

## **ARTICLE 10**

### **SITE PLAN REVIEW**

#### **Section 10.01 Purpose.**

The purpose of this Article is to establish consistent procedures and standards for review of site plans to verify compliance with the standards contained in this Ordinance and other applicable regulations and ordinances. Flexible review standards have been established to ensure that the type of review and amount of required information is proportional to the project's scale and use intensity. It is the further purpose of this Article to protect natural, cultural, and civic resources; minimize adverse impacts on adjacent properties and surrounding areas; encourage cooperation and consultation between the Township and the applicant; and facilitate development in accordance with the Growth Management Plan.

#### **Section 10.02 Site Plan Approval Required.**

The Zoning Inspector shall not issue a Certificate of Zoning Compliance and the Building Inspector shall not issue a Building Permit for construction of or addition to any structure or use for which site plan approval is required until a site plan has been approved and is in effect. No use for which site plan approval is required shall be commenced or expanded, nor shall the Zoning Inspector issue a Certificate of Zoning Compliance, nor shall the Building Inspector issue a Certificate of Occupancy for such use until a site plan has been approved and is in effect. Except where authorized per Section 10.05F (Effect of Preliminary Site Plan Approval), no grading, cutting of trees or other vegetation, excavation, land-filling, or construction of improvements shall commence for any development for which site plan approval is required until a site plan is approved and is in effect.

##### **A. Preliminary and Final Site Plan Approval.**

The following development projects and uses shall require review and approval of detailed preliminary and final site plans by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use. Exceptions listed below shall not be subject to site plan approval, but may be subject to approval per Section 1.07 (Certificates of Zoning Compliance):

1. All conditional uses, subject to the provisions of Article 11.0 (Conditional Uses).
2. All RURAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). All RURAL USES subject to the Right to Farm Act (P.A. 93 of 1981, as amended) shall be exempt from site plan approval.
3. All RESIDENTIAL USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards). The following RESIDENTIAL USES shall be exempt from site plan approval:

- a. One (1) single-family detached dwelling and customary accessory structures on an existing residential lot of record.
  - b. One (1) two-family or duplex dwelling and customary accessory structures on an existing residential lot of record.
  - c. Family day care homes; adult foster care family homes and small group homes; and child foster family homes and family group homes, as licensed by the State of Michigan.
  - d. Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
4. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 4.0 (Land Use Table).
  5. All OTHER USES, as specified in Article 4.0 (Land Use Table), for which site plan approval is required per Article 5.0 (Use Standards).
  6. Construction, expansion or alteration of a manufactured housing park shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.205 (Manufactured Housing Parks).
  7. Creation, expansion or alteration of a Special District project shall be subject to approval in accordance with the procedures and standards of Article 7.0 (Special District Regulations).
  8. Construction, expansion or alteration of a condominium development shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 12.0 (Condominium Regulations).
  9. Construction, expansion or alteration of an Open Space Preservation Residential Development shall be subject to approval in accordance with the procedures and standards of Section 14.01 (Open Space Preservation Residential Development).
  10. Construction, expansion or alteration of a wireless communications facility shall be subject to approval in accordance with the procedures and standards of Section 14.02 (Wireless Communication Facilities).

**B. Minor Site Plan Approval.**

The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:

1. Farm-based tourism/entertainment activities.
2. Public or commercial riding stables.
3. Accessory dwelling.

4. Adult foster care large group home.
5. Bed and breakfast inn.
6. Child day care home, group.
7. Home occupations not listed in Section 5.204 (Home Occupations).
8. Landscaping and maintenance operations and snow removal operations in a Rural District.
9. Temporary outdoor sales in accordance with Section 5.412 (Temporary Outdoor Sales).
10. A change of use for an existing building, construction of an addition to an existing building, or expansion of an existing, conforming use, subject to the following:
  - a. The site has previously received site plan approval.
  - b. The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
  - c. No variances to the requirements of this Ordinance are required.
  - d. The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 1,000 square feet, whichever is less.
11. Similar projects and uses, as accepted by the Zoning Inspector.

