

ARTICLE 8 SITE PLAN REVIEW

SECTION 8.01 Intent

The site plan review procedures are instituted to provide an opportunity for the Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicle circulation, off-street parking, structural relationship, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, morals and general welfare as well as to provide for the best interest of the property owner.

SECTION 8.02 When site plans are required

Site plans are required to be submitted under any of the following circumstances:

- A. As part of an application for a special use permit
- B. Any change in use which requires construction of ten (10) or more additional parking spaces or five (5) or more vehicle and boat trailer combination spaces.
- C. As part of an application for approval of a condominium development.
- D. Any other construction or moving of structures except:
 - 1. Single family and duplex residences on individual parcels and their accessory structures
 - 2. Non-residential accessory structures under six hundred (600) square feet
 - 3. Expansions of under six hundred (600) square feet to existing structures.

SECTION 8.03 Required information

Before any site plan approval is granted, twelve (12) copies of a site plan to a scale not greater than 1"=100' (unless a greater scale is permitted by the Zoning Administrator), and a digital copy of the drawing in a format designated by the Township provided in the Michigan South State Plane Coordinate System using the North American Datum of 1983 (NAD83) in units of international feet and a completed application for site plan approval, including completed and signed checklist, with all necessary fees as established by the Township's adopted fee schedule shall be submitted to the Township Zoning Administrator, for review and approval. The site plan shall contain the following information:

The items marked with an “*” must be included in a site plan submitted for preliminary review. All of the information below must be included in a final site plan unless the requirement is waived by the Planning Commission as authorized in Section 8.03Y.

- A. Miscellaneous information including*
1. number of dwelling units
 2. gross square footage
 3. number of bedrooms
 4. number of employees
 5. gross acreage
 6. buildable area
 7. lot coverage as a percentage of total area
 8. density of dwelling units per acre
 9. parking calculations
 10. scale
 11. north arrow
 12. location map
 13. lot dimensions and square footage of individual lots

This information is required to determine compliance with minimum lot sizes, maximum lot coverage, density requirements and parking requirements.

- B. Location of proposed and existing buildings with setbacks*. Any structures with a historic significance shall be noted*

This information is required to determine compliance with setback requirements and evaluate open space proposals (if applicable).

(Amended: Ord. No. 639, 4-4-05)

- C. Vehicular traffic and pedestrian circulation features including*:
1. driveways
 2. drives
 3. sidewalks
 4. streets or driveways within one hundred (100) feet of the property
 5. preliminary review and comments from the Genesee County Road Commission regarding potential traffic issues
 6. existing and proposed right-of-ways

This information is required to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways and to verify open space calculations.

(Amended: Ord. No. 639, 4-4-05)

D. Location, dimensions and type of surface of*:

1. parking spaces
2. maneuvering lanes
3. loading spaces

This information is required to determine compliance with parking requirements.

E. Location, dimensions and proposed use of all recreation areas

This information is required because recreation areas can tend to generate significant noise and/or parking issues.

F. The location of all proposed:

1. landscaping on a separate landscape plan as required in Article 10 of this Ordinance
2. fences or walls

This information is required to determine compliance with screening and landscaping requirements.

G. The height and dimensions of all structures*

This information is required to determine compliance with maximum height and lot coverage requirements as well as minimum building size requirements (residential) where applicable.

H. Front, rear and side elevations of a typical proposed structure

This information is required to ensure compliance with design standards.

I. The location and preliminary review and comments from applicable Genesee County agencies relative to the capacity of public or private:

1. water lines, system capacity and information on any existing wells
2. sanitary sewer lines and treatment/line capacity from a sewer capacity study
3. storm sewer lines, open drains, detention/retention structures, system capacity and storm sump leads
4. storm calculations for the items above based on the 100 year storm
5. solid waste facilities
6. Copies of any available hydrogeological studies

This information is required to ensure compliance with the standard requiring adequate water and sewer service, and to prevent overloading the Township's water or sewer system.

(Amended: Ord. No. 639, 4-4-05)

J. The location, dimensions and lighting of signs

This information is required to ensure compliance with sign requirements. The Township may also require information of the nature of the sign (directional, identifying, off-street advertising, etc.).

K. The location intensity and orientation of all lighting

This information is required to determine compliance with requirements for lighting to be directed off adjacent premises. The Township may also require the light foot print and/or the method of shielding noted on the plan.

