

## ARTICLE XXII

### SITE PLAN REVIEW PROCEDURES

#### SECTION 22.01 PURPOSE

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

#### SECTION 22.02 DEVELOPMENTS REQUIRING SITE PLAN APPROVAL

The following land, building and structural uses require “Site Plan Approval”:

- A. All principal and special uses and their accessory uses in the MFR, OSC, NSC, CSC, HSC, HC and I Districts.
- B. All special uses and their accessory uses in all districts.
- C. All condominium projects, including site condominiums. See Article XVIA.
- D. All planned unit development district projects.

#### SECTION 22.03 DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL

- A. Single family homes and their accessory uses in the RD, AR, MDR, LDR, and HDR Districts.
- B. General or specialized farming and their accessory uses and roadside stands in the RD, AR, MDR, LDR, and HDR Districts, but not including all other principal and special uses and their accessory uses permitted in the RD, AR, MDR, LDR, and HDR Districts.
- C. State-licensed Mobile Home Parks do not require final site plan approval. They do, however, require Planning Commission and Township Board review of the preliminary site plan within sixty (60) days of receipt. *[amended 1-14-98]*

#### SECTION 22.04 ROLE OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall not issue a Zoning Permit for construction of, or addition to, any use until a final site plan has been approved by the Township Board and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved

by the Township Board and a Zoning Permit has been issued for it. A zoning permit for a state-licensed Mobile Home Park may be issued following preliminary site plan review by the Planning Commission and the Township Board with the condition that no construction may commence until a construction permit is granted by the State of Michigan. *[amended 1-14-98]*

**SECTION 22.05      SITE PLAN APPROVAL REQUIRED PRIOR TO  
STARTING CONSTRUCTION OR USE OF LAND**

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

**SECTION 22.06      PRELIMINARY CONFERENCE ON PROPOSED SITE  
PLAN**

An applicant shall either:

- (1) Request a meeting with a preliminary site plan review committee, composed of one or two Planning Commissioners, the Township Supervisor and the Zoning Administrator for the purpose of discussing a preliminary site plan, or,
  - (2) An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents.
- The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting. *[amended 11-2-05]*

**SECTION 22.07      PRELIMINARY SITE PLAN REQUIREMENTS**

**A.      APPLICATION**

Any person may file a request for preliminary site plan review by the Planning Commission. *[amended 11-2-05]*

**B.      INFORMATION REQUIRED FOR REVIEW**

Every preliminary site plan submitted under this Article shall contain, at a minimum, the following information, unless deemed unnecessary by the Zoning Administrator:

1.      Small scale sketch of properties, streets and land uses within one quarter mile of the subject property.
2.      Eight (8) copies of a site plan at a scale of not more than one (1) inch equals one hundred (100) feet (1"=100') showing any proposed or existing arrangement of:
  - a.      Existing adjacent streets and proposed streets and existing curb cuts within one hundred (100) feet to the property.
  - b.      All lot lines and dimensions.
  - c.      Parking lots and access points. Proposed buffer strips and screening.

- d. Existing significant natural features; and other natural characteristics, including but not limited to: open space, stands of trees, brooks, ponds, wetlands, floodplains, hills and similar natural assets.
- e. Existing and proposed buildings, including existing buildings or structures within one hundred (100) feet of the boundaries of the property.
- f. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- g. Dwelling unit densities by type, if applicable.
- h. Proposed method of providing sewer and water services.
- i. Written description of the computation for required parking.
- j. Preliminary review letter from the local fire chief.
- k. Preliminary review letter from the county road commission or state department of transportation.
- l. Preliminary review by the zoning administrator.  
*[amended 1-14-98 & 6-1-06]*

#### C. PLANNING COMMISSION ACTION

The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, approve with conditions of approve or deny the preliminary site plan. If the preliminary site plan is denied the Planning Commission shall prepare a report setting forth the reasons for denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

#### D. EFFECT OF APPROVAL

Approval of a preliminary site plan by the Planning Commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Township Board may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided and for furnishing a financial guarantee (State Licensed Mobile Home Parks excepted) for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Van Buren County Soil Erosion and Sedimentation Control requirements. *[amended 1-14-98 & 11-2-05]*

#### E. EXPIRATION AND EXTENSION OF APPROVALS

Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within

that time period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Board. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

## **SECTION 22.08 FINAL SITE PLAN REQUIREMENTS**

### **A. APPLICATION**

Following approval of a preliminary site plan, the applicant shall submit nine (9) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission. *[amended 1-14-98]*

### **B. INFORMATION REQUIRED FOR REVIEW**

Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review.

