

ARTICLE 5

SITE PLAN REVIEW

SECTION 501 PURPOSE AND JURISDICTION

- A. It is the purpose of this Article to specify improvements requiring site plan review and approval under this Ordinance, as well as to identify the standards and data requirements necessary for the preparation of a site plan to be submitted for review and approval. The intent of this Article and the site plan review and approval process as outlined is to coordinate and apply the provisions of this Ordinance to develop the Township of Fulton (“Township”) in an orderly fashion to protect the public health, safety and welfare of the citizens, residents and businesses of the community.
- B. Unless otherwise specifically addressed, the Planning Commission shall have the authority to review, approve, approve with conditions, or deny a site plan as required by this Ordinance.
- C. Prior to issuance of a zoning permit, building permit or commencement of earth moving or construction for any of the following, site plan review and approval is required:
1. In residential districts, all non-residential uses or uses permitted by-right that are determined to have a greater impact to traffic, noise and dust than a single-family residence, such as, but not limited to churches, group homes/day cares, home based business, etc. Site plan review and approval by the Planning Commission is required. Additions less than four hundred (400) square feet may be able to be considered under administrative site plan review at the discretion of the Zoning Administrator.
 2. Proposed single-family residential development consisting of more than one (1) lot or parcel where road frontage and access is to be provided by a proposed shared drive, service road, private or public road. Site plan review by the Planning Commission is required if three (3) or more lots or parcels are proposed or planned. Administrative site plan review is required for two (2) lots or parcels planned or proposed to be accessed by a shared driveway or access easement.
 3. Multiple-family structure(s) consisting of three (3) or more units shall require site plan review and approval by the Planning Commission.
 4. Any use, structure or addition in a non-residential zoning district greater than four hundred (400) square feet shall require site plan review by the Planning Commission. Any use, structure or addition in a non-residential zoning district that is less than four hundred (400) square feet shall require

administrative site plan review. Multiple use areas, structures or additions shall not exceed twelve hundred (1,200) square feet over a period of three (3) years unless a site plan review is conducted and approval granted by the Planning Commission.

5. Any proposed use requiring more than five (5) parking spaces shall require site plan review and approval by the Planning Commission. If the proposed use is a change of use for an existing structure, the proposal shall be reviewed pursuant to Item 9, below.
 6. All uses requiring special land use review and approval. Pursuant to Section 602, site plan review is required by the Planning Commission and Township Board for approval of a special land use. The proposed use must receive final site plan review and approval by the Planning Commission before commencement of construction or occupancy of existing structure.
 7. A Manufactured Housing Community shall require review and approval of a site plan by the Planning Commission pursuant to Section 412.
 8. A petition for Planned Unit Development shall require a site plan reviewed and approved by the Planning Commission.
 9. Change of use of property or structure whereas the proposed permitted by-right use is more intensive than the existing or last known conforming or non-conforming use (e.g. greater parking space requirements, greater anticipated patronage, more employees, greater buffering requirements, etc.) can be reviewed and approved as an administrative site plan. If it is found by the Zoning Administrator that the increase in intensity of use may present parking, traffic, or conflicting land use or other issues, review and approval of the site plan may be required by the Planning Commission.
 10. Following approval by the Board of Appeals, the expansion of a non-conforming use or structure may require site plan review and approval by the Planning Commission if the expansion is determined by Zoning Administrator to create a more intensive use of property. If a proposed use or structure is determined to be less or equally intensive in use or the expansion of structure inconsequential, a zoning permit may be required in lieu of a site plan.
 11. All site condominium and condominium subdivisions developed pursuant to Public Act 59 of 1978, Condominium Act (MCL 559.101 et. seq.) shall require review and approval of a site plan by the Planning Commission.
- D. The Zoning Administrator shall not issue a zoning permit for commencement of a use for any of the above structures or uses until a final site plan has been approved and is in effect. No grading, removal of vegetation, cut, fill or excavation, or installation of

infrastructure shall be commenced until a site plan has been approved and is in effect, unless otherwise provided by this Ordinance.

SECTION 502 SITE PLAN REVIEW COORDINATION

Prior to approving a site plan submitted under this Article, the review and recommendation of the Gratiot County Drain Commissioner, Gratiot County Health Department, Michigan Department of Environmental Quality, and any other appropriate technical reviews may be required as deemed appropriate by the Zoning Administrator, Planning Commission or (where applicable) the Township Board.

SECTION 503 SITE PLAN REVIEW APPLICATION

- A. An application for site plan review may be filed with the Township to commence the site plan review process.
 - 1. The Planning Commission shall have the authority to require submission of a preliminary site plan separate from a final site plan where, in its opinion, the complexity and/or size of the proposed development so warrants. The Zoning Administrator shall also have the discretion to require that an administrative site plan be reviewed by the Planning Commission when the proposal presents parking, traffic or conflicting land use issues.