L. Location map indicating relationship of the site to surrounding land use and the zoning of adjacent property*

This information is required to determine compliance with requirements relating to setbacks from adjacent land uses or zoning districts and access issues.

M. Buildings within one hundred (100) feet of the boundary of the site*

This information is required to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a special use permit, to determine suitability of the site for the proposed use based on proximity to incompatible uses.

N. Existing natural features*:

1. streams
2. marshes
3. ponds
4. one hundred (100) year floodplain boundaries
5. limits of any wetland, including attachment of a wetland determination by a recognized consultant (wetland limits must be confirmed by the DEQ prior to final approval)
6. other submerged land
7. note if the site is within five hundred (500) feet of a lake, river, stream, drainage course or other waterways
8. woodlots
9. scenic vistas

This information is required to determine compliance with the environmental standards for site plan approval, to verify open space calculations and evaluate open space proposals (if applicable).

(Amended: Ord. No. 639, 4-4-05)

O. Outdoor storage or activity areas*

This information is required to comply with standards relating to outdoor storage of material or outdoor activities.

P. Soil information

Either as a separate drawing or as an overlay or layer of the site plan, the applicant shall identify the soils on the site as shown in the USDA Soil Conservation Service Soil Survey of Genesee County and copies of any available geotechnical reports. In addition, the map shall identify those soils that pose severe or very severe limitations to the type of development proposed, based on the classification system included in the survey. It shall highlight areas with slopes greater than 10% or classified as posing a high risk for erosion. This information is required to determine potential development problems due to poor soils and evaluate open space proposals (if applicable).

(Amended: Ord. No. 639, 4-4-05)

Q. Existing and proposed grades at two (2) foot intervals and proposed drainage patterns

This information is required to determine compliance with any minimum or maximum grade requirements, clear vision requirements and height requirements, and to check drainage information.

R. Cross section showing construction of drives and parking area

This information is required to comply with requirements regarding pavement surface and adequacy of base material.

S. Floor plan showing existing and proposed uses*

This information is required to verify gross vs. useable floor area, principal vs. accessory uses and sewer unit requirements.

T. Location of trash receptacles*

This information is required to determine compliance with ordinance requirements regarding location and screening.

U. Designation of fire lanes*

This information is required to determine compliance with fire code requirements.

- V. Listing of type, quantity, storage location, and secondary containment provisions for any hazardous material stored or used on the site

This information is required to verify compliance with any ground water protection requirements in the ordinance.

- W. A completed State and County Environment Permits checklist provided by the Township Zoning Administrator.
- X. The Planning Commission may waive any of the requirements above when the information is not needed to determine compliance of the site with the requirements of this Ordinance.
- Y. Plans shall be sealed by a Michigan licensed professional within their respective discipline per the professional laws of that discipline.

(Amended: Ord. No. 646, 7-5-05)

SECTION 8.04 Who reviews site plans

The Planning Commission is authorized to review all site plans, including site plans submitted as a part of a special use permit application, except those special use permits which are approved administratively. The Planning Commission is authorized to approve, deny or approve the site plan with conditions.

SECTION 8.05 Site plan review process

The site plan review process is intended to allow the Township the opportunity to review a proposed development prior to its construction, to determine compliance with the requirements of this Ordinance.

- A. Step one - pre application review

The pre-application review step is voluntary on the part of the applicant. It is an opportunity for the applicant to meet with Township staff to discuss the proposed project and receive comments from the staff on issues that might affect the application. There are no minimum information requirements that must be submitted at the time of the meeting, although the more information the applicant can provide the better the input the staff can provide on the proposal. This step is informational only and does not provide the applicant with any approval rights.

B. Step two - preliminary site plan review

The applicant shall submit the site plan application (not including site plan) to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which it is to be reviewed. A complete site plan itself and digital copy in a format designated by the Township shall be submitted to the Zoning Administrator at least fifteen (15) days prior to the Planning Commission meeting. The Zoning Administrator shall submit one copy to the Township Fire Department, as well as to any other Township or State officials as determined by the Planning Commission. At this point the applicant may ask the Planning Commission to waive particular site plan requirements.

