

## **ARTICLE XXII**

### **SITE PLAN REVIEW PROCEDURES**

#### **SECTION 22.01 PURPOSE**

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township. Certain specific types of minor development activities are identified to be exempt from these provisions as by their nature they normally do not interfere with neighboring properties nor present a potential nuisance for the Township as a whole.

#### **SECTION 22.02 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, CSC, HSC, HC and I Districts.
- B. All special uses and their accessory uses in all districts.
- C. All condominium projects, including site condominiums. See Article XVIA.
- D. All planned unit development district projects.
- E. All non-agricultural grading, filling, and excavating projects affecting one acre (43,560 square feet) or more of property.
- F. Temporary uses on properties without existing commercial driveways and parking areas that involve sales or other commercial activity.
- G. ~~Temporary fireworks sales for more than 14 days.~~ Reserved (8-2023)

#### **SECTION 22.03 DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL BY THE PLANNING COMMISSION**

- A. Single family homes, their accessory uses and uses permitted with conditions.
- B. General or specialized farming, their accessory uses and uses permitted with conditions.
- C. State-licensed Manufactured Housing developments (Mobile Home Parks) are **not** subject to final site plan review by the Township. Preliminary site plan review and approval by the Township Planning Commission and Township Board is required.

- D. Change of use where there is no exterior change to a structure or any element of the landscape and the Zoning Administrator is able to determine that no additional parking is required for the new use.
- E. Minor site changes or building additions as specified in Section 22.07, B.
- F. ~~Except for temporary fireworks sales for more than 14 days, temporary uses on property where there is an existing commercial parking lot. A site plan may be required by the Zoning Administrator in order to determine compliance with the ordinance.~~ Reserved (8-2023)

#### **SECTION 22.04 SITE PLAN APPROVAL REQUIRED PRIOR TO STARTING CONSTRUCTION, EXCAVATION OR USE OF LAND**

No grading, land filling, or construction of improvements, where the disturbed area exceeds one acre, shall commence for any development in any commercial or industrial zoning district which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

#### **SECTION 22.05 PRELIMINARY SITE PLAN**

- A. Mandatory: Preliminary site plan review is mandatory for all Special Uses as well as re-zone Planned Unit Developments (Type II PUD) and for Open Space Preservation developments as provided for in Section 18.46 and in compliance with P.A. 177 of 2001, as amended.  
The Planning Commission shall have the authority to require preliminary site plan review separate from the final site plan when, in the Planning Commission's opinion, the complexity and/or scale of development so warrants.
- B. Optional: For all other developments, except those referenced above, preliminary site plan review is optional at the applicant's request. For Principle Permitted Uses that require site plan review an applicant may request preliminary review by a sub-committee. A sub-committee for this purpose may consist of the Zoning Administrator and a Planning Commissioner and a Township Board member or another Planning Commission member.
  - 1. **PRELIMINARY SITE PLAN SKETCH REVIEW APPLICATION**  
Preliminary site plan sketches shall be submitted to the Zoning Administrator at least twelve (12) days prior to a Planning Commission meeting. Preliminary site plan sketches for Principle Permitted Uses may be brought to a sub-committee meeting on the day of the sub-committee meeting.
  - 2. **INFORMATION REQUIRED**  
Eight (8) copies (for the full Planning Commission) of a site plan sketch at a scale of not more than 1 inch = 100 feet, showing all existing and any proposed:
    - a. streets on or within 100 feet of the property

- b. lot lines and dimensions
  - c. proposed method of providing sanitary sewer and potable water to the development.
  - d. parking areas and driveways
  - e. general location of significant natural features
  - f. existing and proposed buildings
  - g. number of acres allocated to each proposed element of the site plan
  - h. where applicable, dwelling unit density by type
3. **EFFECT OF PRELIMINARY APPROVAL**  
 Approval of a preliminary site plan shall not be binding to the Planning Commission, except in the case of a Mobile Home Park.
- a. Mobile Home Parks: Approval of a preliminary site plan for a Mobile Home Park is dependent upon the separate approval of the Special Use Permit by the Township Board. Final site plan approval is under the jurisdiction of the Michigan Mobile Home Commission.
  - b. Special Uses and PUDs: Final site plan review is required for all other Special Uses and Planned Unit Developments as well as all Principle Permitted Uses that are subject to site plan review.
  - c. Waivers: If during the preliminary review the Planning Commission makes a finding-of-fact that any of the final site plan requirements listed in Section 22.06 C. are unnecessary or unreasonable for the case at hand then the Planning Commission may waive specific requirement(s).
- 4 **EXPIRATION AND EXTENSION OF APPROVALS**  
 Except in the case of Mobile Home Parks, once a required preliminary site plan approval by the Planning Commission has been given the applicant shall have twelve (12) months to obtain a final site plan approval after which all approvals shall expire and have no effect. In the case of a Mobile Home Park, development shall commence within the time required by the state (currently 5 years – 2015) after final approval has been obtained from the Michigan Mobile Home Commission. In all other cases, final site plan approval shall be obtained within twelve (12) months after the preliminary review after which all approvals shall expire and have no effect unless an extension of up to twelve (12) months is granted by the Zoning Administrator or Planning Commission.

