Section 20.00 Plot Plan Requirements

Plot plans shall be submitted with all applications for Zoning Permits which do not require a site plan including one- and two-family dwellings and their associated accessory permitted or special land uses, and accessory buildings. The Plot Plan, drawn to scale, shall show the following:

A. The shape, location and dimensions of the lot.

B. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed, including, but not limited to dimensions drawn to scale and certified survey.

Deviations from the approved Plot Plan may result in Enforcement action as outlined in Section 27.08 of this Ordinance.

Section 20.01 Uses Requiring Site Plan Approval

A. Site plans are required for the following uses:

1. All new uses and/or structures except (1) single-family or two-family dwelling units; and (2) accessory structures to single-family or two-family dwelling units.

2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.

3. Changes of use for an existing structure or lot except for the circumstances listed in subsection B (below).
4. Any Special Land Use (except Special Land Uses conducted within a one- or two-family dwelling unit).

5. Planned Unit Developments.

6. Any use requiring off-street parking, except single-family or two-family dwelling units.

7. Nonresidential accessory structures over one hundred twenty (120) square feet (require submission of plot plan data only).

8. Other uses as required by this Ordinance.

B. The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

Section 20.02 Pre-Application Conference

Emmet County Staff shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

Section 20.03 Graphic Requirements for Site Plans

Site Plans submitted in compliance with this Ordinance shall be presented in terms of the following:

A. A map scale that provides a large enough image to adequately display the proposed site development and pertinent details, and existing site features considering legibility and site area.
B. Date, north point, scale, property dimensions, boundary lines, street names, and necessary property identification information.

C. At least two full sized and fourteen reduced size (maximum 11”x17”) copies of all maps or graphics. Digital format including data layers may be required, if considered necessary by the Zoning Administrator.

D. All existing and all proposed structures with dimensions on the subject property, including signs and lighting, other structures within 100 feet of the subject property, ingress drives, roads and parking areas; and indicate the height of all structures.

E. Setback lines and distances between structures and lot lines.

F. All existing easements, utility lines, rights-of-way and other services, including well and septic locations, within and bordering the subject property.

G. Topography information based on United States Geological Survey (USGS), or selected on-site elevations; if considered necessary by the Zoning Administrator. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.

H. Mapping of soil data as recognized in the United States Department of Agriculture, Soil Survey of Emmet County, Michigan (December 1973), or a more detailed analysis of soils, shall be included. Soil data and analysis should include engineering interpretations as to the suitability for the construction and maintenance of roads, building foundations, facilities for storing water, structures for controlling erosion, drainage systems, and systems for disposing of sewage. In addition, soil properties should include permeability, drainage, depth to water table, flooding hazard, depth to bedrock, and slope. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of the soils.

I. An inventory of special site features that may be present including, but not necessarily limited to regulated wetlands as defined in law, critical dunes, bluff lines, wooded areas, water courses, and natural or man-made drains, as are known to the applicant or as may be suspected based on reviews of soil maps, aerial photographs, USGS Quadrangle maps, on-site inspections, and/or other competent sources.

J. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained, if required.

K. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).

L. The location of snow storage areas.
M. All site plans shall comply with the terms of Part 91, Soil Erosion and Sedimentation Control, 1994 PA 451.

N. Site plans shall be prepared to reflect any changes or modifications required for any applicable regulatory agencies' approvals.

Section 20.04 Impact Statement

The statement shall address itself to the following as applicable to the type of use:

A. A complete description of the proposed development including: areas of the site, the number of lots or units; and characteristics of the demographic impact including, but not limited to: density, age and income level of population to be served, seasonal/permanent and other related statistics.

B. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.

C. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. COMPLIANCE WITH DISTRICT REQUIREMENTS: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

B. VEHICULAR AND PEDESTRIAN CIRCULATION: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public
or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

   a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

   b. The walkways shall be designed to separate people from moving vehicles.

   c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

   d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

   e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

C. EMERGENCY VEHICLE ACCESS: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

D. LOADING AND STORAGE: All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

E. SNOW STORAGE: Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

F. BUFFERS: To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.
G. DRAINAGE: Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and ½” of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2” of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4” exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

H. SPACES, RIGHTS-OF-WAY, EASEMENTS: Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related.

I. WASTE RECEPTACLES: Waste receptacle and enclosure requirements
1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.

4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

J. MECHANICAL OR ELECTRICAL EQUIPMENT: Mechanical or electrical equipment requirements.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.

2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air
conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:

a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Section 20.06 Certification

For developments regarded to be complex or where considered appropriate for such special conditions as questionable soils, steep grades or other environmental features, complex street patterns, housing density or similar conditions; the final approval of a Site Plan may be withheld pending the signature and seal of a Michigan registered landscape architect, architect, surveyor, or engineer, as applicable to the design subject.

Where required, the owner or applicant shall provide such certification within 45 days of the completed construction.

Section 20.07 Application Process

The Planning Commission shall begin formal review of the Site Plan at its next regularly scheduled meeting provided a complete Application is submitted at least twenty-four (24) days before that meeting. A complete application shall include the application form, property owner authorization, Site Plan which meets the requirements of Section 20.03, Impact Statement, Site Plan Review Checklist and applicable fees.

Section 20.08 Performance Guarantees

A performance guarantee in the form of a bond, cash, certified check, or irrevocable letter of credit may be required for all commercial projects and for all other projects with unusual or challenging site conditions determined by the Planning Commission. The performance guarantee shall be in the amount acceptable to the Planning Commission to guarantee completion of the project in accordance with the conditions of the permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator or Enforcement Officer. Performance guarantees will not be released if there are monies owed to the enforcing agency.

