

**Article 29: Site Plan and Development Approval**

**Amendments:**

**ARTICLE XXIX**

**SITE PLAN AND DEVELOPMENT APPROVAL**

**SEC. 29.1 PURPOSE**

1. The purpose of site plan and development approval is to determine compliance with this Ordinance and Township standards and specifications, to ensure the orderly development of the Township, proper pedestrian and vehicle ingress and egress for all sites, adequate screening of certain uses, sufficient highway, street and parking capacity, to prevent the impairment or depreciation of land values, investments or the general welfare, to afford protection to related or adjoining uses, especially residential properties, and to prohibit the establishment or maintenance of uses or the erection or alteration of structures or other site improvements without proper attention to their location, arrangement, appearance and functionality, and their relationship to adjacent properties, the surrounding neighborhood and the Township as a whole.
2. It is the intent of this Ordinance that any control of architectural design exercised be the minimum necessary to achieve the overall objectives of the Ordinance without suppressing individual initiative and design creativity. Good architectural character is based upon the appropriate use of sound materials and the principles of harmony and proportion in coordinating the building elements.
3. It is also the purpose of this Ordinance to regulate the development of unsubdivided or unplatted properties, multiple residences, and office, business, commercial, shopping center, manufacturing, industrial and other sites and uses in a manner suitable for the intended site and use. It is the further purpose of this Article to ensure that the design, construction, engineering, and installation of such uses, structures and site improvements would preserve and protect the needs of public safety, health and welfare, adjacent properties and the surrounding neighborhood, and would be in correct and proper proportion to the availability of municipal services, including fire and police protection, surface water and sanitary sewerage drainage, water supply, traffic control and maintenance services as furnished or may be required by the Township, and to preserve and protect property rights.-

**SEC. 29.2 STATEMENT OF PRINCIPLES**

In carrying out the purpose of this Article, the following principles shall be given primary consideration:

**1. Site Design**

The siting of all structures and all elements of the site design shall be harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings. The site design shall ensure that adequate light and air are preserved so as not to be detrimental to the orderly and harmonious development of the Township.

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**2. Site Appearance and Coordination**

Site elements and the relationship between the various uses on the site shall be designed and located so that the proposed development is aesthetically pleasing and harmonious with adjacent existing and prospective development of contiguous properties and the general planning area. All site features, including vehicle and pedestrian circulation, building orientation, landscaping, lighting, utilities, recreation facilities, and open space shall be designed to coordinate with adjacent properties and uses.

**3. Preservation of Site Features**

The site design shall, to the extent feasible, conserve natural, cultural, historical and architectural site features, including but not limited to architecturally or historically significant buildings, archeological sites, wetlands, topography and wooded areas.

**4. Impact upon Public Services**

Utility services, including sanitary, water and storm runoff, shall not exceed the existing or planned capacity of such services, and shall be developed in the best interest of the public health, safety and welfare of the community. The proposed development shall be designed and located so that public services, including streets and sidewalks, police and fire protection, and public schools have sufficient capacity to properly serve the development, and so that such services will not be adversely affected by the proposed development.

**5. Vehicular Access and Circulation**

The vehicular circulation system planned for the proposed development shall be in the best interest of the public health, safety and welfare in regards to on site circulation, on-site parking, the overall circulation of the neighborhood and community, egress/ingress to the site, vehicular turning movements related to parking areas, loading areas, street intersections, street gradient, site distance and potential hazards to the normal flow of traffic both on and off site.

**6. Pedestrian Access and Circulation**

The pedestrian circulation system planned for the proposed development shall be in the best interest of the public health, safety and welfare in regards to on site circulation and the overall pedestrian circulation of the neighborhood and community.

**7. Emergency Access and Vulnerability to Hazards**

All sites and buildings shall be designed to allow convenient and direct emergency access, and the emergency response needs of the proposed use(s) shall not exceed the Township's emergency response capabilities.

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**8. Landscaping, Screening and Buffering**

Proposed landscaping, screening and buffer areas shall be appropriate and of such size, location, height and quantity to insure that the proposed development will not be objectionable to nearby development or properties by reason of noise, fumes, flash of lights from automobiles or other lighting, interference with an adequate supply of light and air, an increase in the danger of fire, or other public safety hazard. Screening shall be provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.

**9. Parking and Loading**

The parking pattern proposed shall be in the best interest of the public health, safety and welfare in regards to size, layout and quantity, and the location of parking and loading facilities will not be detrimental to nearby developments, properties or public streets.

**10. Building Design and Architecture**

Building design and architecture shall relate to and be harmonious with the surrounding neighborhood in terms of texture, scale, mass, proportion, materials and color.

**11. Exterior Lighting**

All exterior lighting fixtures shall be designed, arranged and shielded to minimize glare and light pollution, prevent night blindness and vision impairments, and maximize security.