### **C. PLANNING COMMISSION ACTION**

The Planning Commission shall study the final site plan and shall take action on the application. In the cases of Special Land Uses, Type II PUDs, re-zonings, site condominiums (and site plan changes) and plat subdivisions (and site plan changes), the Planning Commission shall recommend approval, approval with conditions, or denial of the final site plan to the Township Board. In the case of site plan for permitted uses, Type I PUDs, and major site plan changes to previously approved Special Uses, Type II PUDs, the Planning Commission action shall be approval, approval with conditions or denial of the site plan. The Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance. *[amended 2008]*

Upon Township Board approval of the final site plan, the applicant and owner(s) of record, and either the Township Clerk, the Planning Commission Chairperson, or the designated replacement, shall sign the approved plan. The Township shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, and to the applicant. One (1) copy shall be submitted to the Planning Commission. *[amended 2008]*

If the final site plan is disapproved, the Township Clerk shall be notified, in writing, of such action and reasons. *[amended 2008]*

### **D. EFFECT OF APPROVAL**

Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Township Board, whichever is specified in specific Sections of this Ordinance, unless a Zoning Permit is applied for and granted within that time period.

Approval shall expire and be of no effect one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved final site plan.

## **SECTION 22.09      CRITERIA FOR SITE PLAN REVIEW**

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A.      **PRESERVATION OF NATURAL ENVIRONMENT:**  
Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
  
- B.      **RELATIONS OF PROPOSED LAND BUILDING AND STRUCTURAL USES TO ENVIRONMENT:**  
Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.
  
- C.      **DRIVES, PARKING AND CIRCULATION:**  
Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
  
- D.      **SURFACE WATER DRAINAGE** *[amended April 2009]*  
Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system.

Working with the Van Buren County Drain Commissioner, the applicant is encouraged to utilize Low Impact Development best management practices (listed below), which are appropriate for site conditions to reduce stormwater runoff by slowing it down, spreading it out and soaking it in as much as possible on the site. If retention is found to be hydrologically impractical or an economic hardship can be shown, storm water may be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so

that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas. “Economic Hardship” is hereby defined as a documented increase in cost for the desired element, which exceeds 10% of the total site work excluding buildings, signs and lighting.

BONUS: An additional 10% (over and above other incentives) bonus density may be granted to any development, if the majority of site work is shown to meet or exceed Low Impact Design criteria (no increase in stormwater run-off).

All structural best management practices, which will be utilized should be shown on the site plan. In addition, a description of any non-structural best management practices which will be utilized should be submitted with the site plan. The applicant can refer to the [\*Low Impact Development Manual for Michigan: A Design Guide for Implementers and Reviewers\*](#) for detailed information on Low Impact Development and the best management practices listed below.

1. The nonstructural Best Management Practices (BMPs) are:

- Cluster development,
- Minimize soil compaction,
- Minimize total disturbed area,
- Protect natural flow pathways,
- Protect riparian buffers,
- Protect sensitive areas,
- Reduce impervious surfaces, and
- Stormwater disconnection.

2. The structural Best Management Practices (BMPs) are:

- Bioretention
- Vegetated Filter Strip
- Vegetated Swale
- Pervious Pavement
- Infiltration Basin
- Subsurface Infiltration Bed
- Infiltration Trench
- Dry Well
- Level Spreaders
- Berming
- Planter Box
- Runoff Volume/Non-infiltration
- Vegetated Roof
- Capture Reuse
- Runoff Quality/ Non-infiltration
- Constructed Wetland
- Wet Ponds/Retention Basins
- Constructed Filters
- Water Quality Devices
- Underground Detention

Extended Detention/Dry Pond Restoration  
Riparian Buffer Restoration  
Native Re-vegetation  
Soil Restoration

E. UTILITY SERVICE:

Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have an harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

F. ADVERTISING FEATURES

The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article XXI, "Sign Regulations."

G. SPECIAL FEATURES

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. STREET YARD LANDSCAPING *[added April 2009]*

Street yard areas, including the area between the street right-of-way line and any required front yard setback area, shall be landscaped in a manner that enhances the visual character of the Township streets and minimizes impacts of vehicular traffic on adjacent uses.

- a. Front yard setback area plantings. Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt, or other landscaping materials within the front yard setback in accordance with the screening or buffering objectives of this Article.
- b. Infill development exceptions. In the case of spot infill redevelopment where an individual property or use is being developed or redeveloped in the midst of existing development, the Planning Commission may decide to alter the street yard landscaping requirement based on the following determinations:
  - i. The existing landscaping provides adequate or better treatment along the streetscape than the required landscaping would provide;
  - ii. Not planting the required landscaping along the street frontage would not cause any detriment to the subject property or any adjacent properties at the present time or at any time in the future.
  - iii. If the Planning Commission determines that the specific property qualifies, then the plantings required along the street can be located elsewhere on the

site. They are still required; they are just no longer required in the street yard.