- B. Any person with a legal interest in a property may apply for site plan review and approval. All site plans shall be submitted to the Zoning Administrator and must contain the following to be accepted for review and approval:
 - 1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.
 - 2. Payment of review fees as adopted and published by the Township Board.
 - 3. Ten (10) copies of the site plan drawing(s) must be provided for site plan review by the Planning Commission. Additional copies may be requested by the Zoning Administrator as necessary to submit to other agencies as set forth in Section 314. For administrative site plan review, five (5) copies of the site plan drawing shall be provided. Additional copies may be required at the discretion of the Zoning Administrator.

4. All information items as required by the sections corresponding to the particular review and approval process. If information is noted as required and it is determined by the applicant to not be applicable, the applicant shall provide such determination in writing and provide explanation as to the applicability of the information.
- C. Upon receipt of an application, the Zoning Administrator shall review for completeness. Upon determination of a complete application for site plan, the Zoning Administrator shall place the application on the next available Planning Commission meeting agenda for review. The application must be submitted and deemed complete no less than twenty (20) days before the next available Planning Commission meeting to be considered for placement on the agenda.
- D. Where it is found, for either structure or property being petitioned for site plan review, that a violation of this Ordinance exists, the Township reserves the right not to process petitions for review and approval until such time that the violation is corrected or action is taken by the Board of Appeals to bring the violation into compliance with the provisions of this Ordinance.
- E. Upon scheduling of a site plan for review and approval, the Clerk shall provide public notice under Section 206.A.1 & 2, where applicable.
- F. By submission of an application for site plan review and approval, the applicant grants permission to the Zoning Administrator and/or members of the Planning Commission the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

SECTION 504 FINAL SITE PLAN

- A. A final site plan submitted for review and approval shall contain in proper form all of the following data prior to its submission to the Planning Commission for review.
 1. Legal description of site, property dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the site drawings and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and shall correlate with the legal description.
 2. Existing topography (contour interval of two (2) feet) and all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands. A clear indication of all natural features to remain and to be removed shall be provided. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of twelve (12) inches in diameter or larger and individual evergreen trees ten (10) feet in height or greater are to be accurately located on the site plan.

3. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
4. Owner, use, and zoning classification of adjacent properties and location and outline of buildings, drives, parking lots, other improvements on adjacent properties within fifty (50) feet of development site boundary.
5. Name of existing streets, on or adjacent to the site, and associated rights-of-way and/or easements.
6. Table showing zoning classification of the subject property, required yards and a project description to include such information as use, number of structures, units, anticipated gross square footage, anticipated usable floor area, employees by shift and other related information to assess compliance with this Ordinance.
7. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
8. Location and exterior dimensions of all proposed buildings and structures and their location to be referenced to property lines or to a common base point. Distances between buildings, building height in feet, number of stories, finished floor elevations and contact grade elevations shall also be shown.
9. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
10. Storm water management plan in compliance with any municipal standards as established by the Township.
11. Location and alignment of all proposed streets and drives and their rights-of-way (where applicable) are to shown. The site plan shall also clearly indicate surface type and width with a typical cross section of same showing surface, base, and sub-base materials, dimensions, and slope. The location and typical details of curbing and turning lanes (where applicable) with details, including location, width, surface elevations and grades of all entries and exits and curve-radii shall be provided.

12. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the final site plan by the Planning Commission.
13. Location and dimensions of proposed parking lots and spaces, including number of spaces in each lot, orientation and angle, barrier free spaces, aisle ways, drainage pattern of parking lot, and typical cross-section showing surface, base, and sub-base materials.
14. Location, width, and surface of proposed sidewalks and pedestrian ways meeting municipal standards.
15. Location, use, size and proposed open space, conservation areas and recreation areas and maintenance provisions for such areas.
16. Location and type of proposed screens and fences, including height, typical elevation and vertical section of screens showing materials and dimensions.
17. Location of proposed outdoor trash container enclosures, including their size, typical elevation, description of trash hauler approach and vertical section of enclosure showing materials and dimensions.
18. Location, type, size, area, height, and sketch of proposed signs. Note that a separate permit is necessary for erection of sign.
19. Landscaping plan in compliance with Article 10.
20. Location and dimensions of proposed retaining walls, including typical vertical sections.
21. Location, type, direction, and intensity of outside lighting.
22. Additional Requirements for Residential Developments.
 - a. Density calculations by type of unit by bedroom counts.
 - b. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units.
 - c. Amount and location of recreation spaces, including proposed recreational facilities, community building and other accessory uses, such as swimming pools, clubhouses, etc.
 - d. Typical building facades and elevations.

