

Chapter 8 ■ Site Plan Review

SECTION 8.1 NON-SPECIAL USE RESIDENTIAL SITE PLAN REVIEW

- a. Formal site plan review by the Planning Commission is not required in the Residential Farming (AG), Single-Family Residential (R-A), Multiple Family Residentials (R-B) Districts for uses permitted by right as set forth in Chapter 3, Tables 2, 3, and 4, of the Zoning Ordinance. For such uses, the Zoning Administrator and/or his/her designee shall conduct an informal site plan review pursuant to section (c) below.

Notwithstanding this section, the Property Owner or Applicant has the option of having the Planning Commission perform a site plan review rather than by the Zoning Administrator or his/her designee. The Site Plan application review will be conducted by the Planning Commission at its next regularly scheduled meeting using the process delineated in Section 8.2 below. The Planning Commission will conduct the review and issue its opinion on whether to grant or deny the application at the conclusion of the meeting.

- a. APPLICATIONS. A legible written application shall be submitted to the Township Zoning Administrator for informal site plan review. There is no fee associated with an informal site plan review application, which should at a minimum contain the following:
 - (1) Name of the Applicant
 - (2) Date of Application
 - (3) Mailing Address of Applicant and Property Owners(s) (if different)
 - (4) Parcel Identification Number
 - (5) Dimensions of Proposed Structure
 - (6) A hand drawing showing the structure in relation to the parcel boundaries, including a notation on said drawing of the number of feet the proposed structure is from the front, back and side parcel boundaries.

It is highly recommended that the Applicant provide, if available, the following information:

- (1) Telephone number of the Applicant and/or Property Owner(s) (if different)
 - (2) Email of the Applicant and/or Property Owner(s) (if different)
- b. APPLICATION REVIEW AND ACTION, The Zoning Administrator or his/her designee shall review all completed applications. The review will be limited to whether or not the project complies with all applicable township zoning ordinance. If the project complies with all of the applicable provisions of the Township Zoning Ordinance, the Zoning Administrator or his/her designee shall approve the application. If the project does not comply with all of the applicable provisions of the Township Zoning Ordinance, the Zoning Administrator or his/her designee shall deny the application. Reasons for any denial shall be set forth in writing and shall include any recommended changes which would make the proposal compliant with the Township Zoning Ordinance. The applicant may appeal any denial to the Zoning Board of Appeals in accordance with Section 10.4.
- c. An approved residential site plan will expire two (2) years from the date of approval. The project must be completed and proof of final approval from the Township Code Authority must be submitted to the Zoning Administrator prior to the site plan approval's expiration.

Failure to obtain final approval from the Township Code Authority within the two-year period creates a rebuttable presumption that the structure does not comply with the Township Zoning Ordinance. And thus is a nuisance. The Township may take any and all actions available under law to abate a nuisance and as authorized by Section 9.3 of the Township Zoning Ordinance.

Prior to expiration of the approved site plan, an applicant or property owner can submit to the Zoning Administrator a written request to extend the site plan approval for up to six months. An extension of the site plan approval shall be granted upon a showing of good cause. Additional extensions may be granted by the Township Board upon a showing of good cause.

SECTION 8.2 FORMAL SITE PLAN REVIEW

a. **SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.** The following, land, building, and structural uses require site plan approval from the Planning Commission:

- i. All special uses and their accessory uses in all districts
- ii. All uses in the Industrial District
- iii. All uses in the Commercial District

b. **EXEMPTION FOR SITE PLAN REVIEW.**

Rezoning requests shall be exempted from the site plan review process.

c. **TIMING**

A special use permit application will not be approved by the Planning Commission until site plan approval has been obtained by the applicant or landowner. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.