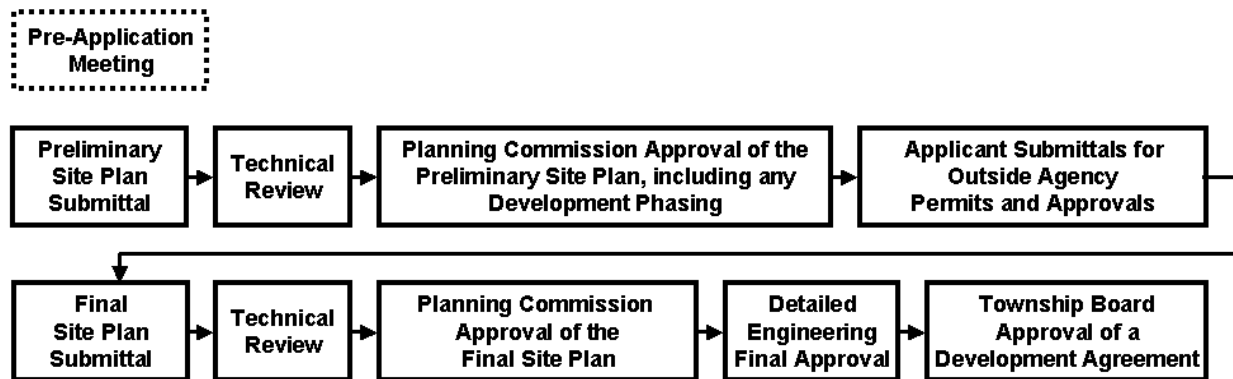
The Planning Commission shall have the authority to require submittal of a preliminary and a final site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

**C. Administrative Approval.**

The following activities are eligible for administrative review and approval by the Township Planner and Zoning Inspector. The Zoning Inspector or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative approval:

1. Incidental changes during construction due to unanticipated site constraints or outside agency requirements, consistent with an approved site plan.
2. Incidental landscaping changes or species substitutions, consistent with an approved site plan.

3. Incidental building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
4. Construction of an accessory structure for a multiple-family or non-residential use, or installation of screening around a waste receptacle, mechanical unit or similar equipment.
5. Sidewalk or pedestrian pathway construction, and barrier-free access improvements.
6. Incidental exterior lighting changes that conform to Section 14.11 (Exterior Lighting).



### **Preliminary and Final Site Plan Approval Process**



### **Minor Site Plan Approval Process**

### **Section 10.03 Pre-Application Meeting.**

Applicants are encouraged to request a pre-application meeting with the Township Planner and designated Township consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting a site plan application for formal review.

1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
2. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.
3. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

### **Section 10.04 Applications for Site Plan Approval.**

Any person with a legal interest in a lot may apply for site plan approval. If the applicant is not the fee simple owner of the property, the applicant shall submit a statement signed by all of the owners consenting to the application for site plan approval.

#### **A. Application Submittal and Technical Review.**

Application shall be made by filing all completed forms and sixteen (16) full-size copies of the site plan drawing(s) with the Township Clerk, and payment of required review fees and escrow deposits to the Township Treasurer.

1. Any application or site plan that does not satisfy the information requirements of this Article shall be considered incomplete, and shall be returned to the applicant.
2. The Township Clerk, upon receipt of all required application materials, shall forward the site plan and application materials to the Planning Commission, with copies to the Township Planner and other designated Township officials and consultants.
  - a. A preliminary site plan for RESIDENTIAL USES or COMMERCIAL USES on a lot within the Fleming Creek Watershed, as defined in Section 17.03 (Definitions), shall be forwarded to the Fleming Creek Advisory Council per Section 14.12 (Fleming Creek Area Developments).
  - b. A minor or preliminary site plan for a lot located in the Dixboro community, as defined in the adopted Growth Management Plan, shall be forwarded to the Dixboro Design Review Board per Section 14.04 (Design Review).
3. Each final site plan shall be prepared by an architect, community planner, engineer, landscape architect, or land surveyor registered or licensed in the State of Michigan and shall bear the professional seal of the preparer. [amended 6/18/2018, Ord. 174-21]

**B. Information Required.**

Each application for site plan approval shall include all required information for the type of site plan under review, as specified in Section 10.07 (Required Site Plan Information).

**C. Technical Review.**

Prior to Planning Commission consideration, copies of the site plan and application materials shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment.

