

ARTICLE XX

SITE PLAN REVIEW

Section 20.1 Description and Purpose

- (a) The purpose of this chapter is to provide standards and procedures under which applicants submit, and the Planning Commission would review, site development plans for land uses within the Township. Such review of site plans will help to assure compliance with the terms of this Ordinance and implementation of the goals and policies of the Thornapple Township 2007-2020 Master Plan.
- (b) This article provides standards by which the Planning Commission will consider the approval of site plans, including effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and other relevant topics.

Section 20.2 Land Uses Requiring Site Plan Review

Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

- (a) Any use of land or building requiring more than four parking spaces in any Agricultural or Residential Zoning District.
- (b) New land use, building or building addition in any Office, Commercial or Industrial Zoning District.
- (c) Special Land uses.
- (d) Site condominiums, subdivisions, and other forms of condominium development.
- (e) Planned Unit Development and Non-contiguous Planned Unit Development.
- (f) Common Open Space Residential Developments [O.S.R.D.].
- (g) A change in land use, in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this chapter whether or not site plan approval was given for any part of the existing land use including, but not limited to, the following:
 - (1) A change in the existing land use that is more than a minor change (and that does not qualify as a minor change under Section 20.10(c)) in or with respect to any of the following:
 - (i) The principal building(s) or other principal structure(s).
 - (ii) The means or location of vehicle access to the land.
 - (iii) An increase or decrease in the area of the land.
 - (iv) The addition of a building or structure.

- (v) The addition of one or more land uses, including the addition of an additional business or commercial use.
- (vi) A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof.
- (vii) An increase or reduction in the size or configuration of off-street parking area.
- (viii) An addition to or reduction in outdoor lighting fixtures or addition of outdoor mechanical equipment.
- (ix) Any other change in the existing land use that does not qualify as a minor change under the terms of Section 20.10(c) of this Ordinance.

Section 20.3 Land Uses Exempt From Site Plan Review

The following land uses are exempt from site plan review:

- (a) Single family dwellings.
- (b) Farms, farm buildings and farm structures.
- (c) Permitted residential accessory buildings, except those for which special land use approval is required.

Section 20.4 Application for Site Plan Review

An application for site plan review shall be submitted to the Zoning Administrator, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

- (a) **Contents of Application.** The application for site plan review shall include at least the following information:
 - (1) The applicant's name, business address and telephone number.
 - (2) The name and address of the owner(s) of record if the applicant is not the owner of record and the signature of the owner(s)
 - (3) The address and property tax identification number of the property.
 - (4) The name and address of the engineer, architect and/or land surveyor.
 - (5) A location sketch drawn at a scale of 1" = 100' with North arrow.
 - (6) A completion time schedule of proposed construction; proposed phases of development.
 - (7) A written statement describing impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
 - (8) The property owner's signed consent for the Township representatives to enter and inspect the property for site plan review purposes.

(b) **Contents of Site Plan.** The site plan shall consist of a scaled drawing showing the site and all land within 300 feet of the site. Each site plan shall state or depict the following:

- (1) The legal description of the property.
- (2) The area (in acres) of the property shall be stated (1) as the total acreage of the entire property; and (2) the area within the property that is proposed to be developed and, secondly, the area or areas of the property that are proposed to remain undeveloped. Such undeveloped areas shall include all areas which, under the terms of this Ordinance, are not permitted to be developed, whether by reason of water bodies or wetlands, areas of steep slopes, street rights-of-way, private easements or otherwise.
- (3) Existing and proposed property lines, dimensions thereof, and building setback lines.
- (4) The location and dimensions of existing and proposed buildings and structures.
- (5) Proposed uses of buildings and other structures.
- (6) Existing and proposed topographic contours at 2 foot intervals.
- (7) Location and type of existing soils and locations of soil borings.
- (8) Significant existing vegetation and other significant natural features.
- (9) Existing and proposed watercourses and water bodies.
- (10) Existing public and private streets, and street rights-of-way; existing access easements.
- (11) Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks.
- (12) Existing uses, buildings, structures, driveways and off-street parking areas within 300 feet of the subject property; boundaries and zoning of abutting lands.
- (13) Proposed off-street parking areas and off-street loading and unloading areas.
- (14) Existing and proposed water supply and sanitary sewage disposal facilities, including proposed septic systems and drain fields, and proposed public or community sanitary sewer and/or water supply systems and the components thereof.
- (15) Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas and other storm water management measures.
- (16) Public utilities on and for the site, including natural gas, electric, cable television and telephone.
- (17) Buildings and other facilities for public or community use.
- (18) Proposed landscaping including proposed size of new trees and other plantings and description and location of existing landscaping to be retained shall be indicated.
- (19) Signs, including location, size, height and drawings thereof.

