

## **ARTICLE TWENTY-TWO SITE PLAN REVIEW**

### **SECTION 2200            PURPOSE**

The intent of this section is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his/her objectives in the utilization of land within the regulations of the Ordinance, with minimal adverse effect on the land, shores, roadways, natural features, infrastructure, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance. In this connection, a site plan includes the documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

### **SECTION 2201            SCOPE**

Every application for a zoning permit shall include a site plan. A zoning permit shall not be issued or otherwise authorized until a site plan, submitted in accordance with this **Article 22**, shall have been reviewed and approved, and any required securities have been received, based on the following submittal requirements:

- A. Basic Site Plans shall be required for new dwellings, additions to dwellings, or construction of accessory structures, single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units, the site plan shall be subject to Zoning Administrator review. Site plans shall comply with **Section 2203 C**. [Annotation: "Basic Site Plan" language was changed to specify "accessory structures, single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units" by Amendment Z10-04, effective 10/30/10]
- B. Medium Site Plan shall be required for all uses other than those that may submit a basic site plan or require a detailed site plan. Additions and alterations to existing structures will be reviewed by the Zoning Administrator who shall reserve the right to forward it to the Site Plan Review Committee for approval. Medium Site Plans for new construction shall be reviewed by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. Site plans shall comply with **Section 2203D**. [Annotation: "Medium Site Plan" added by Amendment Z10-04, effective 10/30/10]
- C. Detailed Site Plans shall be required for all special uses. The site plan shall be subject to Planning Commission review. Detailed Site plans shall comply with **Section 2203 E**. [Annotation "Detailed Site Plan" language amended to reference Special Uses all other language was removed by Amendment Z10-04, effective 10/30/10]

## **SECTION 2202            OPTIONAL SKETCH PLAN REVIEW**

Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator and/or the Planning Commission or a committee of the Planning Commission, prior to official review and approval. The purpose of such procedure is to allow discussion between an applicant and the Zoning Administrator and/or Planning Commission, 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. Such sketch plans shall, at a minimum, include the following:

- A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
- B. Legal description, property parcel number, and street address of the subject parcel of land.
- C. Sketch plans showing tentative site and development plans, produced on a scaled drawing illustrating existing and proposed structures, parcel boundaries, natural features, and all improvements, easements, streets, and sidewalks.
- D. The Planning Commission shall not be bound by any comments or observations made pertaining to a sketch plan.

## **SECTION 2203            APPLICATION PROCEDURE**

Request for site plan review shall be made by filing with the Zoning Administrator the required filing fee and escrow, the application form and either a basic, medium or detailed site plan, together with any special studies required. The Zoning Administrator may waive any site plan submittal requirement upon a finding that the required information is not applicable to the site. The following describes the required submittals. [Annotation: "medium" was added by Amendment Z10-04, effective 10/30/10]

- A. An application fee and review escrow as determined by resolution of the City Council.
- B. One copy of the completed application form for site plan review which shall contain at a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):
  - 1. Name, address and signature of applicant and property owner
  - 2. Legal description, property parcel number and street address of the subject parcel of property.
  - 3. Area of the subject parcel of property stated in acres, or if less than one (1) acre, in square feet.
  - 4. Present zoning classification on parcel and on adjacent parcels.
  - 5. Present and proposed land use.