**Section 10.05 Planning Commission Action.**

The Planning Commission shall review the minor, preliminary, or final site plan and application materials at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction. As part of its review, the Planning Commission shall consult with the Township Planner, Zoning Inspector, Fire Chief, Township Engineer, and such other officials and agencies that may have an interest in or be affected by the proposed development.

The Planning Commission shall, within 180 calendar days of receipt of a complete and accurate application, approve or reject the minor, preliminary, or final site plan. The time limit for Planning Commission study and action may be extended by mutual agreement of the applicant and Planning Commission recorded in the Planning Commission's meeting minutes.

**A. Environmental Contamination and Remedial Action.**

If the Planning Commission, in its discretion, determines that the prior or current uses of, or activities on, the land indicate the possibility of environmental contamination, it may require that the applicant provide evidence that no such contamination exists (e.g., through a Level II investigation or such other environmental assessment as the Planning Commission, in its discretion, shall deem advisable).

In the event that investigation reveals that contamination is present on the property, the applicant shall take such remedial actions as are required by law, and shall provide proof of same to the Planning Commission, prior to receiving preliminary or final site plan approval.

**B. Standards for Site Plan Approval.**

In reviewing a site plan, the Planning Commission shall determine whether the applicable standards for the type of site plan under review, as specified in Section 10.10 (Standards of Site Plan Approval), have been met by the applicant.

**C. Actions.**

The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the minor, preliminary, or final site plan as follows:

1. **Postponing.** Upon determination by the Planning Commission that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration of the site plan.
2. **Denial.** Upon determination that the site plan does not comply with the requirements of this Ordinance, the Growth Management Plan, or other applicable Township ordinances or state statutes, or would require extensive revisions to comply with such requirements, the site plan shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.
3. **Approval.** Upon determination that the site plan is in compliance with the standards of this Ordinance, the Growth Management Plan, and other applicable Township ordinances or state statutes, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve the site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.

**D. Recording of Site Plan Action.**

Planning Commission action on the minor, preliminary, or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval.

1. The Planning Commission shall advise the applicant in writing of its actions on the site plan. A copy of the minutes of the meeting at which action was taken sent by first class mail may constitute the written notification.
2. After the Planning Commission has taken action on the site plan, at least one (1) copy of the site plan shall be marked APPROVED or DENIED as appropriate, with the date that action was taken and a list of any conditions of approval, and shall be placed on file at the Township offices per State of Michigan retention guidelines.

**E. Effect of Minor Site Plan Approval.**

Approval of a minor site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance and a building permit to begin site work or construction, provided all other construction and engineering requirements have been met. In the case of uses without structures, approval of a minor site plan authorizes issuance of a Certificate of Zoning Compliance and issuance of a Certificate of

Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

**F. Effect of Preliminary Site Plan Approval.**

Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 10.10 (Standards for Site Plan Approval). The Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Township for preliminary site work to begin for soils exploration and incidental site clearing. The conditions which may be attached to such permits shall include, but shall not be limited to:

1. Measures to control erosion.
2. Exemption of the Township from any liability if a final site plan is not approved.
3. Provision of a performance guarantee per Section 1.08C (Performance Guarantees) for site restoration if work does not proceed to completion.

**G. Effect of Final Site Plan Approval.**

Approval of a final site plan by the Planning Commission authorizes issuance of a Certificate of Zoning Compliance, and authorizes the execution of a Development Agreement between the Township and the property owner(s)/developer(s) per Section 14.03 (Development Agreement). Execution of the Development Agreement authorizes issuance of a Building Permit to begin site work or construction, provided all other construction and engineering requirements have been met. No site work or construction shall begin prior to the execution and recording of the Development Agreement.

In the case of uses without structures, approval of a final site plan authorizes issuance of a Certificate of Zoning Compliance and issuance of a Certificate of Occupancy, provided all other requirements for such Certificate of Occupancy have been met.

**Section 10.06 Combining Preliminary and Final Site Plans.**

An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary and final site plan in an application for approval. The applicant shall pay the usual fees for both preliminary and final site plan review.

1. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrant.
2. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.



