

CHAPTER 7

COMMERCIAL AND INDUSTRIAL SITE PLAN REVIEW

Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This section defines the procedures and standards to be used for such a review.

SECTION 701. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.

- (1) The Village Planning Commission must review and approve site plans before granting approval to Special Use Permits, including those for Planned Unit Developments, or subdivision plats.
- (2) All new commercial and industrial development requires a Site Plan Review by the Planning Commission or a Village appointed firm.
- (3) In the case of existing development, a Site Plan Review is required when,
 - (a) The project includes an increase of the building footprint. Amended 9/26/2016
 - (b) The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.
 - (c) Is a Special Use.
- (4) All accessory structures, sheds and additions require a site plan. Amended 9/26/2016
- (5) AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Village, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

SECTION 702. SITE PLAN REVIEW PROCESS.

- (1) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process will apply.
- (2) APPLICATION MATERIAL. Applications requiring Site Plan Review, must be accompanied by a fee as established by the Village Council and by at least four (4) copies of a site plan which meets the following Site Plan Requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.

- (3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review check list is available at the Village offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the Occupancy Permit issued pursuant to site plan approval, and is subject to the enforcement provisions of this Ordinance.

- A) **SCALE.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three (3) acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
- B) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- C) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Muskegon County Register of Deeds will be the legal description upon which a site plan decision is based.
- D) **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- E) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
- F) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping

stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

G) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.

H) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information which, in the Building Inspector's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social, or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.

(4) **STAFF REVIEW OF SITE PLAN.**

A) **PERSONS INVOLVED.** Before the site plan is reviewed by the Planning Commission, the Village Building Inspector, Engineer, or contracted engineering services and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Building Inspector may submit the site plan to any other Department of Village government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Building Inspector at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Building Inspector shall recommend to the Planning Commission what action should be taken.

B) **STANDARDS TO BE USED.** Reviewers shall address the considerations identified by the Review Standards. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.

(5) **PLANNING COMMISSION REVIEW BOARD REVIEW OF SITE PLAN.** The planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Village Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review

does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

- 1) **APPROVAL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. The Site Plan must then be forwarded to the Village Council for final approval.
- 2) **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The Site Plan must then be forwarded to the Village Council for final conditional approval. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any Occupancy Permit granted for the project.

Approval of any proposed site plan which must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances which must be issued by the Village of Lakewood Club Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission.

- 3) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The Site Plan must then be forwarded to the Village Council for final denial or approval. The applicant shall be notified in writing of the Planning Commission's and/or the Village Council's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- (g) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Building Inspector determines that all Site Plan Review Standards have been complied with. These deviations shall be documented.

However, if the Building Inspector finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder immediately, the Village Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project which is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Building Inspector shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Building Inspector before the Building Inspector issues final approval for the project and before any performance guarantee attached to the Occupancy Permit may be fully refunded.

- (h) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Building Inspector together with the records pertaining to the Occupancy Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Building Inspector. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Building Inspector.

SECTION 703. SITE PLAN REVIEW STANDARDS.

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- (a) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it

must be presumed for this purpose that the use of the site will conform to the District Regulations.)

- (b) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- (c) **SPECIAL USE PERMIT STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be shown on the site plan.
- (d) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- (e) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- (f) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- (g) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- (h) **UTILITIES.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including

electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

- (i) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground mounted standards adjacent to or the parking lot or vehicular use areas.
- (j) **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- (k) **ENVIRONMENT.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property (ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
- (l) **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- (m) **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located, as expressed in the Purposes Table in Chapter 3.

SECTION 704. REVIEW OF SUBDIVISION PLANS.

See the adopted Subdivision Control Ordinance of the Village of Lakewood Club.

COMMERCIAL AND INDUSTRIAL SITE PLAN REVIEW FLOW CHART