Section 20.09 Decision

Following the submittal of a Site Plan in accordance with the requirements of this Section, and any other rules governing Site Plan submittals in Emmet County, the Planning Commission shall
approve, conditionally approve or reject the proposed development, with reasons stipulated.

No land use, zoning compliance, and/or building permits shall be issued except for uses that are in full compliance with the provisions and conditions specified in the Site Plan Review process. If no action is taken to establish a use and/or construct a building pursuant to an approved site plan, or an approved site plan amendment, such approval shall lapse and cease to be in effect after twenty-four (24) months from the date of approval.

### Section 20.10 As-Built Review

An as-built site plan shall be submitted within 12 months of completion of the project. A site plan based upon as built condition shall be submitted within 24 months of permit issuance. If as built is substantially different from the design site plan, as determined by the Zoning Administrator, the permit holder will be required to remedy such discrepancies.

### Section 20.11 Environmentally Sensitive Areas

The protection of areas of environmental concern, such as wetlands, high risk erosion, designated critical dune areas, floodplains, or steep slope areas, must be considered in conjunction with development and such areas must be developed in conformance with the following regulations of state and county agencies as applicable:

A. Dune Formations and High Risk Erosion Areas are sensitive sandy and clay areas under protection of the Michigan Natural Resources & Environmental Protection Act, 1994 PA 451, Parts 353 and 323 respectively (formerly, the Sand Dunes Protection Act, 1976 PA 222, as amended by 1989 PA 146 and 1989 PA 147, and the Shorelands Protection and Management Act, 1970 PA 245, as amended). The general areas subject to these regulations are indicated on the Dune Overlay District Map.

B. Wetlands are defined by degree of soil wetness, generally including those soils classified by the Michigan Natural Resources & Environmental Protection Act, 1994 PA 451, Part 303, Section MCL 324.30301 et seq. (formerly, the Goemere-Anderson Wetlands Act, 1979 PA 203) as being able to support aquatic vegetation regardless of whether it has standing water or not. No activity shall be permitted on a site with regulated wetlands, unless a wetlands permit has been obtained by the applicant from the Michigan Department of Environmental Quality.

C. Sensitive Riverine Areas are defined as areas on each side of streams that could be subject to flooding or erosion and alterations of land may require a soil erosion and sedimentation control permit under Part 91, Section MCL 324.9101 et seq. of the Michigan Natural Resources & Environmental Protection Act, 1994 PA 451, (formerly, 1972 PA 346). See also e. below.

D. Inland Lakes are sensitive areas around the water body, including the watershed, which could be subject to flooding, erosion, or pollution per Part 301, Section MCL 324.30101 et seq. of the Michigan Natural Resources & Environmental Protection Act, 1994 PA
E. Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA) or an Intermediate Regional Flood map prepared by the Army Corps of Engineers. A structure proposed within a floodplain is not permitted to be erected until a permit from the Michigan Department of Environmental Quality is obtained pursuant to Part 31 of the Michigan Natural Resource & Environmental Protection Act, 1994 PA 451.

F. Shoreline Bluff Protection Zone. See Section 22.10 of this Ordinance.

Section 20.12 Deviation from Site Plan

A. The Zoning Administrator may authorize insignificant deviations from an approved site plan or from Zoning Permits. A deviation is insignificant if it has no discernible impact on the site, neighboring properties, the general public, or those intended to occupy or use the proposed development. All requests for modifications of an approved site plan or permit issued under the provisions of this Ordinance shall be in writing on a form provided by the Zoning Administrator. The Zoning Administrator shall keep a record of any authorized deviation.

B. Minor site design modifications or changes in permits (including approved site plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor modifications are those which will have no foreseeable effect or discernible impact to natural features on the property, beyond the property boundary such as minor changes in the location of buildings or structures, the alignment of utilities, and the alignment of walkways, interior roadways and parking areas. Minor changes for good cause may be authorized provided no such changes shall increase the size or height of structures, increase the number or type of dwelling units or square feet of nonresidential uses, add another land use, reduce the efficiency or number of public facilities serving the development, reduce usable or other required open space, or encroach on or impair air, water, other natural resources and natural features. Minor modifications or changes shall not violate a requirement of this Ordinance, or involve a modification or change that otherwise would require a zoning variance from the ZBA. The Zoning Administrator shall keep a record of all minor design modifications or changes granted and report each modification as part of the annual report, except that for the first twelve months of employment, the Zoning Administrator must report each modification approved to the Planning Commission at the monthly meeting.

C. Any modification, change, or deviation not qualifying as a minor or insignificant deviation is considered to be a major modification, change, deviation or amendment and must be approved by the permit issuing authority following the same procedure required for the original permit or approval.
D. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Planning Commission or Zoning Board of Appeals, new or modified conditions may be imposed, but the applicant keeps the right to reject such additional conditions by withdrawing his request for a modification, change, deviation or an amendment and may then proceed in accordance with the previously issued permit.

E. An applicant requesting approval of a request for an insignificant deviation or a minor design modification or change shall submit a written request to the Zoning Administrator identifying the requested changes and stating the reasons for making their quest. Action on all changes shall be given in writing, and may be appealed by an affected person to the Zoning Board of Appeals pursuant to Article 25.

Section 20.13  Expiration of Site Plan

A. The site plan shall expire unless construction of an approved site plan improvement has begun within two (2) years of approval.

B. Any re-submittal of a site plan due to expiration shall be processed as a new request with new fees.