

## CHAPTER 26

### SITE PLAN REVIEW

SECTION 26.1 SITE PLAN REVIEW COMMITTEE. The Planning Commission shall appoint three members of the Planning Commission to the Site Plan Review Committee which shall be responsible for site plan review in accordance with this Chapter. The members of the Site Plan Review Committee shall elect one of its members to serve as Chairman.

SECTION 26.2 SITE PLAN. Site plan review and approval by the Site Plan Review Committee in accordance with the provisions of this Chapter shall be required for all uses in the RR, R-1, R-2, R-3, S-R,C-2, C-1, and C Districts except single family dwellings, and two-family dwellings. This Chapter shall not apply to special land uses or PUD rezoning unless specifically referenced.

SECTION 26.3 SITE PLAN CONTENT. A site plan shall include all of the following information:

1. A plot plan based on an accurate certified land survey showing:
  - a. Location, size and type of present buildings or structures to be retained or removed.
  - b. Location of all proposed buildings, structures or other improvements.
  - c. Location and dimensions of existing and proposed streets, drives and parking lots.
  - d. Location of existing and proposed water and sewer lines.
  - e. Storm drainage, existing and proposed.
  - f. Refuse and service areas.
  - g. Utilities with reference to location, availability and compatibility.
  - h. Screening and buffering with reference to type, dimensions and character.
  - i. Existing and proposed topographical features at contour intervals no greater than 2 feet.
  - j. Ditches and water courses.
  - k. Ground cover and other pertinent physical features of the site - including existing tree stands and individual trees over eight inches in diameter.
  - l. Proposed landscaping.
  - m. Location of existing improvements.
  - n. Location of lot lines, existing and proposed easements; and encroachments.

- o. Loading and unloading facilities.
  - p. Exterior lighting including the location, height and type of all exterior light fixtures.
  - q. Location of existing structures, driveways and streets and water bodies on land immediately adjacent to the site within 100 feet of the site's parcel lines and to a depth of 100 feet, on opposite sides of each street fronting the property.
  - r. Proposed signs, including their location, dimensions and type of construction
  - s. The date, north arrow, and scale. The scale shall not be smaller than 1" = 50' if the subject property is less than 3 acres and 1" = 100' if the subject property is 3 acres or more.
  - t. The name and address of the professional individual responsible for the preparation of the site plan.
2. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.
  3. Gross areas of buildings and parking.
  4. The above listed items are minimum requirements. Additional information as reasonably necessary to evaluate the site plan may be requested by the Site Plan Review Committee and may include but shall not be limited to:
    - a. The proposed locations and approximate dimensions and duration of temporary soil stockpiles and the proposed location of temporary access drives, and staging areas for use in the construction phase.
    - b. Proposed temporary and permanent soil erosion and sedimentation controls
    - c. An exterior lighting plan including a photometric grid showing illumination levels from all exterior light sources on the site including but not limited to parking lot fixtures, signs and building lighting
  5. At the time of initial review the Site Plan Review Committee shall have the discretion to waive the inclusion in the site plan of any of the information required by this Section, to reject a site plan on the basis of inadequate information, or to table a final decision on a site plan pending submittal of more detailed information.

SECTION 26.4 REVIEW STANDARDS. The Site Plan Review Committee shall approve a site plan if it determines that:

1. Complies with the requirements of this Ordinance;
2. The proposed project promotes the intent and purposes of this Ordinance;
3. The proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and
4. The proposed project will be consistent with the public health, safety, and welfare needs of the Township.

In making its determination, the Site Plan Review Committee shall apply the following standards:

- a. **Landscape Preservation:** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Berms, greenbelts, or other screening may be reasonably required to enhance compatibility with adjoining properties.
- b. **Relation of Buildings to Environment:** Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity.
- c. **Drives, Parking and Circulation:** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the design of the proposed buildings and structures and the neighboring properties.
- d. **Surface Water Drainage:** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be drained away from all roofs, canopies, and paved areas by means of a suitable drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.
- e. **Utility Service:** Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- f. **Signs:** The size, location and lighting of all signs shall be consistent with the requirements of Chapter 30 of this Ordinance and shall be compatible with adjoining properties.