d. **SITE PLAN REVIEW PROCESS**

- 1) **APPLICATION DEADLINES.** A complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting for it to be reviewed at said meeting. Should state, federal, or local law require a shorter time frame for review, the time frame set for in such law should apply.
- 2) **PREAPPLICATION REVIEW.** Applicants may have their application packet reviewed by the Zoning Administrator prior to submission.
- 3) **APPLICATION MATERIAL.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least ten (10) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.
- 4) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist is available at the Township offices or Online on the Lee Township website. Site plans shall conform to the provisions approved on the checklist. All site plans must be prepared in a complete and accurate manner so

that the plan can be used by the Zoning Administrator and/or the Township Code Authority for all other necessary permits.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Approval of the site plan shall be conditioned on conformance to the depictions set forth therein. Failure to conform to the site plan constitutes a violation of the terms of the site plan approval.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The filing date must appear on the application. The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting on the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Midland County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan should depict existing environmental conditions, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.

- f) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- g) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i) **SUPPLEMENTARY MATERIAL.** The Planning Commission may require supplemental information to the extent it deems necessary for the Site Plan Review process.
- j) **PERFORMANCE BOND.** Further, the Planning Commission is empowered to require and at its option, may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project (the "performance guarantee"). The performance guarantee shall be deposited by the applicant with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site development plan. Should the improvements fail to be completed, the performance guarantee may, at the discretion of the Township, be forfeited. The Township shall rebate a proportional share of the deposit, when requested by the applicant based on the percent of improvements completed, as attested to by the applicant and verified by the Township Zoning Administrator or designee. The Township Zoning Administrator or designee, at their discretion, may call upon professional assistance from the Township

Engineer, or building inspectors, to determine the percentage and value of work completed. In cases where the applicant has been unable to complete the project, the amount of the performance guarantee shall be used by the Township to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

5) STAFF REVIEW OF SITE PLAN.

- a) PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, may be given an opportunity to review and comment upon it. In addition, the Zoning Administrator or designee may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator or designee at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed.
- b) STANDARDS TO BE USED. Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall also be considered.

6) PLANNING COMMISSION REVIEW OF SITE PLAN. Formal site plan review by the Planning Commission shall occur at a duly noticed meeting open to the public. Site Plan Review does not require the holding of a public hearing. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan.

The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:

- a) APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
- b) CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original

submission. At this point in the site plan process any approval is considered preliminary until all conditions are met.

An applicant must obtain approval from any other applicable public agencies prior to being eligible for site plan review and approval. This restriction shall include any variances that may be required from the Lee Township Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission.

When all applicable conditions have been met the site plan is considered to have final approval.

- c) RECOMMEND DENIAL TO THE TOWNSHIP BOARD WITH EXPLANATION. Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- 7) DEVIATIONS FROM APPROVED SITE PLAN. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator or designee determines that all Site Plan Review Standards have been complied with.

However, if the Zoning Administrator or designee finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder within one week, the Township Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator or designee shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator or designee before the Building

Inspector issues final approval for the project and before any performance guarantee may be fully refunded.

- 8) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Zoning Administrator or designee. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator or designee. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator or designee.
- e. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by the original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- 2) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
- 3) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- 4) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- 5) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be

permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Except for large parking lots, driveways shall be limited to one (1) per development.

- 6) UTILITIES. Utilities, including municipal water and/or well water, sewer and/or septic and storm drainage facilities, i.e. pipes, ditches, channels and/or other structures that move water from the surface to bodies of water, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- 7) LANDSCAPING.
 - a) In all Commercial and Industrial districts the front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway.
 - b) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
 - c) Undeveloped areas proposed for future expansion shall be maintained in a weed free condition.
- 9) SIGNS AND LIGHTING. Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas. Lighting must only be in operation during the hours the use is in operation. All entrance doors for the public and employees must be illuminated. Lighting may not shine onto neighboring property.
- 10) FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- 11) ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will

not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.

- 12) STORM DRAINAGE. Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- 13) CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the district in which the subject parcel is located, as expressed in the Intent and Purpose Table in Chapter 3.