

## 17.0 SITE PLAN REVIEW AND APPEARANCE CODE

### 17.1 PURPOSE

Before a building permit is issued a site plan shall be submitted to the Planning Commission for review and approval. In addition, for all new developments and substantial modifications (50% or more of the existing floor area or front wall surface area) to an existing building in the VC Village Center District, appearance code standards must be adhered to. Before granting approval, the Planning Commission shall ascertain that all provisions of this Article and the Tittabawassee Land Division Ordinance, as applicable, are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

### 17.2 SCOPE *(Amended 9./06)*

A. A site plan is required for all construction in the R-3, R-4, VC, GB, RB, I-1 and I-2 district with the exception of situations described in 17.2 B.

B. The following newly built buildings, structures, or uses shall be exempt from site plan review and procedures.

1. Single or two family homes under separate ownership on an individual and separate lot for each home and including Accessory Uses.
2. Expansion, remodeling, or enlargement of existing buildings in the
  - a. R-3 High Density Residential District
  - b. R-4 Manufactured Home Park District
  - c. VC Village Center District
  - d. GB General Business District
  - e. RB Regional Business District
  - f. I-1 Light Industrial District
  - g. I-2 Heavy Industrial District
  - h. involves less than or equal to 5,000 square feet and which comply with all zoning ordinance requirements and involve no new or additional means of access from adjoining public roads or highways and may be reviewed by administrative site plan review by staff. Staff may elect to send projects of less than or equal to 5,000 square feet to the Planning Commission for site plan review if they determine the project has a substantive impact on surrounding uses.

Projects involving expansion, remodeling or enlargement of existing buildings involving greater than 5,000 square feet must have a site plan review by the Planning Commission

3. Appearance standards apply to all new, expanded, remodeled, or enlarged buildings exceeding fifty (50%) percent of existing floor area or building facade surface.

4. On premises advertising signs providing they conform to this ordinance.

C. Administrative Site Plan Review. Administrative reviews are permitted for the following situations:

1. Collocation of Wireless Communication Facilities
2. Temporary Uses
3. Ponds less than one acre in size
4. Side yard dimensional reductions in the VC district when the following situations exist:
  - a. The change in side yard is for two (2') feet or less.
  - b. The requested change is for construction of a garage for two or fewer cars.
  - c. There are no concerns expressed by abutting residential property owners.

In all other situations the site plan must be reviewed by the Zoning Board of Appeals for a dimensional variance.

### **17.3 APPLICATION PROCEDURE**

Requests for site plan review shall be made on a site plan review form using the site plan checklist provided for in the developer packet supplied by the Township. The components of the site plan checklist shall be completed before the site plan is reviewed by the Planning Commission. The developer packet outlines specific requirements for submittal. Incomplete site plans or site plans on land not reviewed and approved by the assessor as portrayed on the site plan, will not be accepted for review. All site plans must be stamped by a licensed professional engineer, architect, landscape architect or surveyor.

### **17.4 ACTION ON APPLICATION AND PLANS**

#### **A. REVIEW OF A SITE PLAN OUTSIDE OF A PLAT:**

1. The Zoning Administrator shall record the date of the receipt of the application and plans, and shall transmit copies to the Planning Commission, the Township Zoning Administrator, the Township Engineer, the Police Chief and Fire Chief, and copies to the other affected Township Departments and professionals as the Township deems necessary. It is strongly advised that all applicants discuss their site plan with the Township staff prior to review by the Planning Commission. Applications for Appearance Code approval only, related to modification (not expansion) of an existing structure, shall be submitted only to the Planning Commission.

2. Where it is evident to the Zoning Administrator, professional consultants or the Planning Commission that the proposed use will have an impact upon any public facility, right-of-way or easement, the applicant shall submit the site plan to the

appropriate state, county or local agency(s) that has an impact upon, or will be impacted by, the proposed land use and shall request the appropriate agency(s) to review the proposed land use and submit a written response to the Zoning Administrator or Planning Commission describing the potential impact of the project and the agency's recommendations for approval, disapproval or modifications.