- g. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall comply with reasonable setback requirements, screen plantings or other screening methods.

SECTION 26.5 CONDITIONS. The Site Plan Review Committee may impose reasonable conditions on the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to insure 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, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.

1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, including but not limited to, the standards in Section 26.4, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Site Plan Review Committee and the landowner. The Site Plan Review Committee shall maintain a record of conditions which are changed.

SECTION 26.6 REVIEW PROCEDURE. A minimum of 3 copies of a site plan shall first be submitted to the Township Zoning Administrator. Upon determining that the proposed use complies with the Zoning Ordinance, the Township Building Code, and all other pertinent codes and ordinances of the Township, the Zoning Administrator shall cause the site plan to be placed on the agenda of a meeting of the Site Plan Review Committee and shall transmit the copies of the site plan to the Site Plan Review Committee for its review in accordance with this Chapter.

Two members of the Site Plan Review Committee shall constitute a quorum. Decisions of the Site Plan Review Committee shall be made by a vote of 2 members.

Upon approval of a site plan by the Site Plan Review Committee, the site plan, as approved, shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan.

Upon approval of a site plan, at least 3 copies of the site plan shall be signed and dated by the Zoning administrator. One copy of the approved site plan shall kept on filed with the Zoning Administrator, one copy shall be submitted to the Township Building Inspector, and one copy shall be returned to the applicant. Following expiration of the appeal period provided in Section 26.7, the Building Inspector shall issue a building permit for an

approved site plan. Failure to conform to an approved site plan shall constitute a violation of this Ordinance.

SECTION 26.7 APPEAL. If any person shall be aggrieved by the action of the Site Plan Review Committee, appeal in writing to the Township Board may be taken within 7 days after the date of such action. The Township Board shall fix and notify the appellant of a time and a place for a public hearing to be published in the newspaper of general circulation in the Township not less than 10 days prior to the hearing. All parties in interest shall be afforded the opportunity to be heard at such public hearing. Following the public hearing, the Township Board shall affirm, modify, or reverse the action of the Site Plan Review Committee based on the standards set forth in Section 26.4, or shall remand the appeal to the Site Plan Review Committee for reconsideration. Any person aggrieved by the action of the Site Plan Review Committee upon reconsideration may appeal to the Township Board in accordance with this Section. In all decisions on appeal, the Township Board shall state its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant and the Site Plan Review Committee.

SECTION 26.8 REFERRAL TO FULL PLANNING COMMISSION. Notwithstanding any other provision of this Chapter, the Site Plan Review Committee may, in its discretion, decline to approve or disapprove any site plan and refer the site plan to the full Planning Commission for review and decision in which case the full Planning Commission shall perform all duties of the Site Plan Review Committee set forth in this Chapter.

SECTION 26.9 CHANGES TO AN APPROVED SITE PLAN. An approved final site plan, and any conditions imposed in relation thereto, may not be changed except upon the mutual consent of the Site Plan Review Committee and the applicant, and as otherwise provided by this Section.

1. Major changes. Except for changes as provided by Section 26.9(2) below, changes to an approved site plan shall be reviewed, approved, approved with conditions, or denied by the Site plan Review Committee pursuant to the same procedures of this Chapter as are applied to an original request for site plan review and approval.
2. Minor changes. Minor changes to an approved site plan may be approved by the Zoning Administrator, acting as the agent of the Site Plan Review Committee, without review and approval by the Committee. For purposes of this Section, "minor changes" means changes which meet one or more of the following qualifications:
  - a. For buildings, a reduction or increase by not more than 5% in the size of structures, provided that there is no increase in the number of dwelling units.
  - b. A revision in floor plans, if consistent with the character of the use.
  - c. The alteration of building and structure height by no more than 5%.