**Section 10.07 Required Site Plan Information.**

The following minimum information shall be included with each application for approval of a minor site plan, preliminary site plan, final site plan, or Special District Area Plan per Article 7.0 (Special District Regulations). An item of required information not applicable to the project or site may be omitted from a site plan, subject to acceptance by the Planning Commission:

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Special District Area Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
<b>SITE PLAN DESCRIPTIVE INFORMATION</b>				
Applicant and developer's name(s), address(es), telephone and facsimile numbers, and interest in the property; and property owner's name, address, telephone number, and signed consent if applicant is not the owner.	●	●	●	●
The name, address, telephone, and facsimile numbers of the firm or individual preparing the site plan. Site plans prepared by an architect, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan shall bear the individual's professional seal.	●	●	●	●
Location, address(es), and tax identification number(s) of subject parcel(s).	●	●	●	●
Dimensions of the site, and the gross and net land area.	●	●	●	●
Legal description(s) of the subject parcel(s).		●	●	●
Legal description of the proposed development site and any non-contiguous open space area(s), if different from the subject parcel(s), with lot line angles or bearings indicated on the plan. Dimensions, angles, and bearings shall be based upon a boundary survey prepared by a registered surveyor.			●	●
Details of existing and proposed covenants or other restrictions imposed upon land or buildings, including bylaws, deed restrictions, and articles of incorporation for a cooperative, condominium, or homeowners' association.				●
Description of applicant's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures.		●	●	●
Gross and net dwelling unit density for residential projects.		●	●	●
General description of the number, size ranges, and types of proposed dwelling units; and proposed facade materials.		●		
A schedule of the number, sizes (bedrooms, floor areas), and types of dwelling units, and lot area per dwelling unit.			●	●
Average initial sales price ranges for dwelling units to be offered for sale, and average initial rents of rental dwelling units.		●		●
A detailed use statement describing proposed use(s); including land or building areas for each use, number of units, number of anticipated employees, or other applicable information to verify Ordinance compliance.	●	●	●	●

<b>Minimum Site Plan Information</b>	Minor Site Plan	Special District Area Plan	Preliminary Site Plan	Final Site Plan
<b>SITE PLAN DATA AND NOTES</b>				
Vicinity map showing the general location of the site.		●	●	●
Scale, north arrow, initial plan date, and any revision date(s).	●	●	●	●
Preliminary and final site plans shall be drawn to an engineer's scale not greater than 1:100 and appropriate for the required sheet size of 24 inches by 36 inches. For a large development shown in sections on multiple sheets, one overall composite sheet shall be provided for clarity.		●	●	●
Existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●	●
Minor site plans shall be drawn to a scale appropriate for a sheet size between 8.5 inches by 14 inches (minimum) and 24 inches by 36 inches (maximum); and of such accuracy that the Planning Commission can readily interpret the plan.	●			
Owners' names, existing uses, and location of structures, drives, and improvements on surrounding parcels (including across rights-of-way).			●	●
Identification of all adjacent property in which the applicant(s), developer(s), or owner(s) have an ownership interest.		●	●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.			●	●
Calculations for parking and other applicable Ordinance requirements.	●		●	●
<b>EXISTING CONDITIONS</b>				
Location of existing structures, fences, and driveways on the subject property, with notes regarding their preservation or alteration.	●	●	●	●
Location of existing walls, signs, utility poles and towers, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.			●	●
<b>SITE PLAN DETAILS</b>				
Delineation of required yards, setback areas, and transition strips.	●		●	●
Identification of general location(s) and area(s) of each development phase.			●	●
Planned construction program and schedule for each development phase.			●	●
Location, width, purpose, and description of all existing and proposed easements and rights-of-way on or adjacent to the site.	●		●	●
Location, type, area, height, and lighting specifications of proposed signs.	●			●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.				●