6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume.
  7. A description of the proposed development and the land use proposed.
- C. Basic Site Plan. A basic site plan shall be required for new dwellings, additions to dwellings, or construction of accessory structures, single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units, the site plan shall be subject to Zoning Administrator review. Basic site plans shall include and illustrate at a minimum the following information: [Annotation: Language was changed to same language as Section 2201 Scope by Amendment Z10-04, effective 10/30/10]
1. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, parcel lines and parcel area.
  2. The scale of the drawing and north arrow which shall be not less than 1" = 200' nor greater than 1" = 20'.
  3. Existing man-made features, including dwellings, fences, landscaping and screening, accessory structures, and similar features; and the heights and floor area of such structures and other important features.
  4. Proposed man-made features, including location of dwelling addition and/or accessory structures, fences, landscaping and screening, as applicable; and heights and floor area of such structures and other important features.
  5. Setback lines and their dimensions.
  6. Location of existing and proposed driveways and curb cuts, if any.
  7. Location of existing public and private rights-of-way and easements contiguous to and on the property.
  8. Natural features, including trees with a diameter at breast height of three inches or more, water bodies and wetlands, high-risk erosion areas, beach, sand dunes, slopes in excess of 25%, drainage and similar features.
  9. Any other information as may be required by the Zoning Administrator to aid in the review of the Site Plan.
- D. Medium Site Plan. A medium site plan shall be required for all uses other than those that may submit a basic site plan or require a detailed site plan. Additions and alterations to existing structures will be reviewed by the Zoning Administrator who shall reserve the right to forward it to the Site Plan Review Committee for approval. Medium Site Plans for new construction shall be reviewed by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. A medium site plan shall

include six (6) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information:

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
2. The scale of the drawing and north arrow.
3. A vicinity map illustrating the property in relation to the surrounding street system.
4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
7. Setback lines and their dimensions.
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
10. Project phasing, if applicable.
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
13. Curb-cuts and driveways on adjacent properties.
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.

15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with [Article 21](#).
19. A lighting plan in conformance with [Section 525](#).
20. A written and illustrated landscape plan prepared in accord with [Section 531](#) of this Zoning Ordinance.
21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
24. Special Groundwater Protection. Site Plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:
  - a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
  - b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
  - c. Location of exterior and interior drains, on-site sewage systems, 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 shall be specified on the site plan.

- d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
  - e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
  - f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
  - g. Submission of the "State/County Environmental Permits Checklist."
  - h. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone, submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone, a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Planning Commission or Zoning Administrator. [Annotation: "Medium Site Plan" added by Amendment Z10-04, effective 10/30/10]
- E. Detailed Site Plan. A detailed site plan shall be required for all Special Uses. Detailed site plan shall include fifteen (15) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information: [Annotation: this section was changed by deleting Planner and replacing with Surveyor by Amendment 07-20, effective 5/29/07] [Annotation: Detailed Site Plan Language was changed to same language as Section 2201 Scope by Amendment Z10-04, effective 10/30/10]
- 1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
  - 2. The scale of the drawing and north arrow.
  - 3. A vicinity map illustrating the property in relation to the surrounding street system.
  - 4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
  - 5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
  - 6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.

7. Setback lines and their dimensions.
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
10. Project phasing, if applicable.
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
13. Curb-cuts and driveways on adjacent properties.
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with [Article 21](#).
19. A lighting plan in conformance with [Section 525](#).
20. A written and illustrated landscape plan prepared in accord with [Section 531](#) of this Zoning Ordinance.
21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.

23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
24. Special Groundwater Protection. Site Plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:
  - a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
  - b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
  - c. Location of exterior and interior drains, on-site sewage systems, 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 shall be specified on the site plan.
  - d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
  - e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
  - f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
  - g. Submission of the "State/County Environmental Permits Checklist."
  - h. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone, submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone, a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Planning Commission or Zoning Administrator.
- E. Special Studies or Research. For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Zoning Administrator or

Planning Commission may require any or all of the following reports or studies as a part of a complete site plan.

1. Environmental Assessment shall be a summary review of the environmental impacts of a project in accordance with the following standards:
  - a. The purpose of the Environmental Assessment shall be
    - 1) to provide relevant information to the Planning Commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the City;
    - 2) to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and
    - 3) to facilitate participation of the citizens of the community in the review of substantial developments.
  - b. Guidelines. When required by the Planning Commission or the Zoning Administrator pursuant to this Section, an applicant for a special use permit shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Master Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Planning Commission or Zoning Administrator may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.
  - c. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Zoning Administrator or Planning Commission as not applicable:

- 1) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
  - a) Flora and fauna (be sure to list any endangered species on-site)
  - b) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features
  - c) Adjacent waterways
  - d) Existing wells, approximate depth and use
- 2) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
- 3) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
- 4) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
- 5) A description of the existing soils on-site and as to the suitability of these soils for the proposed use.
- 6) A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
- 7) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
- 8) A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
- 9) A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality

and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.

