

ARTICLE 14. SITE PLAN REVIEW

Section 14.01 Intent

Site plan review procedures are incorporated into the zoning process to ensure that the Planning Commission is afforded an opportunity to review and evaluate proposed uses of sites in regard to such considerations as drainage capacity and design, pedestrian and vehicular circulation, parking, structural relationship, provision of public utilities, landscaping, accessibility and other site design elements that may have an adverse impact upon the public health, safety and general welfare if improperly or inadequately addressed.

If a land use for which a site plan was submitted and approved is to be expanded or altered, all changes to previously approved site design elements must be submitted as a new site plan. The new site plan shall be reviewed by the Planning Commission. The Planning Commission shall have the authority to waive any site plan requirements they consider to be clearly unnecessary for substantial review.

Section 14.02 Site Plan Review Required

A site plan shall be submitted to the Planning Commission for review and approval for the following:

1. All special land uses;
2. Open space communities;
3. A building containing three (3) or more dwelling units;
4. Group day care facilities;
5. A principal non-residential building or structure permitted in the AR Agricultural Residential or R Residential Districts except for farm buildings in the AR Agricultural Residential District, which are exempt from site plan review;
6. Buildings and structures for essential services;
7. Private Road (See Section 16.5(B) for required information on site plan);
8. Any off-street parking lot or addition to contain five (5) or more parking spaces as part of a development that does not otherwise require site plan review and approval.

Section 14.03 Required Information

A. General Information.

1. The name, address and telephone number of the applicant and owner, if different.
2. Name, address and profession of person who prepared the site plan.
3. Date of plan preparation, north arrow, and scale of plan, which shall not be less than one (1) inch equals twenty feet (1" = 20') for property under three (3) acres, and not less than one inch equals one hundred feet (1" = 100') for sites three (3) acres or more.
4. The name of the development and full legal description of parcel and dimensions of all lot and property lines, including building lines, showing the relationship to abutting properties, and in which district the subject property and abutting properties are located.
5. Area map showing the relationship of the parcel to the surrounding area within one-half mile.
6. The location and description of all existing structures within five hundred feet (500') of the property boundary lines.
7. Project description, including but not limited, to the type of development, the total number of structures, units, square feet, gross and useable floor area, carports or garages, employees by shift, the total area involved, the percent of area being developed, the percent of area used for structures, the percent of area left undeveloped, the amount and type of recreational and open space and related information as pertinent or otherwise required by this ordinance.

B. Physical Information.

1. Proposed plans for site grading, surface drainage, water supply and sewage disposal.
2. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas, parking space, unloading areas, easements and open space recreation areas.

3. Vehicular and pedestrian circulation features within and adjacent to the development site shall be shown.
4. The location of all existing and proposed landscaping, greenbelts, separation berms, fences and walls shall be shown. In cases where protective screening is required, the initial and long term effect of the screening shall be identified. If there are no adjoining residential structures, this requirement may be waived.
5. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply system.
6. The location and pavement width and right-of-way width of all abutting roads, streets or easements.
7. The location and size of all existing and proposed surface water drainage features. The data shall include the percent coverage of impervious surfaces and the means to control storm water flow.
8. The location, finished floor and grade line elevations, size and height of all existing and proposed structures.

C. Environmental Information.

1. Map of existing topography shown at two (2") foot contour intervals with existing surface drainage patterns indicated.
2. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service in "Soil Survey of Livingston County, Michigan."
3. Location of existing drainage courses, including lakes, ponds, rivers and streams and all elevations.
4. Location of existing wetlands. A Michigan Department of Environmental Quality (MDEQ) permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any correspondence with and application to the MDEQ shall be submitted with the site plan application. The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained.
5. Location and type of natural vegetation on-site and plans to retain these natural features.

D. Additional Requirements for Manufactured Housing Parks and Open Space Community Developments.

1. A manufactured home park shall require the submission of a preliminary site plan according to the manufactured housing park standards of Article 9. The preliminary site plan shall be submitted prior to the submission of a site plan that contains the information required in this Article.
2. An Open Space Community shall require the submission of a conventional subdivision concept plan (a conceptual drawing, not a full site plan) that identifies buildable land areas and residential lots that are based on the minimum lot sizes of the underlying zoning designation. Planning Commission review of the conventional subdivision concept plan will determine the maximum number of residential lots for the Open Space Community.

Section 14.04 Standards for Site Plan Review

A site plan submitted to the Planning Commission shall meet the following standards. In reviewing the site plan, the Planning Commission shall determine that the following standards are observed.