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Special District Area Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Location, area, and dimensions of any outdoor sales, display or storage areas.	●		●	●
Location of proposed outdoor waste receptacle enclosures; with size, elevation, and vertical cross section showing materials and dimensions.			●	●
<b>BUILDING DESIGN AND ORIENTATION</b>				
Location, outline, ground floor area, and height of proposed structures; and of existing structures to remain on-site.	●	●	●	●
Dimensions, number of floors, and gross and net floor area of proposed principal buildings; and of existing principal buildings to remain on-site.			●	●
Separation distances between adjacent buildings, and between buildings and adjacent lot boundaries.			●	●
Conceptual drawings of exterior building façades for principal buildings and building additions, drawn to an appropriate scale.		●		
Detailed exterior building façade elevation drawings for all proposed dwellings, principal buildings, and additions, drawn to an appropriate scale and indicating types, colors, and dimensions of finished wall materials.	●		●	●
Finished floor elevations and contact grade elevations for proposed principal buildings and existing principal buildings to remain on-site, referenced to a common datum acceptable to the Township Engineer.				●
<b>ACCESS AND CIRCULATION</b>				
Locations, layout, surface type, centerlines, road pavement and right-of-way widths, and indication of public or private road status for all existing and proposed roads and access drives serving the site.		●	●	●
Conceptual locations, layout, and surface type for all parking lots, sidewalks, and pedestrian pathways within and accessing the site.	●	●	●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.	●		●	●
Details of locations, widths, and paving of proposed sidewalks and pedestrian ways, including alignments, typical cross sections, connections to existing or planned off-site facilities, and easement or right-of-way dedications.				●
Parking space dimensions, pavement markings, and traffic control signage.	●		●	●
Parking space angles; maneuvering aisle, island, and median dimensions; surface type; fire lanes; drainage patterns; location of loading areas; and typical cross-section showing surface, base, and sub-base materials.			●	●
Identification of the proposed name(s) for new public or private road(s) serving the site.			●	●

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Special District Area Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Spot elevations of the road surface for existing roads on and adjacent to the subject parcel(s), including surface elevations at intersections with the internal roads and drives serving the proposed development; curve-radii and road grades; location and details of curbs, and turning lanes; and typical road cross sections showing surface, base, and sub-base materials and dimensions.				●
<b>NATURAL FEATURES AND OPEN SPACE AREAS</b>				
General description and delineation of existing natural features on and abutting the site; such as trees, shrubs, wooded areas, general topography and soil information, areas of steep slopes, bodies of water, watercourses, drainageways, and wetlands; with clear indication of all features to be preserved, removed, or altered.		●	●	●
Details of all existing natural features on the site as required by Section 14.05 (Natural Features Protection) or the Township Wetlands Ordinance; including type, location, size, and species; slopes from 12% to 25% and steep slopes 25% and above; clear indication of all features to be preserved, removed, or altered; and proposed mitigation measures.				●
Delineation of the 100-year floodplain on and abutting the site [see Section 14.05D (Floodplains)].		●	●	●
Description of groundwater recharge areas located on the subject parcel(s), and a rough delineation of their borders [see Section 14.05E (Groundwater Recharge Areas)].			●	●
Delineation of all vegetation within required open space setback from watercourses and wetlands per Section 14.05B (Watercourses and Wetlands).				●
Outdoor open space and recreation areas; location, area, and dimensions.		●	●	●
Description of the organization that will own and maintain open space and recreation areas, and a long-term maintenance plan for such areas.				●
<b>SCREENING AND LANDSCAPING</b>				
Location and size of required landscape strips, if applicable.		●	●	●
General layout of proposed landscaping and screening improvements; including plantings, topographic changes, and similar features.	●		●	●
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.				●
Planting list for proposed landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.				●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.				●

