

## CHAPTER 14

### SITE PLAN REVIEW

#### SECTION 14.1 PURPOSE

The purpose of this Chapter 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 14.2 SITE PLANS REVIEWED (amended 1/06)

- A. In accordance with the provisions of this Chapter, a Site Plan Review by the City Commission shall be required prior to the creation of a use or the erection of a building in the Districts and conditions cited below, unless excepted by B, below:
1. All uses permitted in the following districts:
    - a. R-C Multiple Family District
    - b. PO Professional Office District
    - c. C-1 General Business District
    - d. GI General Industrial District
    - e. FH Flood Hazard District
    - f. PUD Planned Unit Development District, according to Chapter 13A
  2. Special Land Uses in all Zoning Districts.
  3. Site condominiums in any district.
- B. Site plan review and approval by the City Commission shall not be required for single-family detached dwellings (except as may be provided in a site condominium development), agricultural uses, family day care and foster care facilities, and accessory buildings and uses. Site plan review for these uses will be conducted by the Zoning Administrator.

#### SECTION 14.3 SITE PLAN REVIEW REQUIREMENTS (Amended 5/2021)

- A. Preliminary Site Plan Review.
1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability

of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plan submittal shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

**B. Final Site Plan Review**

1. If submission of a preliminary site plan is not desired by the applicant, ten (10) copies of a final site plan prepared by a professional competent in such matters may be submitted for review without first receiving a review of a preliminary plan. Final site plans shall be at a scale not less than 1"=20' for property under 3 acres and at least 1"=100' for those 3 acres or more.
2. Applications for final site plan reviews shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator:

**C. Required Site Plan Submission Requirements**

<b>PRELIMINARY AND FINAL SITE PLANS REQUIREMENTS</b>
A completed application form.
A location sketch showing at a minimum, properties, streets and use of land within 1/2 mile of the area.
Zoning of surrounding properties.
Legal description of the subject property.
The date, north arrow, and scale.
Name and address of the property owner or petitioner.
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.
Existing zoning and use of all properties abutting the subject property.
All buildings, parking and driveways within 100 feet of all property lines.

Narrative: Shown on the site plan or submitted separately, describing in general terms:	The overall objectives of the proposed development.
	Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
	Dwelling unit densities by type, if applicable.
	Proposed method of providing sewer and water service, as well as other public and private utilities.
	Proposed method of providing storm drainage.
<b>Preliminary Site Plan Requirements</b>	
Property lines and approximate dimensions.	
Existing adjacent streets and proposed streets.	
Parking lots and access points.	
Proposed buffer strips or screening.	
Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.	
Any signs not attached to the building(s).	
General topographical features at contour intervals no greater than 5 feet.	
Existing and proposed uses, buildings and structures.	
<b>Final Site Plan Requirements</b>	
Seal, name, and firm address of the professional individual responsible for the preparation of the site plan.	
Property lines and required setbacks shown and dimensioned.	
Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.	
Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.	
All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.	

Existing and proposed topographic contours - minimum 2 foot intervals.	
Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.	
Location and size of all surface water drainage facilities.	
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.	
Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.	
Exterior lighting showing area of illumination and indicating the type of fixture to be used.	
Elevation drawings of proposed buildings.	
Traffic Impact Assessment; Traffic Impact Study	The Planning Commission or City Commission may require a Traffic Impact Assessment or Traffic Impact Study as part of final site plan review. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below.
	Traffic Impact Assessment: A traffic impact assessment shall be required for projects expected to generate either between 50 - 99 direction trips during the peak hour or 500 - 750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall include proposed access design and other mitigation measures that will positively affect traffic operations at these points.
	Traffic Impact Study: A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The study shall evaluate pedestrian access, circulation and safety, and current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The study must also include proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The study must take into account the Master Plan in analyzing future traffic developments.

Final Site Plan Requirements - Groundwater Protection
Existing and proposed land use deed restrictions, if any.
Location and outline of all existing septic tanks and drain fields.
Location of any floor drains in proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
Location of existing and proposed public and private drinking water wells, monitoring wells, irrigation wells, test wells, wells used for industrial processes or wells that have no identified use.
Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the city Planning Commission and Department of Public Works (include CAS numbers).
Description and drawings showing size and location for any existing or proposed aboveground and underground storage tanks, piping lines and dispensers.
Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances.
Reported delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.
Completion of the City of Otsego Environmental Permits Checklist.