- A. Complete Application.** All required information is provided.
- B. Legal Applicant.** The applicant may legally apply for site plan review.
- C. Zoning.** The proposed development conforms to all regulations of the zoning district.
- D. Spirit of Ordinance.** The proposed site plan is in accord with the spirit and purpose of this ordinance and is not contrary to or inconsistent with the objectives sought to be accomplished by this ordinance and principles of sound planning.
- E. Harmonious Development.** The proposed development will be harmonious with existing and future uses in the immediate area and the community.
- F. Emergency Services.** The plan meets the specifications of Conway Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.

G. Soils.

1. Soils not suited to development will be protected or altered in an acceptable manner.
2. The proposed development will not cause soil erosion or sedimentation problems.
3. The soil and subsoil conditions are suitable for excavation and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.

H. Drainage and Watercourses.

1. The proposed development respects floodways and/or floodplains on or in the vicinity of the subject property.
2. The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause an increase in volume or intensity of normal runoff of surface water onto adjacent property or overloading of water courses in the area.
3. Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
4. The development will not substantially reduce the natural retention storage capacity of any watercourse thereby increasing the magnitude and volume of flood at other locations.

I. Coordinated Development. The proposed development is coordinated with improvements serving the subject property and with other development in the general vicinity.

J. Lighting. Outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.

K. Refuse and Storage. Outdoor storage of garbage and refuse is contained, screened from view, and located so it is not a nuisance to the subject property or to neighboring properties.

L. Traffic and parking

1. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

2. Parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets and adjacent properties.
3. The plan provides for the proper expansion of existing public streets serving the site, where applicable.

M. Interagency Coordination. The plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

N. Phased Development. All phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services and drainage or erosion control.

O. Fencing and Buffers.

1. Landscaping, fencing and walls are provided and maintained in accordance with the objectives of this ordinance.
2. The Planning Commission shall have some latitude in specifying the walls, fences, greenbelts and other buffers as they apply to a phased development if the particular phase of development and construction work is far enough removed from adjacent properties to afford the screening and buffers as otherwise required.

P. Natural Features.

1. Adequate assurances are received that clearing the site of topsoil, trees and other natural features before the commencement of building operations will occur only in those areas approved for the placement of physical improvements.
2. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.

Section 14.05 Action on Site Plans

A. Submission of Site Plan. Ten (10) copies of the site plan and related information shall be presented to the secretary of the Planning Commission or the Township Clerk by the property owner or petitioner at least fourteen (14) days prior to the meeting at which the site plan is to be reviewed.

- B. Planning Commission Action.** The Planning Commission shall disapprove, approve, or approve with conditions the site plan contingent upon the site plan review standards being met. Any conditions required by the Planning Commission, together with the reasons for those conditions, shall be provided in writing to the applicant.
- C. Approval of Site Plans for Special Uses.** The Planning Commission, after review of a site plan prepared for a special use permit, shall recommend to the Township Board approval or rejection of the proposed land use. The Township Board rejects or grants approval and regulates any conditions for special use permits. Provisions regulating approvals of site plans prepared for special use permits are presented in Article 13.
- D. Notification of Approval or Disapproval.** The Planning Commission shall review and communicate its approval, disapproval or recommend site plan modifications to the applicant within forty-five (45) days after receipt of the site plan.
- E. Site Plan Modifications.** Any modifications to the site plan desired by the Planning Commission shall be recorded in the minutes of the Planning Commission meeting and a copy of the minutes shall be furnished to the applicant. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating these modifications to the Planning Commission for their review.
- F. Modified Site Plan Approval or Disapproval.** Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and if deemed acceptable, shall communicate its approval of the site plan to the applicant within forty-five (45) days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety or the general welfare.

Section 14.06 Appeal

The decision of the Planning Commission with respect to the site plan may be appealed to the Township Board. Written request by the property owner or petitioner for a hearing before the Township Board shall be filed within sixty (60) days after the decision is rendered by the Planning Commission. If no appeal is filed, the decision of the Planning Commission becomes and remains final.

Section 14.07 Approval Expiration and Revocation

The approval of a site plan shall expire one (1) calendar year from the date of such approval unless construction has begun in accordance with the plan.

Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township shall give the applicant notice of intention to revoke such land use permit at least ten (10) days prior to review hearing of the permit by the Planning Commission. After conclusion of such review the Township may revoke its approval of the development if the Planning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.

Section 14.08 Amendment of an Approved Site Plan

A. Request. A developer may request a change in an approved site plan. A change in an approved site plan which results in a major change as defined in this Section shall require a plan amendment. Amendments shall follow the procedures and conditions required for original plan submittal and review. A change that results in a minor change, as defined in this Section, shall not require a revision to the plan.