- (20) Outdoor lighting, including location, type and height of fixtures, area of illumination and shielding measures used.
 - (21) Fences, walls and other screening features.
 - (22) Refuse and service areas, including screening measures for trash receptacles.
 - (23) Open space and recreation areas.
 - (24) Identification of any significant scenic views into or from the site and to or from adjoining lands.
 - (25) Delineation of the 100-year floodplain and any proposed uses therein.
 - (26) Delineation of regulated wetlands, if any.
 - (27) Typical elevation views of the front, side and rear of each building.
 - (28) Preliminary architectural sketch of buildings and structures and/or a written description of type of construction and exterior materials to be used in proposed buildings and structures.
 - (29) Seal of the registered engineer, architect, or land surveyor who prepared the site plan.
 - (30) Deed restrictions, master deed restrictions, condominium by-laws and private road maintenance agreement, as applicable.
 - (31) Additional information which the Planning Commission may request and which is reasonably necessary to evaluate the site plan.
- (c) The Planning Commission, in its discretion, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for the Planning Commission's review and consideration of the land use or development that is the subject of the site plan. In its approval or other action with respect to the site plan, the Planning Commission shall state the required parts of the site plan which it determines can be waived.
- (d) An environmental impact study may be required at the discretion of the Planning Commission.
- (e) Access drive location approval from the road agency with jurisdiction.
- (f) A site plan need not include such detail with respect to buildings, structures, utility and storm water systems and other features as would require preparation of detailed construction drawings or other highly detailed submissions, such as would normally be required for issuance of building permits; provided, however, that in its discretion, the Planning Commission may require more detailed submissions with respect to particular buildings, structures or other features if such more detailed information is reasonably necessary for a sufficient review of the proposed land use.

Section 20.5 Procedure for Consideration and Review of Site Plans

The procedure for considering site plans shall be as follows:

- (a) One Copy of a completed application form and 14 copies of a proposed site plan shall be submitted to the Zoning Administrator. One copy of the application form and the proposed site plan shall be submitted to the Fire Chief and also to the Engineer. The required application fee shall be paid, and the required zoning escrow deposit shall be made, at the time of submission of the application and site plan.
- (b) The application and site plan shall be reviewed by the Zoning Administrator to determine whether the plan sufficiently complies with Section 20.4(b) and thus whether it is ready for consideration by the Planning Commission.
- (c) After review of the site plan and application by the Zoning Administrator and determination that the submitted materials are complete, the site plan and application shall be forwarded to the Site Plan Review Committee of the Planning Commission. The Committee shall meet with the applicant and Zoning Administrator for a complete review of plan content. The Committee may ask for changes to the site plan.
- (d) Upon complete review of a site plan and application, the Site Plan Review Committee shall forward the application materials to the Planning Commission. The Zoning Administrator shall prepare a written recommendation on behalf of the Committee to the Planning Commission.
- (e) Each site plan shall be considered by the Planning Commission at a public meeting.
- (f) The Planning Commission may accept the Committee recommendation and approve the site plan, with or without conditions, disapprove the site plan for stated reasons or postpone further consideration for reasons stated.
- (g) The decision of the Planning Commission may be made by standard motion, second and majority vote of members present. The motion shall include all conditions. Meeting minutes shall include expressed conditions of site plan approval, if any or the reasons for site plan denial.
- (h) If conditional approval is granted by the Planning Commission and if the conditions require a change to the site plan, the site plan shall be revised and 3 copies filed with the Zoning Administrator. The Zoning Administrator shall review the revised site plan to confirm compliance with conditions set by the Planning Commission. If in compliance, the Zoning Administrator will confirm compliance in writing. If not in compliance, the Zoning Administrator shall, in writing, order further revisions to bring the plan into compliance. The final site plan in conformance shall be signed and dated by the Zoning Administrator and a signed copy sent to the applicant. Work on site improvements shall not occur unless and until the Zoning Administrator has confirmed compliance.
- (i) All subsequent actions relating to the land use and development shall be consistent with the approved site plan unless subsequent changes therein

are approved by the Planning Commission, or in the case of minor changes under Section 20.10(c), by the Zoning Administrator. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance. Building permits and all other required permits shall be issued only in accordance with the approved site plan.