## **SECTION 22.06 FINAL SITE PLAN REQUIREMENTS**

### **A. APPLICATION AND FEES**

An applicant shall submit a completed application form and either nine (9) copies of a final site plan for a Principle Permitted Use or fifteen (15) copies of a site plan for a Special Use or a Planned Unit Development, to the Zoning Administrator. The application is not complete without the required fee, as established by the Township Board, and any data or information required. All complete applications shall be submitted as least twelve (12) days prior to the Planning Commission meeting. Completed applications for Special Uses or Planned Unit Developments shall be

submitted at least twenty-two (22) days prior to the Planning Commission meeting in order to make public hearing publication deadlines.

**B. REQUIRED REVIEWS**

The applicant is responsible for submitting copies of the site plan as required to the appropriate outside agencies having jurisdiction over physical elements of the plan. These agencies include but are not limited to:

1. Van Buren County Drain Commissioner
2. Van Buren County Road Commission, Driveway Permits Officer and/or Michigan Department of Transportation, Coloma Field Office (or as redesignated by the Department).
3. South Haven Area Emergency Services, Fire Inspector
4. If the development includes a wetland, floodplain, high risk erosion area or critical dune, then the applicant shall indicate compliance with the Michigan Department of Environmental Quality or successor agency (Plainwell/Kalamazoo district office or as re-assigned) requirements.
5. If the development includes a structure over 35 feet in height or is to be located within an airport Accident Safety Zone, then the applicant shall obtain approvals from the Michigan Department of Transportation, Bureau of Aeronautics (Lansing) or successor agency.

APPLICANTS TAKE NOTE: Some of these agencies require lengthy review times. If an applicant fails to contact an agency in a timely manner, then the application may be considered to be incomplete and the Township accepts no responsibility for any delays.

**C. FINAL SITE PLAN INFORMATION REQUIREMENTS**

Every site plan submitted for final review shall contain the following information except as otherwise provided for:

1. Small-scale sketch of properties, streets and land uses within ¼ mile of the subject property.
2. Nine (9) copies (fifteen [15] copies for projects where the Township Board has final approval) of a site plan at a scale of not more than one (1) inch equals one hundred (100) feet, showing all existing and any proposed arrangements of:
  - a. Existing adjacent streets and proposed streets and existing curb cuts within one hundred (100) feet of the property.
  - b. All lot lines and dimensions.
  - c. Parking lots and access points
  - d. All exterior lighting with sample drawings of the fixtures and where necessary engineering calculations showing the effects of such lighting on adjacent properties.
  - e. Proposed buffer strips and screening
  - f. Existing natural features, including but not limited to: stands of trees, streams, ponds, wetlands, floodplains, steep slopes, critical dunes and high risk erosion areas.

- g. Existing and proposed buildings, including existing buildings within one hundred (100) feet of the boundaries of the property.
- h. Number of square feet allocated to each proposed use and gross floor area in buildings, structures, drives and open space.
- i. For commercial or industrial buildings, the usable floor area for each proposed use.
- j. For residential use, the dwelling unit, floor area and density by type.
- k. Proposed methods of providing sanitary sewer and water supply services.
- l. Proposed methods of providing storm water management with engineering calculations.
- m. Written computation for the required parking in compliance with Article XX.
- n. Review letter from the South Haven Area Emergency Services.
- o. Review letter from the road authority having jurisdiction
- p. Review letter from the County Drain Commissioner
- q. Review letter(s) from any other public agency having jurisdiction.
- r. For plats, condominiums and private roads the professional license seal of the person preparing the plan is required.

NOTE: If any one of the items listed above is absent, unless specifically exempted either in this ordinance or in writing from an appropriate official, the application is incomplete and can only be given conditional approval by the Planning Commission, if a majority of the Planning Commissioners agree.

### 3. WAIVERS:

The requirements listed above for site plans may be waived except for sub-part 2. b., c., d., and if relevant, n., o., p., and/or r. which shall be required. A site plan eligible for waivers is defined as a project disturbing less than 10% of the lot area or 5,000 square feet, and/or increases gross floor area by less than 10% or 1,000 square feet, as calculated by the Zoning Administrator. If there is an doubt, or if the Planning Commission determines that more information is required, then the project shall automatically be considered to be subject to full site plan requirements.