**12. Adequacy of Information and Compliance with Ordinance Requirements**

Site plans shall include all required information in a complete and understandable form that provides an accurate description of the proposed uses, structures and site improvements.

**SEC. 29.3 SURVEYS AND PLANS**

Where the Planning Commission is empowered to approve or recommend approval of site plans for the development, improvement or use of certain premises and sites under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or additional information as may be reasonably required by said Commission for the proper evaluation and consideration of the matter. Additional information may include traffic studies to assess the off-site impact of proposed plans on public roads, or studies to determine the environmental impact of the project on natural resources.

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**SEC. 29.4 APPROVAL REQUIRED**

1. Site plan and development approval shall be required for all uses in all zoning districts except for one (1), single-family residence constructed on one (1) individual parcel or lot, and for residential subdivisions subject to the Subdivision Control Act and the Township Subdivision Ordinance.
  
2. Administrative Review: When the proposed development involves only minor exterior changes or additions to an existing building, minor changes to an existing, previously-developed site, or re-occupancy of a vacant building, or is specified as a use subject to administrative site plan approval in this Ordinance, the site plan review procedure may be modified to allow the Administrative Review Committee to administratively review and approve a proposed site plan. The site plan shall be accompanied by a review fee as established by the Township Board. The proposed development shall comply with all requirements of this Ordinance except where, in the determination of the Administrative Review Committee, strict adherence to the requirements of this Ordinance would place an undue hardship on the property owner because of existing conditions or the necessary improvements would be far beyond the scope of the project proposed. The Administrative Review Committee shall verify that the proposed development complies with all requirements of this Ordinance, consistent with its determination.

The Administrative Review Committee shall have the authority to administratively approve a site plan that would bring the site into substantial conformity with the spirit and intent of the Zoning Ordinance requirements.

Where a mutual agreement cannot be reached, or where, in the opinion of the Administrative Review Committee, the proposed development warrants a more intensive review, the Administrative Review Committee shall require formal application for site plan review by the Planning Commission.

**SEC. 29.5 INFORMAL REVIEW OF CONCEPTUAL PLANS**

Applicants may meet with the Township Planner for informal review of conceptual site plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant may also request input from the Chief Building Official and other Township officials, agents and employees. Conceptual plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual plan review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

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**SEC. 29.6 APPLICATION**

Application for site plan approval shall be made by the title holder for the property, or the title holder's designated agent, on a form prescribed for this purpose by the Township Board. The application shall be accompanied by a fee, as indicated in the schedule of fees adopted by the Township Board of Trustees.

**SEC. 29.7 APPLICATION INFORMATION**

All tentative and final site plans submitted to the Planning Commission shall contain such information as required in the site plan and engineering check lists adopted by the Planning Commission, and as deemed necessary by the Planning Commission to make appropriate determinations concerning conformance with the Purpose and Statement of Principles of this Article and the requirements of this Ordinance.

**SEC. 29.8 ACTION BY PLANNING COMMISSION**

The Planning Commission shall have the duty and power to approve site plans, subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations. The site plan review process shall be as follows:

**1. Tentative Site Plan Approval**

The Planning Commission shall review all site plan submissions to insure compliance with the provisions and requirements of this Article and Ordinance. Tentative site plan approval shall confer approval of the proposed layout and general landscape areas, and shall establish any conditions necessary for granting final site plan approval.

- (a) **Technical Review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate Township officials, agents, and employees for review and comment.
- (b) **Planning Commission Consideration of the Tentative Site Plan.** The Planning Commission shall review the application for site plan approval, together with any reports and recommendations and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the Purpose and Statement of Principles of this Article. The Planning Commission is authorized to postpone action on the site plan, or approve, approve subject to conditions or deny the site plan as follows:
  - (1) **Postponement:** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.

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<b>SEC. 29.6</b>	<b>APPLICATION</b>
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- (2) Denial: Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, the meeting minutes shall list the reasons for such denial. The site plan may be denied by the Planning Commission upon failure of the applicant, or the applicant’s designated representative, to attend two or more meetings.
  - (3) Approval: Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable Township codes and ordinances, the site plan shall be approved.
  - (4) Approval Subject to Conditions: The Planning Commission may approve a site plan subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
- (c) Recording of Tentative Site Plan Action. Planning Commission action on the tentative site plan shall be recorded in the Commission meeting minutes, including any conditions or grounds for the Commission’s action.