The Planning Commission shall review the site plan to determine whether all required information is included, as well as identify any issues or concerns associated with the preliminary site plan. The Planning Commission shall then direct the applicant to submit a site plan which considers the Planning Commission preliminary review comments for final review. Preliminary approval of a site plan shall expire if final site plan approval has not been granted within 1 year of the date of preliminary approval. In the case of multi-phase developments, preliminary approval shall expire if final site plan approval of the first phase has not been granted within 1 year of the date of preliminary approval. Preliminary approval of the remaining phases shall expire unless final site plan approval is granted for a succeeding phase within one year of the expiration of the preceding phase's approval as outlined in section 8.11 b of this ordinance.

C. Step three - consultant review

In those instances where the Zoning Administrator or Planning Commission determines it necessary, the Township will submit a site plan for review by professional consultants. The applicant shall be responsible for reimbursing the Township for the cost of all such reviews.

The Zoning Administrator or Planning Commission may require a deposit into an escrow account for the estimated cost to cover consultant review fees prior to being placed on the agenda for final site plan review. The estimated costs shall be calculated according to the Fenton Township Schedule of Fees, which may be changed from time to time by resolution of the Township Board. Any and all fees must be paid prior to the issuance of a certificate of occupancy for the site.

For those projects where the applicant is required to provide storm water calculations, those calculations and the design of the storm water system must be approved by the Township engineer prior to final review by the Planning Commission.

(Amended: Ord. No. 706, 12-8-08; Ord. No. 785, 2-8-16)

D. Step four - final site plan review

1. The Planning Commission shall review the site plan to determine its compliance with the requirements of this article. Following their review of the site plan, the Planning Commission shall do one of following:
 - a. Approve the site plan.
 - b. Approve the site plan with conditions.
 - c. Postpone the decision on the site plan pending required additional information.
 - d. Deny the site plan.
2. Record of review
A record of the decision shall be filed with the Township Clerk, including:
 - a. A copy of the submitted site plan, signed by both the applicant and the Zoning Administrator.
 - b. A copy of any meeting minutes related to the site plan.
 - c. A copy of any other relevant records related to the site plan.

E. Step five - final engineering approval

Following final site plan approval, the applicant shall submit an application for final engineering approval. This application shall include plans and information in sufficient detail for the Township Engineer, and other appropriate parties as determined by the Township, to determine compliance with all applicable laws, codes and ordinances pertaining to the design and construction of the project. Following final engineering approval, a preconstruction meeting shall be arranged. If the Township Engineer, or other appropriate parties such as the County Road Commission or County Drain Commissioner, Division of Water and Waste Services require changes that constitute an amendment to the site plan per Section 8.10 of this Ordinance, the site plan amendment must be approved by the Planning Commission before moving on to step six of this process.

F. Step six - pre-construction meeting

Prior to issuance of a zoning permit or building permit the applicant and/or their representatives shall meet with Township staff and the Township Engineer to review construction issues including timing of construction, permits and other considerations relevant to the project. The applicant shall be responsible for arranging for the attendance of representatives of other agencies relevant to the development, such as the County Road Commission, the local utility companies, etc. If the development is a condominium project, the applicant shall be responsible for providing a copy of the recorded master deed including two (2) 24" x 36" copies and two (2) 11" x 17" copies of the recorded site plan. In all cases the applicant shall provide a digital copy of the drawing in a format designated by the Township with a minimum of two GPS surveyed property corners at opposite corners of the property. These GPS coordinates shall be provided in the Michigan South State Plane Coordinate System using the North American Datum of 1983 (NAD83) in units of international feet. Elevations provided for these positions shall be tied

to the Genesee County USGS benchmark “bluebook”. These positions shall be noted on provided site drawings.

G. Step seven - final site plan approval (multi-lot development)

Infrastructure required to service an approved multi-lot development must be completed and inspected prior to issuance of building permits.

H. Appeal of site plan decision

Any person aggrieved by the decision of the Planning Commission in granting or denying a site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within twenty one (21) days of the posting of the minutes of the meeting and must state the basis for the appeal.

SECTION 8.06 Standards for site plan approval

All approved site plans shall comply with the appropriate zoning district regulations, parking requirements, general provisions and other requirements of this Ordinance as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:

A. The Planning Commission may require sidewalks when it determines they are needed to promote pedestrian safety. All lots fronting on county primary roads will be required to provide sidewalks on that portion of the lot fronting on such a road. The Planning Commission may waive or modify this requirement if circumstances make provision of such a sidewalk impractical or not in the public interest. Sidewalks and other walkways, driveways, parking areas, loading areas and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate the stacking of cars within the public right-of-way, minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major streets, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.