- (j) In the event of construction work or other activity that does not comply with an approved site plan, the Zoning Administrator shall issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled. A violation of a stop work order is a violation of this Ordinance.

Section 20.6 Standards for Review of Site Plans

The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of this Ordinance; will be compatible with adjacent lands uses, the natural environment and the current capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following minimum requirements:

- (a) **Basic elements of the site.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and nature of the land parcel, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including, but not limited to, the minimum provisions of the zoning district and any applicable overlay district and all generally-applicable provisions of the zoning ordinance.
- (b) **Buildings and Structures.** Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this Ordinance.
- (c) **Traffic Circulation.** The number, location and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site and circulation within the site.
 - (1) In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.
 - (2) Site plans shall fully conform to the driveway and traffic safety standards of the road agency with jurisdiction. Private streets are not allowed unless expressly approved by the Planning Commission.

- (3) In its approval of a site plan, the Planning Commission will require the providing of sidewalks or other measures for pedestrian circulation.
- (d) **Storm Water Drainage.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with best storm water management practices.
- (e) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping requirements of Article XXV of this Ordinance.
- (f) **Screening.** Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from the effects and view of commercial or industrial uses.
- (g) **Lighting.** Outdoor lighting shall be designed so as to minimize glare on adjacent properties and streets, and shall otherwise be designed, installed and operated in compliance with outdoor lighting requirements of this Ordinance.
- (h) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.
- (i) **Utilities.** Water supply and sanitary sewage disposal facilities shall comply with all local, county and state requirements.
- (j) **Signs.** Signs shall comply with Article XXIV of this Ordinance and other applicable sign regulations in this Ordinance.
- (k) **Parking and Loading.** Off-street parking and loading facilities shall comply with Article XXIII of this Ordinance and other applicable regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.
- (l) Site plans shall conform to the requirements of the Barry County requirements for soil erosion and sedimentation.
- (m) In addition to compliance with all applicable requirements of this Ordinance, site plans shall be prepared in full compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable local, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan.

Section 20.7 Conditions on Approval of Site Plans

The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include, but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.

Section 20.8 Construction in Accordance with Approved Site Plan Required

Following the approval of a site plan by the Planning Commission, the applicant shall design, construct and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

Section 20.9 Performance Guarantees

To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission may require that a cash deposit, irrevocable bank letter of credit or performance bond be submitted as a condition of approval of the site plan. Such deposit or financial guarantee shall be in an amount determined by the Planning Commission.

- (a) The amount of the required performance guarantee may include but shall not be limited to such amount as is determined sufficient to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping and other elements of the proposed construction or development.
- (b) A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all zoning ordinance requirements and other applicable ordinances and laws.
- (c) When a performance guarantee is required, the guarantee, whether in the form of cash deposit or other permitted form of guarantee, shall be deposited with the Township Treasurer prior to the issuance of a building permit or other required permits.
- (d) At the discretion of the Zoning Administrator, as phases or elements of the work or development are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.
- (e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the cash deposit, performance guarantee, or surety shall

be returned to the applicant if it has not been utilized to complete required site improvements.

Section 20.10 Changes in Approved Site Plans

- (a) An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved by the Planning Commission, except as stated in Section 20.10(c).
- (b) The property owner or other holder of an approved site plan shall submit to the Zoning Administrator an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.
- (c) Minor changes in an approved site plan may be approved by the Zoning Administrator upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as part of the original approval of the site plan. Minor changes eligible for consideration and approval by the Zoning Administrator consist only of the following:
 - (1) Change in building size up to 5 percent in total area.
 - (2) Change in location of buildings or other structures by no more than ten feet.
 - (3) Replacement of plan material specified in the landscape plan, with comparable material.
 - (4) Changes in building materials to a comparable or higher quality.
 - (5) Changes in floor plans which do not alter the character of the use or use of site.
 - (6) Internal rearrangement of a parking area which does not affect the number of parking spaces or alter access locations.
 - (7) Changes required or requested for safety reasons.
 - (8) Changes which will preserve the natural features of the site without changing the basic site layout.
 - (9) Changing to an equally restricted or more restricted use, provided there is no reduction in the amount of off-street parking.
 - (10) Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.
- (d) Any requested minor change which is submitted to the Zoning Administrator for approval may be referred by the Zoning Administrator to the Planning Commission for decision. In the case of such referral to the Planning Commission, the Planning Commission shall make the decision