**2. Final Site Plan Approval**

Final site plan approval shall be granted when all of the requirements of this Article and Ordinance are met, and all conditions of tentative approval have been addressed. The Planning Commission shall require and review all pertinent final plans, drawings and written approvals and recommendations from any authorities having jurisdiction (Wayne County Department of Public Services, Michigan Department of Environmental Quality, Michigan Department of Transportation, etc.) to:

- (a) Ensure that all conditions of the tentative approval have been met.
- (b) Receive recommendation for approval from the Township Engineer for the proposed water, storm and sanitary system and proposed grading and paving for the project.
- (c) Receive recommendation for approval from the Township Office of Fire Prevention for the proposed fire protection systems and compliance with the Township Fire Prevention Ordinance.
- (d) Verify that the planning and construction of streets, roads and alleys, structures, drainage, curbs, gutters, fences, screening walls, landscaping, walks and other site improvements comply with the requirements and specifications of this Ordinance and the Engineering Design Standards adopted by the Township Board.

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- (e) Verify that the use and site design shown on the final site plan are consistent with the approved tentative site plan, except for changes that address any conditions of approval or do not materially alter the approved site design.
- (f) Verify that all applicable Ordinance requirements that apply to the site or proposed use have been satisfied, and all necessary Township and all necessary outside agency permits or approvals have been obtained by the applicant.

**SEC. 29.9 REVISIONS TO APPROVED SITE PLANS**

**1. Minor Revisions**

Minor revisions to an approved site plan may be administratively reviewed and approved by the Administrative Review Committee, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. For purposes of interpretation, the following shall be used as guidelines by the Administrative Review Committee to determine of a minor change:

- (a) The size of structures may be generally reduced, or increased by up to five (5) percent provided the overall density of units does not increase.
- (b) Movement of a building or buildings by generally no more than ten (10) feet.
- (c) 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 or greater basis.
- (d) Changes in floor plans which do not alter the character of the use.
- (e) Slight modification of sign placement.
- (f) Changes required or requested by the Township, County, State or Federal agency for safety reasons.
- (g) Other situations similar to those identified above.

**2. Major Revisions**

Major revisions to an approved site plan shall be reviewed by the Planning Commission as an amended site plan.

**SEC. 29.10 SITE PLAN APPEALS, RESUBMISSION AND REVOCATION**

**1. Appeals**

The determination of the Planning Commission with respect to site plan and development approval shall be final, and shall not be appealed to the Zoning Board of Appeals.

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**2. Resubmission**

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then filed as a new application for further consideration. The revised and resubmitted site plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.

**3. Rescinding Site Plan Approval**

Approval of a final site plan 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 any conditions of approval. Such action shall be subject to the following:

- (a) Public Hearing. Such action may be taken only after a public hearing has been held by the Planning Commission, at which time the applicant for site plan approval, property owner or other designated agent shall be given an opportunity to present evidence in opposition to rescission.
- (b) Determination. Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said applicant, property owner or other designated agent.

**SEC. 29.11 EXPIRATION OF SITE PLAN APPROVAL**

Tentative and final site plan approval for any project shall each be effective for a period of three hundred sixty five (365) days from the date of the approval. The Planning Commission may, upon written request from the title holder, or his authorized agent received before the expiration date, grant one (1) extension of tentative site plan approval and one (1) extension of final site plan approval for any project for up to three hundred sixty five (365) 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.

If construction has not commenced in conjunction with the issuance of a valid building permit by the Department of Building and Code Enforcement within three hundred sixty five (365) days from the date of final site plan approval, the site plan shall automatically expire, and any permits issued shall be revoked by the Chief Building Official. Written notice shall be given to the persons affected by the site plan expiration and permit revocation(s).

**SEC. 29.12 DEVELOPMENT AND MAINTENANCE IN ACCORDANCE WITH AN APPROVED FINAL SITE PLAN**

It shall be the responsibility of the owner of the property for which final site plan approval has been granted to develop, improve and maintain the site, including the use, buildings and all site elements in accordance with the approved final site plan and all conditions of approval until the

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<b>SEC. 29.11</b>	<b>EXPIRATION OF SITE PLAN APPROVAL</b>
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property is razed, or until a new site plan is approved. Failure to comply with the provisions of this Article shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation. Noncompliance with the requirements and conditions of the approved final site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

**SEC. 29.13 PERFORMANCE GUARANTEE**

To insure compliance with the Zoning Ordinance and any conditions imposed there under, the Township Planning Commission may recommend to the Township Board that a cash deposit, certified check or irrevocable bank letter of credit acceptable to the Township be deposited with the Clerk of the Township to insure faithful completion of the improvements. For the purpose of this Ordinance, improvements shall mean those features and actions associated with a project which are considered by the Township Planning Commission to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, landscaping, screening and drainage. Such improvements shall not include the project as a whole. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. In a case where a performance guarantee is required, the Township shall establish procedures whereby a rebate of any cash deposits will be made as work progresses in reasonable proportion to the ratio of work completed on the required improvements.