B. Content of Request. A request to change an approved site plan shall be made in writing to the Planning Commission. The request shall state clearly the reasons for the change. The reasons may be based upon considerations such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties or advantages mutually affecting the interest of Conway Township and the applicant or developer, such as technical causes, site conditions, state of federal projects and installations and statutory revisions.

The Planning Commission, upon finding such reasons and request reasonable and valid, shall notify the applicant in writing whether the change proposed is major or minor. If the change is deemed major, the applicant shall pay an appropriate fee and the plan amendment process shall follow the procedures and conditions required for original site plan submittal and review.

C. Major Changes. Site plan changes considered major include one or more of the following:

1. A change in the original concept of the development.
2. A change in the original use or character of the development.
3. A change in the type of dwelling unit as identified on the approved site plan.
4. An increase of two (2) or more dwelling units.

5. An increase in nonresidential floor area of over five (5) percent.
6. Movement of a building or buildings by more than ten (10) feet.
7. An increase of five (5) or more off-street parking or loading spaces.
9. A change in the character or function of any street.
10. A reduction in the amount of land area set aside for common open space or the relocation of such area(s).
11. An increase in building height.

D. Minor Changes. If the Planning Commission rules that a proposed change to a site plan is a minor change as defined by this Section, the change request is considered by the Planning Commission for approval. If the changes are approved, the Planning Commission shall notify the Township Board, the Township Zoning Administrator and other applicable agencies. As the revised site plan drawings are approved, each shall be signed by the applicant or developer and the owner (s) of said property in question. Minor changes shall include the following:

1. A change in residential floor area as long as floor area is not reduced below the minimum required for the zoning district in which the property is located.
2. An increase of one (1) dwelling unit.
3. An increase in nonresidential floor area of five (5) percent or less.
4. Movement of a building or buildings by no more than ten (10) feet.
5. Minor design variations in site layout which do not constitute major changes.
6. Improvements to site access or circulation such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
7. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.

8. Changes in floor plans which do not alter the character of the use.
9. Slight modification of sign placement or reduction of size.
10. Changes required or requested by the Township, county, state or federal agency for safety reasons.
11. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis.
12. Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species with a minimum caliper of two and one-half (2 ½) inches, with two new trees required for each tree replaced.

E. Zoning. Amended site plans shall conform to all regulations of the zoning district in which the project is proposed.

Section 14.09 Modification of Site Plan During Construction

All site improvements shall conform to the approved site plan including engineering drawings approved by the Township Planning Commission. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk without any assurances that the Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Planning Commission. Upon investigation, the applicant may be required to correct the changes so as to conform to the approved site plan.

Section 14.10 As Built Drawings

At its discretion the Planning Commission may require submission of "as-built" drawings at project completion. The applicant shall be notified at the time of site plan approval if "as built" drawings are required.

Section 14.11 Inspection

A. Responsibility of Zoning Administrator. The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved site plan. All building construction, site and sub-grade improvements such as utilities, sub-base installations for drives and parking lots and similar improvements shall be inspected and approved by the County's Building Department, Environmental Health Department, and the Township engineer or agent prior to covering. The Zoning Administrator shall obtain inspection assistance at the applicant's

cost, from the Township Fire Marshal or professional consultants where appropriate.

- B. Responsibility of Applicant.** The applicant shall be responsible for requesting the necessary inspections.
- C. Notice of Inspection.** The Zoning Administrator shall notify the Planning Commission in writing when a development for which a site plan is approved has passed inspection with respect to the approved site plan. The Zoning Administrator shall notify the Township Board and the Planning Commission in writing of any development for which a site plan was approved has not passed inspection with respect to the approved site plan, and shall advise the Township Board and the Planning Commission of steps necessary to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board and the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

Section 14.12 Performance Guarantee

A performance guarantee, pursuant to Section 3.06, may be required by the Planning Commission to insure the complete construction of structures and development of the land area as proposed and approved. Such guarantee may be up to an amount equal to the estimated cost of the site improvement, and may be reduced in proportion to the amount of work accomplished and accepted by the Zoning Administrator or the amount of land left undisturbed.

Section 14.13 Fee and Expert Consultation

Any application for site plan approval shall be accompanied by a fee determined by the Township Board. Such a fee may be utilized by the Planning Commission to obtain services of one or more expert consultants qualified to advise whether the proposed development will conform to the applicable Township ordinances, policies and standards, and investigate and report on elements of concern to the Planning Commission.