- on the requested change, even if the change qualifies under subsection (c), as a minor change.
- (e) If the change requested in an approved site plan is not a minor change under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan showing the major change, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.
 - (f) If the approval of any changes in an approved site plan, whether by the Zoning Administrator or by the Planning Commission, terms and conditions may be imposed thereon, and the applicant shall comply with such terms and conditions.
 - (g) Upon the Zoning Administrator's approval of minor changes in an approved site plan, the Planning Commission shall be notified of the changes approved.
 - (h) Upon approval of changes in an approved site plan, the applicant shall promptly submit three copies of the site plan, accurately showing the changes in the plan as approved. The Zoning Administrator shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

Section 20.11 Appeals of Decisions on Site Plans

- (a) Any applicant who disagrees with a site plan decision made by the Planning Commission may appeal that decision to the Zoning Board of Appeals. The appeal must be in writing and must be filed with the Zoning Administrator not later than 14 days after Planning Commission approval of meeting minutes at which the decision was made. The written appeal must state specifically what matters are appealed and the factual basis for the appeal of each. An appeal stays the issuance of any permit that otherwise might be issued for the construction buildings or for other purposes within the lands included in the approved site plan.
- (b) Upon receiving the appeal, the Zoning Board of Appeals shall review the record of the action taken by the Planning Commission. The record shall consist of the application, site plan, memoranda, correspondence, minutes and other material in the Township files with the respect to the site plan. No new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Planning Commission.
- (c) In considering the appeal, the Zoning Board of Appeals shall determine whether the record supports the action taken with respect to the matter being appealed. The Board may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Board shall prepare and approve written findings in support of its decision. Such

findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Board of Appeals.

- (d) A decision by the Zoning Administrator as to a minor site plan change shall not be appealed. In the event an applicant disagrees with such a decision by the Zoning Administrator, the applicant may then apply to the Planning Commission for approval of the proposed change in the site plan.
- (e) The minor site plan change shall be considered by the Planning Commission at a public meeting. The Planning Commission may accept the administrator's decision, disapprove the Administrator's decision for stated reasons or postpone further consideration for reasons stated.
- (f) The decision of the Planning Commission may be made by standard motion, second and majority vote of members present. The motion shall include all conditions. Meeting minutes shall include expressed conditions of site plan approval, if any or the reasons for site plan denial.
- (g) If conditional approval is granted by the Planning Commission and if the conditions require a change to the site plan, the site plan shall be revised and 3 copies filed with the Zoning Administrator. The Zoning Administrator shall review the revised site plan to confirm compliance and with conditions set by the Planning Commission. If in compliance, the Zoning Administrator will confirm compliance in writing. If not in compliance, the Zoning Administrator shall, in writing, order further revisions to bring the plan into compliance. The final site plan in conformance shall be signed and dated by the Zoning Administrator.

Section 20.12 As-Built Site Plan

- (a) Upon completion of required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Zoning Administrator, three copies of an "as-built" site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Zoning Administrator to determine whether the plan is in conformity with the approved site plan.
- (b) The building official with jurisdiction shall not issue an occupancy permit until the official has been advised by the Zoning Administrator that the as-built site plan is fully in conformity with the approved site plan, all applicable provisions of the Township Zoning Ordinance and all applicable provisions of other Township Ordinances, including but not limited to the building code, the storm water ordinance and other applicable ordinances.

Section 20.13 Land Clearing

Prior to site plan approval, no person shall undertake or carry out any grading, clearing, cutting and filling, excavating, tree removal or other use or activity for which site plan approval is required by this Ordinance, or which may be necessary to accommodate the land uses shown, or to be shown, on the site plan. No such activity shall commence prior to issuance of soil erosion and sedimentation control permits, wetland permits, or other applicable permits.

Section 20.14 Approval Effective for One Year

Approval of a site plan under the terms of this chapter shall be effective for a period of one year, but only if the development and construction of the land use covered by the site plan commences within such period of one year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one-year period, the period of time may be extended by the Planning Commission in its discretion, for up to two additional periods of one year each.

Sections 20.15 – 20.99 *[Reserved]*