- 10) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
  - 11) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
  - 12) A description of the anticipated traffic to be generated by the proposed use.
  - 13) A description of plans for site restoration after construction.
  - 14) A description of methods to handle sanitary waste for the project both during construction and after completion.
  - 15) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.
  - 16) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.
- d. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
2. Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the City meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the Zoning Administrator or Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.
- a. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by

- either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- b. Criteria for Requiring a Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential or mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten percent (10%) of the current traffic volume on the adjoining roadway.
- c. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one (1) mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one (1) mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Zoning Administrator or Planning Commission:
- 1) A narrative summary at the beginning of the report, including, but not limited to:
    - a) The applicant and project name.
    - b) A location map.

- c) The size and type of development.
- d) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers – publication, Trip Generation (current edition).
- 2) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
- 3) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:
  - a) peak-hour volumes (existing and projected)
  - b) number of lanes
  - c) cross-section
  - d) intersection traffic signals and configuration
  - e) traffic signal progression
  - f) percentage of heavy trucks
  - g) adjacent access point locations
  - h) jurisdiction
  - i) grades
- 4) Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or City of Manistee standards and guides.
- 5) Capacity analysis shall be performed at each access point. The City's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing. A time-space diagram should also be included.
- 6) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.

- 7) Required operational changes shall be part of the site plan review and any access permit approval process.
  - d. Evaluation and Criteria. As a general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
  - e. The Zoning Administrator may be provided to the City Engineer, Planner and/or an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.
3. Market Study. For unique development proposals, projects that may entail some financial expense or risk on the part of the City and/or projects that may, in the judgment of the Planning Commission, fundamentally alter the character of the community, the Planning Commission may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this Section.
    - a. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.
    - b. Content. Unless specifically waived by the Zoning Administrator or Planning Commission, a market study shall include the following elements:
      - 1) An executive summary which outlines the key findings of the study.
      - 2) The background for the study including both project background and the methodology and approach used.
      - 3) An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development.
      - 4) A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area.
      - 5) A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of

supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development. This shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined.

- 6) The credentials of the author(s) of the market study.
- c. Evaluation. The Zoning Administrator and Planning Commission shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace.

#### **SECTION 2204 ACTION ON APPLICATION AND SITE PLANS**

- A. Upon receipt of a submitted application and site plan, the Zoning Administrator shall review the plan to determine its completeness. If the submittal is incomplete, the Zoning Administrator shall provide the applicant with a list of items needed to make the submittal complete.
  1. If a basic site plan is found to be complete, the Zoning Administrator shall review the site plan in accordance with Section **2205** and approve or deny the application accordingly.
  2. If a medium site plan is found to be complete, the Zoning Administrator or Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval shall review the site plan in accordance with **Section 2205** and approve or deny the application accordingly. [Annotation: Section 2204.A was amended to include language for medium site plans by Amendment Z10-04, effective 10/30/10]
- B. If a detailed site plan submittal is complete, the Zoning Administrator shall record the date of receipt and transmit copies thereof to each of the Planning Commissioners; to the Fire Department when necessary; to other area review agencies, such as the City Engineer, County Health Department, Michigan Department of Transportation, retaining at least one (1) copy in the Zoning Administrator's office.
- C. A meeting shall be scheduled for a review of the application, plans, and of the recommendation of the Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the meeting for their preliminary information and study. The meeting shall be held within forty-five (45) days of the date of the receipt of the plans and completed application.
- D. The applicant shall be notified of the date, time and place of the meeting on the application not less than three (3) days prior to such date.

