

Article 20 Site Plan Review Procedures

Section 20.01 - Purpose

The purpose of this Article is to establish uniform requirements of procedure for all developments in Hillsdale 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 20.02 - 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, GSC, and I Districts.
- B. All special uses and their accessory uses in all districts.

Section 20.03 - Developments not Requiring Site Plan Approval

- A. Single family homes and their accessory uses and roadside stands in the AR, RR, LFR, MDR, and HDR districts, but not including all other principal and special uses and their accessory uses permitted in the AR, RR, LFR, MDR, and HDR districts.
- B. General or specialized farming and their accessory uses and roadside stands in the AR, RR, LFR, MDR, and HDR districts, but not including all other principal and special uses and their accessory uses permitted in the AR, RR, LFR, MDR, and HDR districts.

Section 20.04 - 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 Planning Commission 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 Planning Commission and a Zoning Permit has been issued for it.

Section 20.05 - 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 20.06 - Preliminary Conference on Proposed Site Plan

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 requests may be put on the agenda of a regularly scheduled meeting or on the established fee for such a special meeting.

Section 20.07 - Preliminary Site Plan Requirements

A. Application

Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least seven (7) copies of a preliminary site plan drawing(s). Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) to the Planning Commission.

B. Information Required for Review

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

C. Planning Commission Action

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

D. Effect of Approval

Approval of a preliminary site plan by the Township 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 Planning Commission 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 furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan "Soil Erosion and Sedimentation Control Act", Public Act 347 of 1972, MCL 282.101 et seq.

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 Planning Commission. 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 20.08 - Final Site Plan Requirements

A. Application

Following approval of a preliminary site plan, the applicant shall submit seven (7) 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.

B. Information Required for Review

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

C. Planning Commission Action

The Planning Commission shall study the final site plan and shall within sixty (60) days of the date of the Planning Commission meeting at which the plan was received, approved, or disapproved the final site plan. This time limit may be extended upon written request by the applicant and approval by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant. The Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance.

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 Planning Commission or Township Board, whichever is specified in specific Sections of the 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 approval unless authorized construction has begun on the property in conformance with the approved final site plan.

E. Appeal by Applicant

The applicant may appeal the decision of the Planning Commission on all matters pertaining to the provision of this Zoning Ordinance, but not to the use of land, buildings, or structures, to the Zoning Board of Appeals within ten (10) days of the date of the decision of the Planning Commission on the final site plan.

Section 20.09 - 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 or 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:

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. If practical, storm water shall 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 create impounded water on the paved areas.

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 19, "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. Additional Requirements

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

Section 20.10 - 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 if the proposed development so warrants.

Section 20.11 - Amendment of an Approved Site Plan

A site plan may be amended upon application and in accordance with the procedure provided in Section 20.07 herein, for a preliminary site plan, and Section 20.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

Section 20.12 - 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 Planning Commission will approve the changes. It shall be the responsibility of the applicant to

notify the Zoning Administrator and the Planning Commission in writing of any such changes. The Zoning Administrator or the Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

Section 20.13 - 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 may be submitted for approval.

Section 20.14 - 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 Planning Commission, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Planning Commission, in writing, of any 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 Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission 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 the provisions of this Ordinance.

Section 20.15 - 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 20.16 - Performance Guarantees

Bonds or other acceptable forms of security may 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 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 binding company.

Section 20.17 - 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.