## D. CRITERIA FOR SITE PLAN REVIEW

In reviewing any site plan, the Planning Commission shall make a finding-of-fact as to whether the proposed site plan conforms to the Ordinance. In doing so, the Planning Commission may use the following criteria:

### 1. SURFACE WATER DRAINAGE

Working with the Van Buren County Drain Commissioner, the applicant is encouraged to utilize Low Impact Development Best Management Practices. Detailed information on both structural and non-structural practices are listed in *Low Impact Development Manual for Michigan: A Guide for Implementers and Reviewers*, published by the Michigan Department of Environmental Quality.

BONUS: An additional 10% density bonus (over and above other incentives) may be granted to any development, if the majority of the site work is shown to meet or exceed Low Impact Design criteria (no increase in storm water discharge). Best Management Practices that qualify for the bonus include:

- a. Non-structural practices  
Cluster development, minimizing soil compaction, minimizing total disturbed area, protecting natural flow pathways, protecting riparian buffers, protecting sensitive environmental areas, reducing impervious surfaces, and storm water disconnection.
- b. Structural practices  
Bio-retention, vegetated filter strips, vegetated swale, pervious pavement, infiltration basin, subsurface infiltration bed, infiltration trench, dry well, level spreaders, berming, planter box, runoff volume/non-infiltration, vegetated roof, capture reuse, runoff quality/non-infiltration, constructed wetlands, wet ponds/retention basin, constructed filters, water quality devices, underground detention, extended detention/dry pond restoration, native re-vegetation, and soil restoration.

EXCEPTION: If retention is found to be impractical or an economic hardship can be shown, storm water may be removed via an underground storage system. "Economic Hardship" is defined as a documented increase in cost for the desired element, which exceeds 10% of the total site work excluding buildings, signs and lighting. "Impractical" is defined as pertaining to adaptive re-use of an existing site or limited expansion of an existing site and means that the use of Low Impact Design practices would have no beneficial effect. Impractical also applies to areas of clay soil where beneficial effects are limited or non-existent.

2. DRIVES, PARKING AND CIRCULATION:

The proposed parking shall meet or exceed the requirements of this Ordinance. The road agency having jurisdiction shall retain final approval authority over driveway and road access designs. The applicant may be required to make provisions for interior circulation, including pedestrian circulation.

3. ROADS, UTILITY SERVICE AND INFRASTRUCTURE:

All plans, which include roads, public and private, shall have sufficient right-of-way width to accommodate in-ground utility lines. Above ground wires are to be discouraged and where these cannot be located underground the locations shall not adversely affect adjacent properties. For private roads, if rights-of-way width less than 66 feet are contemplated then separate easements shall be provided for all other public utilities. In all cases, maintenance agreements shall be attached to all deeds associated with properties utilizing private roads.

4. SIGNS AND LIGHTING

The size, location and design for all exterior signs and lighting shall be indicated and shall conform to the requirements of this Ordinance.

5. SCREENING AND BUFFERING:

Fences, walls, berms, vegetative screening and other such measures shall be located so as to protect adjacent properties from adverse impacts.





#### PLANNING COMMISSION ACTION

1. The Planning Commission shall have final site plan review and approval authority where such review is required for Principal Permitted Uses, Permitted Uses with Conditions and major site plan changes where site plan review is required. If a final site plan is denied, the Township Clerk shall be notified, in writing, of such action and the reasons for denial. Upon final site plan approval the Chair of the Planning Commission shall sign two copies of the approved site plan. One copy shall be given to the applicant and one copy to the Zoning Administrator.
2. The Township Board shall have final approval authority for Special Uses, Type II Planned Unit Developments, site condominiums, platted subdivisions and private roads. The Planning Commission shall recommend either: approval, denial, or approval with conditions to the Township Board, which shall retain final review and approval authority for these types of uses. Upon final approval the Township Supervisor shall sign two copies of the approved site plan. One copy of the approved plan shall be given to the applicant and one copy to the Zoning Administrator.
3. Amendments to Special Use and PUD site plans: The Planning Commission may approve changes to approved site plans for an approved Special Use or Type II Planned Unit Development so long as the use and/or basic character of the development is not changed.

#### F. PHASING OF DEVELOPMENT

An applicant may, at his/her discretion, divide a proposed development into more than one phase. In such case, the site plan shall clearly indicate the location, size and character of each phase. A final site plan for each phase shall be submitted for approval prior to the start of development activity within the individual phase.