<b>Minimum Site Plan Information</b>	<b>Minor Site Plan</b>	<b>Special District Area Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>
Proposed fences, walls, and other screening devices, including typical cross section, materials, and height above grade.	●		●	●
Screening methods for any waste receptacle areas, ground-mounted generators, transformers, mechanical (HVAC) units, and similar devices.	●		●	●
Proposed screening of rear dwelling elevations facing towards and visible from abutting primary roads, where proposed as an alternative to the rear façade material standards of Section 14.09B (Residential Building Exteriors).				●
<b>UTILITIES, STORMWATER MANAGEMENT, AND GRADING</b>				
General layout of existing and proposed water supply systems, sanitary sewerage or septic systems, and stormwater management facilities.		●	●	●
Location and size or capacity of the existing and proposed potable water supply and sewage treatment and disposal facilities serving the site.			●	●
Location, size, and slope of proposed detention or retention ponds; and location and size of underground tanks and drain lines where applicable.			●	●
Layout, line sizes, inverts, hydrants, flow patterns, and location of manholes and catch basins for proposed sanitary sewer and water supply systems.				●
Calculations for capacity of stormwater management and drainage facilities.				●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.				●
General areas of intended filling or cutting.		●	●	●
A detailed grading plan, with details of proposed filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines within the site or at the parcel boundaries.				●
Locations, dimensions, and materials of proposed retaining walls, with fill materials and typical vertical sections.			●	●
Description of measures to control soil erosion and sedimentation during construction operations, and until permanent groundcover is established.				●
<b>ADDITIONAL REQUIRED INFORMATION</b>				
Other information as requested by the Township Planner or Planning Commission to verify that the site and use are in accordance with the intent, purposes, and requirements of this Ordinance and the policies of the Township's Growth Management Plan.	●	●	●	●

## **Section 10.08 Expiration of Site Plan Approval.**

Planning Commission approval of a site plan shall expire in accordance with the following:

### **A. Expiration of Minor Site Plan Approval.**

A minor site plan shall expire and be of no effect unless, within 365 calendar days of the Planning Commission's approval, appropriate permits have been approved, construction has begun on the property, and such work is diligently pursued in conformance with the approved minor site plan.

### **B. Expiration of Preliminary Site Plan Approval.**

Approval of a preliminary site plan shall be valid for a period of 365 calendar days from the date of approval and shall expire and be of no effect unless a application for final site plan approval for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period.

If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no greater than two (2) years from the date of approval of the previously-approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining parts of the site. In such case, the Planning Commission may require a new preliminary site plan be submitted, unless good cause can be shown for the delay.

### **C. Expiration of Final Site Plan Approval.**

A final site plan shall expire and be of no effect unless:

1. Within 365 calendar days of the Planning Commission's approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval; and
2. Within 545 calendar days following the date of approval, construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

### **D. Extension of Site Plan Approval.**

The Planning Commission may, at its discretion and upon written request and showing of good cause by the applicant, grant an extension of a minor, preliminary, or final site plan approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

**Section 10.09 Phasing of Development.**

The applicant may divide the development into two (2) or more phases. Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Planning Commission may require the applicant to post a performance guarantee per Section 1.08C (Performance Guarantees) to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

**Section 10.10 Standards for Site Plan Approval.**

In reviewing a minor, preliminary, or final site plan, the Planning Commission shall determine that the following standards are met, as applicable to the type of site plan:

<b>Standards for Site Plan Approval</b>	<b>Minor Site Plan</b>	<b>Preliminary Site Plan</b>	<b>Final Site Pan</b>
All required information has been provided.	●	●	●
The proposed development conforms to all regulations of this Ordinance for the district(s) in which it is located and all other applicable regulations and ordinances; and are compatible with the adopted Growth Management Plan.	●	●	●
The applicant is legally authorized to apply for site plan approval.	●	●	●
The proposed development will be harmonious with and not harmful, injurious, or objectionable to existing and future uses in surrounding area, or the environment.	●	●	●
Preservation and/or mitigation of natural resources conforms to the standards of Section 14.05 (Natural Features Protection), and the development as proposed will not cause soil erosion or sedimentation.		●	●
The proposed development respects natural topography and minimizes the amount and extent of cutting and filling.		●	●

Standards for Site Plan Approval	Minor Site Plan	Preliminary Site Plan	Final Site Pan
Organic, wet, or other soils that are not suitable for development will be undisturbed, or modified in such fashion as to make development feasible.		●	●
The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.	●	●	●
The proposed development is adequately coordinated with improvements serving the area, and with other existing or planned development in the vicinity.	●	●	●
Satisfactory and harmonious relationships will exist between the proposed development and the existing and planned development of contiguous lands and the surrounding area.		●	●
Development phases are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control.		●	●
The final site plan conforms to the approved preliminary site plan.			●
The plan, including all engineering drawings, meets specifications of Superior Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township Engineer and Fire Chief.			●
Grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect adjacent properties or the surrounding area.			●
Erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.			●
The plan meets applicable standards of governmental agencies with jurisdiction, and necessary outside agency approvals have been obtained or are assured.	●		●

**Section 10.11 Compliance with an Approved Site Plan.**

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 1.11C (Performance Guarantees) [amended 12/16/2013, Ord. 174-13].