(Amended: Ord. No. 670, 7-24-06)

B. Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor or other nuisances and to maintain physical attractiveness.

C. Storm water facilities will be adequate to handle any increased water run-off, which will be minimized through the use of storm water retention facilities with provisions for filtration when possible. The use of parking lots as detention basins will be prohibited except that underground storage structures may be permitted if it is determined that no reasonable alternative exists. The site shall be designed to ensure that there will be no increase in

runoff onto adjacent sites or that existing drainage patterns are not harmed, and shall comply with the Township's Storm Water Management Ordinance.

- D. Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.
- E. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.
- F. Existing high quality and mature trees on the site will be preserved when possible.
- G. Compliance with other governmental agencies' rules and requirements.

SECTION 8.07 Acceleration/deceleration/passing lanes

Vehicular ingress and egress from all new construction which requires site plan review, except residential developments involving five (5) or less dwelling units, shall be provided with the following:

- A. Driveways and/or streets providing ingress and egress to and from all two (2) lane, paved county primary roads and other section line roads shall be provided with paved acceleration or deceleration lanes. The requirement for the installation of a passing lane may be waived by the Planning Commission provided such waiver has been obtained by the applicant from the Genesee County Road Commission or Michigan Department of Transportation by the time the application for site plan approval has been submitted.
- B. Driveways and/or streets providing ingress and egress to a three (3) lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes.
- C. Driveways and/or streets providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers and turning lanes for traffic safety as required by the Genesee County Road Commission.
- D. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the Genesee County Road Commission.

SECTION 8.08 Conditions

- A. The Planning Commission may place conditions on approval of a site plan, including conditions that require conformance with the standards of another local, county or state agency such as, but not limited to, the County Drain Commissioner, County Health Department and the Michigan Department of Environmental Quality. They may do so when such conditions would achieve all of the following:
1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 2. Would protect the natural environment and conserve natural resources and energy.
 3. Would ensure compatibility with adjacent uses of land.
 4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Planning Commission shall ensure that:
1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated; and
 2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

SECTION 8.09 Performance guarantees

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where a building permit or occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips. In addition, the Planning Commission or Zoning Administrator may require the re-establishment of expired performance guarantees.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount equal to one hundred and fifteen (115) percent of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning

permit. The Township shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.

- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the Township's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to ensure completion of an improvement associated with the proposed project prior to the Township's approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

(Amended: Ord. No. 777, 5-4-15)

SECTION 8.10 Changes to approved site plans

- A. All work conducted related to a project with an approved site plan shall be in conformance to that site plan. Any amendment to an approved site plan shall require the site plan to be resubmitted to the Planning Commission and go through the entire review process again, starting with the preliminary review, with the exception of minor changes as determined by the Zoning Administrator. Minor changes to the site plan may be approved by the Zoning Administrator, as long as the change does not result in:
1. A significant change in the use, intensity or character of the development.
 2. A significant increase in lot coverage.
 3. A reduction in required off-street parking or loading areas or drainage retention or detention capacity.
 4. Reduction in pavement widths or utility pipe size.
 5. Significant changes in road or lot layout.
- B. Minor changes shall require written notice to the Planning Commission and a notation added to the record of the decision.

SECTION 8.11 Time limits

- A. Deadline to commence construction

An application for a zoning permit for a project approved by site plan approval shall be filed with the Township Zoning Administrator within two (2) years from the date of approval of the site plan. If a zoning permit is not issued within two (2) years, site plan approval shall expire.

- B. Deadline for completion

A project approved by site plan approval shall be completed within two (2) years from the date that the zoning permit was issued by the Zoning Administrator. If an occupancy permit is not granted within two (2) years, site plan approval shall expire. The Planning Commission may grant approval for up to five (5) years per phase in the case of multi-phased development.

- C. Extensions

The Planning Commission may grant two (2) extensions for an additional one year per extension for preliminary and final site plan approval and two (2) extensions for up to an additional two (2) years per extension for completion of an approved site plan if the applicant submits a request for an extension prior to expiration of the approval and can demonstrate that suitable, continual progress has been made on the project.

(Amended: Ord. No. 646, 7-5-05)