#### G. EFFECT OF APPROVAL

1. **Expiration:** Final site plan approval shall expire if no permits have been obtained within twelve (12) months except for projects requiring state or federal approval. Projects requiring approval from a higher level of government shall obtain local construction or earth moving permits within twelve (12) months of the date of approval from the specified government agency.
2. **Extension:** Final site plan approval shall also expire if the project or its initial phase has not commenced within two (2) years of the date of final approval, or if the applicant cannot provide proof for a reasonable cause for delay. An applicant may apply to the Township Board for extensions at least one month prior to the deadline. The Board shall determine a reasonable time period for the extension.
3. **Previous Site Plan Approval:** If a site plan has been approved for a specific site and later the property is approved for a different site plan, the first site plan shall automatically expire.

## **SECTION 22.07      AMENDMENT OF AN APPROVED SITE PLAN**

A site plan may be amended upon application and in accordance with the procedure provided in Section 22.05 herein, for a preliminary site plan, and Section 22.06 herein, for a final site plan. Proposed major changes to an approved final site plan shall be reviewed by the Planning Commission.

- A.      Examples of major changes include the following:
1.      Changes in the general concept or design of the general development plan.
  2.      Changes from the approved use(s) of the development that increase the requirements for parking or other infrastructure changes by more than ten (10) percent or one (1) acre.
  3.      Changes in the type and design of residential, commercial, industrial, public, institutional or organizational buildings.
  4.      Increases in the number of residential dwelling units or number of nonresidential buildings on the site.
  5.      Increases in the residential building floor area of more than ten (10) percent.
  6.      Rearrangement of the building locations, lots, blocks or building sites by more than 20 feet or that negatively affect the character of the approved site plan.
  7.      Changes in the function or character of roads or highways.
  8.      Changes in the location, character of use, or amount of land planned as common open space.
  9.      Variations in the development represented on an approved site plan involving the deletion, relocation, or addition of onsite improvements, including drives, parking areas, structures on, above or below the ground surface, berms, curbs and gutters, screen plantings or other required landscaping, fencing, water supply, wastewater disposal or storm water drainage systems.
  10.     Relocation of any surface or subsurface structures or improvements, except essential public utilities and services, by twenty (20) feet or more from its approved location.
  11.     Any appeal of an applicant whose request is for a minor change to an approved final site plan which has been disapproved by the Zoning Administrator to decide whether to approve, approve with conditions or disapprove the requested change.
  12.     Changes in fill grading, types of finished surface roads, drives, parking areas, walks and loading and unloading areas exceeding in area five hundred (500) square feet or five (5) percent of the lot area.
  13.     Changes due to unforeseen natural or environmental conditions or natural constructed features, e.g., wetlands, floodplains, ground water, geological features, existing structures or improvements.



- B. Minor development activities or changes to an approved final site plan may be authorized by the Township Zoning Administrator without prior Planning Commission review. Examples of minor changes include the following:
1. Increases or decreases of residential or nonresidential floor areas by ten (10) percent or less.
  2. Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned location or that negatively affect the character of the approved site plan.
  3. Increases or decreases in planned elevations of finished grades or changes in the area or materials of paved areas, which affect less than one acre or ten (10) percent of the total lot area, whichever is less.
  4. Changes in the height of buildings or structures.
  5. Increases or decreases or changes in the type, height, or length of walks, fencing, berms or screen plantings.
  6. Additions or deletions of permitted accessory uses to the principal uses permitted by the approved site plan.
  7. Changes in the location of essential public utilities and services from those approved on the final site plan in order to accommodate their location.
  8. Changes in the species, sizes of specimens or spacing of required landscaping and screen plantings, including trees, shrubs, vines and ground covers.
- C. If an applicant decides to appeal the disapproval of a minor change by the Zoning Administrator, the Zoning Administrator shall forward the applicant's file with the reasons for the Zoning Administrator's disapproval to the Planning Commission for review and decision. *[amended 1-14-98 & 7-12-00]*

## **SECTION 22.08      PERFORMANCE GUARANTEES**

Bonds or other acceptable forms of security shall 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. The performance guarantee shall be for the full amount of the specific site improvement 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.

Where the Planning Commission has final site plan approval, the Planning Commission may require and set the amount for a performance guarantee. Where the Township Board has final site plan approval, the Township Board may require and set the amount for a performance guarantee. When through unforeseen circumstances a portion of the project cannot be completed before an occupancy permit is needed, the Zoning Administrator may require a performance

guarantee for the estimated cost of completion, subject to review and adjustment by the Township Supervisor.

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 bonding company. Performance guarantees may not be imposed on a state licensed mobile home park. *[amended 1-14-98]*

Performance guarantees may not be imposed on a state licensed mobile home park.