- d. The minor adjustment of building footprints unless a specific setback or separation distance was imposed as a condition of final approval.
- e. An increase or expansion of areas designated on the Final Site Plan as "not to be disturbed."
- f. The substitution of plant materials included in the Final Site Plan, provided they are substituted by similar types of landscaping on a 1-to-1 or greater basis, as determined by the Zoning Administrator.
- g. Minor alterations made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, side walks/bicycle paths.
- h. Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
- i. A reduction in the size of signs, or an increase in sign setbacks.
- j. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces remains sufficient and circulation hazards or congestion are not created by the redesign as determined by the Zoning Administrator.
- k. A change in the name of the approved project or in the names of streets within the project.
- l. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the use which are deemed by the Zoning Administrator to be not material or significant in relation to the entire use and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

If the Zoning Administrator approves a minor change, the approval shall be in writing. The Zoning Administrator shall forward a copy of the written approval to the Site Plan review Committee for inclusion in the record pertaining to the use.

- 3. The Zoning Administrator may in his or her discretion refer any decision regarding a proposed change to an approved final site plan to the Site plan review committee for review and approval whether or not the change may qualify as a minor change under Section 26.9(2). In making a determination as to whether a change is a minor change, or whether to refer a change to the Committee for approval, the Zoning Administrator may consult with the Chairperson of the Site Plan Review Committee.

SECTION 26.10 TIME LIMITS AND EXPIRATION OF AN APPROVED SITE PLAN. An approved final site plan and the conditions imposed shall remain in effect for a period of two years following the date of approval. Commencement of construction activities and

diligent progress toward completion within the two year period shall be required for the approved site plan to remain valid after the two year time period. A site plan that has expired due to lack of diligent action on the part of the applicant, shall be considered null and a new application for site plan approval will be required under the provisions of this Chapter. Prior to the date of expiration, an extension may be applied for and granted by the Site Plan Review Committee or Planning Commission.

SECTION 26.11 PERFORMANCE GUARANTEE. The Site Plan Review Committee may require as a condition of its approval that the applicant file surety in the form of a performance bond, letter of credit, or certified check in a form satisfactory to the Township and in an amount established by the Committee conditioned upon the prompt and complete compliance with all the provisions of this Ordinance and the requirements upon which the Committee may condition its approval. In establishing the form and amount of the surety, the Site Plan review Committee shall consider the type and scale of the use and its operations, the prevailing cost to complete required improvements, safety measures and/or to rehabilitate the property upon default of the operator, court costs and other reasonable expenses. If the owner of the property and the operator of the proposed use shall be separate, each of them shall be required to execute the bond as principal.

SECTION 26.12 COMPLIANCE, VIOLATION, REVOCATION OF APPROVAL.

1. Construction in compliance with final site plan. Any building permit issued for construction pursuant to an approved site plan shall be valid only so long as there is compliance with the approved site plan and any other conditions of approval. Any deviation from the approved site plan or conditions shall operate to automatically invalidate the building permit and shall be a violation of this Ordinance.
2. If a violation of any condition of approval or applicable regulation is found to exist subsequent to construction and commencement of the authorized use, the Zoning Administrator shall notify the permit holder/land owner and the Planning Commission that a violation exists. The notice shall describe the violation and further state and that the approved site plan may be revoked if the violation is not remedied within 45 days or less (as specified by the Zoning Administrator in the letter of notification). If the violation is not corrected within the specified time, the Zoning Administrator shall suspend the approval and place the matter on the next agenda of the full Planning Commission for consideration and formal action on the revocation. The permit holder/landowner shall be given notice of such meeting. The full procedures outlined for initial site plan approval under this chapter shall be required prior to the reinstatement of an approved site plan that has been revoked by the Planning Commission.