1. Groundwater Protection Requirements must be included in a Final Site Plan application.
2. Criteria for Review will include:
  - a. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds and wetlands.
  - b. If required by state or federal law, properties using hazardous substances are required to have a Spill Prevention Control and Countermeasure (SPCC) Plan, a Pollution Incident Prevention Plan (PIPP), and/or a Storm Water Pollution Prevention Plan (SWPPP).
  - c. Sites that at any time use, store or generate hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
3. Exceptions to Groundwater Protection Requirements:
  - a. The site plan criteria do not apply to hazardous substances packaged for personal or household use or present in the same form and concentration as a product packaged for use by the general public.

- b. The site plan review requirements do not apply to products held in containers with a volume of less than 40 gallons and packaged for retail use.
- c. The total excluded substances containing hazardous substances may not exceed the lesser of two hundred (200) gallons or one thousand (1,000) pounds at any time.

#### **SECTION 14.4 APPLICATION AND REVIEW**

- A. Required site plans, application form, escrow fees (if applicable), and an application fee shall be submitted to the Zoning Administrator by the applicant or his agent, at least thirty (30) days prior to the next regular Planning Commission meeting. If submitted within this time, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are deemed complete by the Zoning Administrator.
- B. The Planning Commission shall recommend that the City Commission approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter. The City Commission shall place the application on its agenda within a reasonable time after receipt of a recommendation from the Planning Commission. The City Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter.
- C. Any conditions or modifications recommended by the Planning Commission and/or imposed by the City Commission shall be recorded in the minutes.
- D. Three (3) copies of the final approved site plan shall be signed and dated by the City Clerk or designee and the applicant. The City Clerk shall keep one (1) of these approved copies on file, one (1) shall be forwarded to the Building Official, and one (1) shall be returned to the applicant or his designated representative.
- E. Each development subject to site plan review shall be substantially 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 one (1) one (1) year extension of the 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 the 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 one (1) year extension has expired prior to construction, the site plan approval shall be null and void.

- F. Construction related to each development subject to site plan review, or approved phase of that development, shall be completed within three (3) years after the date of approval of the final site plan.

#### **SECTION 14.5 PLAT REQUIREMENTS**

In those instances in which Act 288, Public Acts 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. These plats shall remain in conformance with the approved Site Plan.

#### **SECTION 14.6 ADMINISTRATIVE AND ESCROW FEES**

- A. Any site plan application shall be accompanied by a fee, in an amount to be established by the City Commission. The application fee shall be for the purpose of payment for the administrative costs and services expended by the City in the implementation of this Chapter and the processing of the application. No part of this fee shall be returnable.
- B. A separate fee may be collected from the applicant, as determined by the City Commission, and used to reimburse another party retained by the City to provide expert consultation and advice regarding the application. Any unused portions of this fee shall be returned to the applicant after all costs have been received by the City.

#### **SECTION 14.7 CHANGES IN THE APPROVED SITE PLAN**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes 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 percent (5%) 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 an 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 City, the Allegan 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. If the Zoning Administrator determines

that a proposed minor change may have a major impact on the neighborhood or area involved, he may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

## **SECTION 14.8 REVIEW STANDARDS**

The following standards shall be utilized by the Planning Commission and City 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. Site Development Standards**

1. 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.
2. 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.
3. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
4. 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.
5. 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.
6. Site plans shall conform to all applicable requirements of County, State, Federal, and City statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and City permits before final site plan approval or an occupancy permit is granted.
7. Appropriate fencing may be required by the City Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
8. The general purposes and spirit of this Ordinance and the Master Plan of City of Otsego shall be maintained.

### **B. Vehicular and Pedestrian Standards**



1. 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 within the site and at ingress/egress points.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the city.
3. All streets and driveways shall be developed in accordance with the City Subdivision Control Ordinance, the Allegan County Road Commission, or MDOT specifications, as appropriate. Except that the City Commission may impose more stringent requirements than those for the Road Commission or MDOT with respect to driveway location and spacing. Sidewalks may be required if deemed necessary or appropriate for pedestrians or non-motorized vehicles.
4. 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 exists 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.

C. Environmental and Natural Features Standards

1. 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 City Commission may require that landscaping, buffers, 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.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, 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.

**SECTION 14.9 SITE PLAN APPROVALS**

- A. As part of an approval to any site plan, the City Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. 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.
- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter 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 and occupants.
- D. A record of the decision of the City Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the City Commission.
- E. The Zoning Administrator shall 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 considered violations of this Ordinance.

**SECTION 14.10 APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or City Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 17.3, A, within twenty (20) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing at which all interested parties shall be afforded the opportunity to be heard. After such hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or City Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.