- E. After conducting a review of the site plan, the Planning Commission shall approve, approve conditionally or reject the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons for such conditions, and delivered to the applicant. Decisions by the Planning Commission shall be made within one hundred (100) days of the receipt of the completed application. Any conditions imposed on the application and site plan shall:
1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of users of the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the Zoning Ordinance, and be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- F. A site plan approved or conditionally approved by the Planning Commission which includes a landscape plan submitted under [Section 531](#), may require a performance guarantee pursuant to subparagraph G hereof of this Section. [Annotation: "shall" changed to "may" by Amendment Z10-04, effective 10/30/10]
- G. Two copies of the approved site plan, with any conditions shall be maintained as part of the City records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed by the applicant and the Chair of the Planning Commission and dated with the date of approval for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the City records as a part of the site plan and delivered to the applicant for information and direction.
- H. To insure compliance with the site plan, Zoning Ordinance, and any conditions, limitations or requirements imposed on the applicant, the Zoning Administrator, upon recommendation and consent of the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount and under conditions permitted by law. Such security shall be deposited with the City Treasurer at the time of permit issuance authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Zoning Administrator may authorize a return of a portion of the deposit in reasonable proportion to the completion of the required improvements. Such security shall not exceed the estimated cost to fulfill the required conditions, limitations established for the site plan.

**SECTION 2205            REVIEW CRITERIA**

In the process of reviewing a site plan, the Planning Commission or Zoning Administrator shall consider:

- A. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the City or the Michigan Department of Transportation.
- B. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- C. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- D. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
- E. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- F. That all buildings and structures are accessible to emergency vehicles.
- G. That plans for erosion control and storm water discharge has been approved by the appropriate public agency.
- H. The relationship to shore and river preservation principles where appropriate.
- I. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.

- J. That all utility services shall be provided on site in a manner least harmful to surrounding properties, and that all utilities are located underground, as applicable, unless specifically waived by the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
- K. That all applicable local, regional, state and federal statutes are complied with.
- L. Projects proposed within three hundred (300) feet of Lake Michigan, Manistee Lake and/or the Manistee River Channel shall be arranged to preserve the maximum possible view corridor from public activity areas to said bodies of water. For the purpose of this Section public activity centers shall include pedestrian walkways, outdoor recreation areas, outdoor eating/drinking facilities, outdoor attractions or amenities (such as fountains, statues, monuments, public benches/seating, and other similar features) which are designed to attract and promote the gathering of the general public on-site.

**SECTION 2206 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 Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application, approve an amendment to the site plan pursuant to **Section 2208**.

**SECTION 2207 TERM OF APPROVAL OF THE SITE PLAN**

Approval of the site plan shall be valid for a period of one (1) year after the date of approval. The Planning Commission may grant extensions if applied for and granted in writing. The reasons for extensions may be the inability to complete the requirements, financial constraints, regulatory approvals or other proven hardship. If a zoning permit has not been obtained and the on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a site plan approval application shall be required and approved before any construction or earth change is commenced upon the site.

**SECTION 2208 AMENDMENT TO THE SITE PLAN**

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

- A. Minor changes to a Basic Site Plan. The Zoning Administrator may approve minor changes to a basic site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas.
- B. Minor changes to a Medium Site Plan. The entity that approved the original plan may approve minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas to a medium site plan.
- C. Minor Changes to a Detailed Site Plan. Minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas and the construction of accessory buildings or additions to primary structures less than seven hundred (700) square feet in area to a Detailed Site Plan can be approved by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval.
- D. Major Changes to a Basic Site Plan or Medium Site Plan. Major changes to a Basic Site Plan or Medium Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes will require a new application.
- E. Major changes or Amendments to a Detailed Site Plan. Major changes or Amendments to a Detailed Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes, shall require approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved. [Annotation: Section 2208 was amended to address changes when Medium Site Plan language was added by Amendment Z10-04, effective 10/30/10]

## **SECTION 2209            APPEALS**

With regard to site plan approval decisions, an appeal may be taken to the [Zoning Board of Appeals](#) in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, 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 City or State. The Zoning Board of Appeals shall state the grounds of each determination.