approval was granted, the minutes concerning the variances, duly signed and dated, shall also be filed with the Planning Commission records as a part of the approved site plan and a copy delivered to the applicant.

SECTION 16.7: FEES

16.7.1 Fees: The applicant shall submit a Site Plan and Application for Site Plan Review to the Village Clerk, along with a fee as specified in Section 4.8.

SECTION 16.8: SITE PLAN AMENDMENT

16.8.1 Site Plan Amendment: Site Plan amendments shall be subject to the same submittal, review, and approval procedural requirements as the original Site Plan being amended. Site Plan amendments require the mutual agreements of the body or official approving the original site plan and the applicant.

SECTION 16.9: CONFORMITY TO APPROVED SITE PLANS

16.9.1 Conformity to Approved Site Plans: Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the permit issuing authority. If construction and development does not conform to such approved plans, as evidenced in an inspection by the Building Inspector or Zoning Administrator, the owner shall be given a notice of violation of the Ordinance and notified that all construction activities shall cease at the time of the notice. Following a notice of violation, the Planning Commission shall hold a hearing to determine the cause for nonconformity or other issues in conforming to the approved site plan. Following the hearing, the permit may be reinstated.

SECTION 16.10: APPEALS OF SITE PLAN DECISIONS

16.10.1 Appeals of Site Plan Decisions: An appeal of a site plan decision made by the Zoning Administrator may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. An appeal of a site plan decision by the Village Planning Commission or Village Council may be taken to the Circuit Court. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision by the Zoning Administrator, 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 Village, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

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SECTION 16.11: AS-BUILT SITE PLANS

16.11.1 As-Built Site Plans: Once a project for which a site plan was approved is completed, two (2) sets of “as built” site plans showing the exact building footprints driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a certificate of zoning compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new roads and/or large buildings are involved.

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