The Township and/or Planning Commission may request a traffic impact analysis in cases where the location, nature of the use or specific circumstances indicate traffic and/or access management issues require professional analysis. This impact study shall be at the expense of the applicant. Permits for driveways, obtained prior to official approval of a site plan by the Planning Commission shall not constitute approval for construction and are subject to approval by the Planning Commission.

3. A public meeting shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of Township staff and professionals. Members of the Planning Commission shall be delivered copies of the application and plans prior to the public meeting for their preliminary information and study. The meeting shall be scheduled not more than forty (40) days following the date of the receipt of the plans and application by the Zoning Administrator. *(Amended 4/23/02)*

4. The applicant shall be notified of the date, time and place of the public meeting on his application not less than fifteen (15) days prior to that date.

5. Following the public meeting, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made within forty (40) days of receipt of the application by the Zoning Administrator. If the decision is not made within the forty (40) day period, the appeal shall be considered approved.

6. Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the Township records for future review and/or enforcement. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the final, approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the Township records

- . as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

## **B. PROCESS FOR REVIEW OF A PLAT**

A plat shall be reviewed in the same manner as a site plan and as described in this Article, except that a plat shall be submitted for review at two separate stages in the development of the plat and in accordance with the Subdivision Control Act of 1967, as amended, P.A. 288:

1. The Tentative Preliminary Plat. This plat shall be submitted showing all aspects of the plat as required for site plans, including any additional information requested by the Planning Commission. Following approval of the Tentative Preliminary Plat, a Preliminary Plat shall be submitted.
2. The Preliminary Plat shall be considered the final site plan for the development. Prior to approval of a Preliminary Plat, the applicant shall present written approval from the Saginaw County Road Commission, the Department of Environmental Quality and the Saginaw County Drain Commissioner. The Tentative and Preliminary Plats may be reviewed and approved simultaneously at the discretion of Township staff if all requirements of the Zoning Ordinance have been satisfied and there are no outstanding issues that would prevent a combined review.
3. The Final Plat is under the jurisdiction of the Saginaw County Plat Review Board.

## **17.5 CRITERIA FOR REVIEW**

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to any other site plan standards contained in any other area of this Ordinance.

- A. **TRANSPORTATION.** There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety, as the primary goal, and convenience as the secondary goal, of pedestrian and vehicular traffic and access management principles have been followed.
- B. **NATURAL FEATURES.** As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
- C. **DRAINAGE.** Adequate provision has been made for storm water drainage on or from the site. In the case of residential developments, rear lot drainage is required.

- D. Sheet drainage is not permitted on any developments in any district. A drainage plan will be required.
- F. ADVERSE EFFECTS OF DEVELOPMENT. Any adverse effects of the proposed development and activities emanating from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.
- E. LAYOUT. The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
- F. LAND DIVISION ORDINANCE. The site plan must comply with all provisions of the Zoning Ordinance and the Tittabawassee Township Land Division Ordinance, as applicable. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.
- G. 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.
- H. PONDS. Ponds must be constructed according to the requirements specified in the Special Use provisions for Earth Removal, Quarrying and Gravel Processing, Article 4.4 (G).
- I. NOISE EASEMENTS. Noise easements may be required within the Tri-City International Airport noise overlay zone.

#### **17.6 CONFORMITY TO APPROVED SITE PLAN**

(1) Revocation of site plan. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission.

If construction and development does not conform with the approved plan or design appearance, the approval of the site plan shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

(2) Criteria for commencing construction. Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

#### **17.7 AMENDMENT TO SITE PLAN**

A proposed amendment, modification, or alteration to a previously-approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

#### **17.8 PERFORMANCE BOND**

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement in a form approved by the Zoning Administrator to ensure the development of those portions of the site that will be dedicated to the Township for public use, including streets and utility easements, in accordance with the approved site plan, conditioned upon the proper construction and development. A performance Bond may also be required in instances where the Planning Commission determines that the nature of the project is such that the activity being approved by the site plan could cause substantial negative impact on the safety, aesthetics or function of the infrastructure of the Township in the event that the activity/construction or change to the land was not completed as planned. This agreement shall continue for the duration of the construction and development of the site.