2. Maintenance.  
All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:
  - a. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes and guy wires are to be removed after one (1) year, except for guy wires for large trees.
  - b. Within two years of planting, in all required new landscape areas, dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials by the end of the next culturally accepted growing season if it is determined by the Township that the new materials would be jeopardized by weather conditions.
  - c. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.
3. Acceptable Materials.  
Whenever possible plants native to southwestern Michigan and originating from the seed bank of this area shall be used. Non-native invasive species are prohibited.
4. Exceptions and Alternatives.
  - a. Alternative designs or materials. The Planning Commission shall have the authority to modify the standards of this Chapter, provided that the alternative is determined to be in accordance with the purpose and objectives of this Chapter.
  - b. Existing Sites. Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this Chapter, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

#### I. ADDITIONAL REQUIREMENTS

All other standards and requirements of this Article must be met by site plans presented for review.

### **SECTION 22.10 MODIFICATION OF PROCEDURE**

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

## **SECTION 22.11      AMENDMENT OF AN APPROVED SITE PLAN**

A site plan may be amended upon application and in accordance with the procedure provided in Section 22.07 herein, for a preliminary site plan, and Section 22.08 herein, for a final site plan. Proposed major changes to an approved final site plan shall be reviewed by the Planning Commission.

- A.      Examples of major changes include the following:
1.      Changes in the general concept or design of the general development plan.
  2.      Changes from the approved use(s) of the development.
  3.      Changes in the type and design of residential, commercial, industrial, public, institutional or organizational buildings.
  4.      Increases in the number of residential dwelling units or number of nonresidential buildings on the site.
  5.      Increases in the residential building floor area of more than ten (10) percent.
  6.      Rearrangement of the building locations, lots, blocks or building sites.
  7.      Changes in the function or character of roads or highways.
  8.      Changes in the location, character of use, or amount of land planned as common open space.
  9.      Variations in the development represented on an approved site plan involving the deletion, relocation, or addition of onsite improvements, including drives, parking areas, structures on, above or below the ground surface, berms, curbs and gutters, screen plantings or other required landscaping, fencing, water supply, wastewater disposal or stormwater drainage systems.
  10.     Relocation of any surface or subsurface structures or improvements, except essential public utilities and services, by twenty (20) feet or more from its approved location.
  11.     Any appeal of an applicant whose request is for a minor change to an approved final site plan which has been disapproved by the Zoning Administrator to decide whether to approve, approve with conditions or disapprove the requested change.
  12.     Changes in fill grading, types of finished surface roads, drives, parking areas, walks and loading and unloading areas exceeding in area five hundred (500) square feet or five (5) percent of the lot area.
  13.     Changes due to unforeseen natural or environmental conditions or natural constructed features, e.g., wetlands, floodplains, ground water, geological features, existing structures or improvements.
- B.      Minor changes to an approved final site plan may be authorized by the Township Zoning Administrator without prior Planning Commission review. Examples of minor changes include the following:
1.      Minor variations in the concept of the design of the development which are determined by the Zoning Administrator not to be major changes.
  2.      Increases or decreases of residential or nonresidential floor areas by ten

- (10) percent or less.
- 3. Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned location.
- 4. Increases or decreases in planned elevations of finished grades or changes in the area or materials of paved areas, which affect less than five hundred (500) square feet or five (5) percent of the total lot area, whichever is less.
- 5. Changes in the height of buildings or structures.
- 6. Increases or decreases or changes in the type, height, or length of walks, fencing, berms or screen plantings.
- 7. Additions or deletions of permitted accessory uses to the principal uses permitted by the approved site plan.
- 8. Changes in the location of essential public utilities and services from those approved on the final site plan in order to accommodate their location.
- 9. Changes in the species, sizes of specimens or spacing of required landscaping and screen plantings, including trees, shrubs, vines and ground covers.

C. If an applicant decides to appeal the disapproval of a minor change by the Zoning Administrator, the Zoning Administrator shall forward the applicant's file with the reasons for the Zoning Administrator's disapproval to the Planning Commission for review and decision. *[amended 1-14-98 & 7-12-00]*

**SECTION 22.12      MODIFICATION DURING CONSTRUCTION**

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Township Board will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Township Board in writing of any such changes. The Zoning Administrator or the Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

**SECTION 22.13      PHASING OF DEVELOPMENT**

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

**SECTION 22.14      INSPECTION**

All subgrade improvements, such as utilities, subbase and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, in writing, when a

development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Board of steps to be taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

#### **SECTION 22.15 FEES**

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

#### **SECTION 22.16 PERFORMANCE GUARANTEES**

Bonds or other acceptable forms of security shall be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company. Performance guarantees may not be imposed on a state licensed mobile home park. *[amended 1-14-98]*

#### **SECTION 22.17 VIOLATIONS**

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.