## **Section 10.12 Amendment and Revision.**

Changes to an approved minor, preliminary, or final site plan shall be prohibited, except in accordance with this Section and Article. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.

### **A. Major/Minor Change Review Procedure.**

Requests for approval of a major or minor change to an approved site plan shall be made by the petitioner in writing to the Planning Commission. The burden shall be on the petitioner to show good cause for any requested change, subject to the standards of this Section.

1. The applicant shall clearly state the reasons for the request, which may be based upon changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of the Township and petitioner; such as technical causes, site conditions, state or federal projects, or changes in state laws.
  - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
  - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. The Planning Commission shall determine whether the requested change is major or minor, as defined in this Section.
  - a. Major changes, as determined by the Planning Commission per Section 10.12B (Major Changes), shall require an amendment to the approved site plan. Submittal and approval of such amendments shall follow the procedures of this Article for a new site plan approval application.
  - b. Minor changes, as determined by the Planning Commission per Section 10.12C (Minor Changes), shall require Planning Commission approval, including, at the Commission's discretion, revised site plan drawings.
    - (1) The applicant and owner(s) of record or legal representative of such owner(s) shall sign revised drawings requested by the Planning Commission as part of an approval of a minor change.
    - (2) The Planning Commission shall notify applicable agencies with jurisdiction if it approves a minor change.

**B. Major Changes.**

Changes to be considered major shall include, but shall not be limited to the following:

1. Change in concept of the development.
2. Change in use or character of the development.
3. Change in type of dwelling unit or other structure as identified on the approved site plan.
4. Increase in the number of dwelling units or other structures.
5. Increase in non-residential floor area of over five percent (5%).
6. Increase in GFC or FAR of more than one percent (1%).
7. Rearrangement of lots, blocks or building tracts.
8. Reduction in land area set aside for common area open space or the relocation of such area(s).
9. Increase in building height.
10. Any change that will have an adverse impact on neighboring properties or uses.

**C. Minor Changes.**

Changes to be considered minor shall include, but shall not be limited to the following:

1. A change in residential floor area.
2. An increase in non-residential floor area of five percent (5%) or less.
3. Minor variations in layout that do not constitute major changes.
4. An increase in GFC and FAR of one percent (1%) or less.
5. A decrease in the number of approved dwelling units.

**Section 10.13 Rescinding Final Site Plan Approval.**

A minor or final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or conditional use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.14 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan

approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

### **Section 10.14 As-Built Drawings.**

The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances installed on a site for which a final site plan was approved. The drawings shall be submitted to the Building Inspector and shall be approved by the Township Engineer prior to the release of any performance guarantee or part thereof covering such installation. The as-built drawings shall show, but shall not be limited to:

1. The exact size, type, and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations.
2. Plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
3. All work as actually installed and as field-verified by a professional engineer or a representative thereof.

The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

### **Section 10.15 Inspection.**

The Zoning Inspector or his or her designated agent shall be responsible for inspecting all improvements for conformance with an approved site plan, subject to the following:

1. All sub-grade improvements, such as utilities, sub-based installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering.
2. The applicant shall be responsible for requesting all necessary inspections.
3. The Zoning Inspector shall obtain inspection assistance from the Township Planner, Fire Chief, Building Inspector, and Township Engineer, where applicable.
4. The Zoning Inspector shall notify the Township Board, Planning Commission, and the Building Inspector, in writing, when:
  - a. Any approved development has passed inspection with respect to the approved final site plan; or
  - b. Any approved development does not pass inspection with respect to the

approved final site plan. The Zoning Inspector shall report on the steps taken to achieve compliance, on progress toward compliance with the approved final site plan, and when compliance is achieved.

### **Section 10.16 Violations.**

A site plan approved under this Article shall have the full force of this Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Inspector to order that all work be stopped, and to order that permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Township Board. Any violation of any provision of this Article, and any violation of any plan approved under this Article, including any agreements and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Section 1.13 (Violations and Penalties).