23. Additional Requirements for Non-Residential Developments.
 - a. Total and usable floor area.
 - b. Loading/unloading areas.
 - c. Number of employees at peak usage.
 - d. Typical building facades and elevations.
 24. The Zoning Administrator and/or the Planning Commission may determine that certain information cited as required for review may not be necessary or applicable given the proposed use, condition of the site, or combination of the two. Such determination must be in writing.
- B. The Planning Commission shall study the final site plan and shall approve, conditionally approve, postpone, or reject the final site plan. The Planning Commission may specify reasonable conditions, changes, or modifications to the final site plan as needed to maintain compliance with the Ordinance and to meet the Standards for Review outlined in Section 506.
- C. Following Planning Commission approval or conditional approval of the final site plan, a revised final site plan including all necessary revisions as required or conditioned by the Planning Commission shall be provided to the Zoning Administrator for compliance review.
1. Upon determination of compliance of the final site plan with the Planning Commission's approval or conditional approval, two (2) copies of the final site plan, with any conditions, shall be maintained as part of the Township records for future compliance review and enforcement. One (1) copy shall be returned to the applicant.
 2. Each copy shall be signed and dated with the date of approval by the Zoning Administrator to substantiate the identification of the approved final site plan.
 3. 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 final site plan.
- D. Approval of a final site plan authorizes issuance of zoning and building permits, provided all other requirements for issuance of either permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a zoning permit.
- E. The approval of the final site plan shall expire and be of no effect unless a use is commenced and/or a building permit shall have been taken out within one hundred

eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect two hundred seventy (270) days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan.

SECTION 505 ADMINISTRATIVE SITE PLAN REVIEW

- A. An administrative site plan is a site plan required by the Zoning Administrator (1) for a purpose specified in this Ordinance; (2) if the Zoning Administrator determines that a site plan is required in order to provide additional necessary or useful information for the Planning Commission or the Zoning Administrator, with respect to a matter under consideration for approval; or (3) if the Zoning Administrator determines that a site plan covering particular aspects or features of a site is necessary or would be useful for evaluation of those aspects or features by the Planning Commission or the Zoning Administrator.

- B. An administrative site plan shall contain in proper form certain portions of Section 504 or other information or data, as determined appropriate by the Zoning Administrator. The review of an administrative site plan shall have the same force and effect as review of a final site plan.

SECTION 506 STANDARDS FOR REVIEW

- A. In reviewing a final site plan, the Planning Commission or Zoning Administrator shall consider certain standards in its review and approval of the application. These standards as outlined below are provided with the same basic intent of the Ordinance as a whole in order to protect the public health, safety and welfare of the community.
 - 1. That all required information has been provided.
 - 2. That the proposed development conforms to all regulations of the Ordinance for the district in which it is located and to the Master Plan.
 - 3. That the site plan, including all engineering drawings, meets specifications for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services as determined by the Township or other agency with competent jurisdiction.
 - 4. That the applicant may legally apply for the site plan review and approval.
 - 5. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Vehicular movement and traffic patterns shall

conform to applicable fire safety and emergency vehicle access requirements of the Authority providing such services.

6. That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area. If the site plan is not found to meet the standard, reasonable conditions of approval may be applied to meet the standard.
7. That natural resources will be preserved and that the development as proposed will not cause soil erosion or sedimentation. If the site plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.
8. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments. If the site plan is not found to meet the standard, reasonable conditions for approval may be applied to meet the standard.
9. That the proposed development respects natural topography and minimizes the amount of cutting and filling required. Organic, wet, or other soils that are not suitable for development are to be left undisturbed, or engineered to be utilized in an acceptable manner meeting the intent of this Ordinance.
10. That the proposed development properly respects flood ways and flood plains on or in the vicinity of the subject property.
11. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. Site plans shall conform to the published storm water standards of the Gratiot County Drain Commission and shall conform to the Gratiot County Soil Erosion and Sedimentation Control Ordinance.
12. Loading, unloading areas and trash receptacles shall be adequately screened. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. The site plan shall provide reasonable privacy for all dwelling units located therein or adjacent to the proposed site.
13. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
14. Construction, structures and buildings (including both principal and accessory) shall be in harmony with the general character of the area.

**SECTION 507 COMPLIANCE WITH AND AMENDMENT TO APPROVED
SITE PLAN**

- A. Property subject to site plan approval shall be developed in strict compliance with the approved final site plan (including approved administrative site plan) and any amendments thereto which have received the approval of the Planning Commission (or Zoning Administrator in the case of an administrative site plan approval). If construction and development does not conform to the approved final site plan, the owner shall be cited with a violation of the Ordinance under Section 207 and a cease and desist order petitioned from a court of competent jurisdiction.

- B. No changes shall be made to an approved final site plan prior to, during or after construction except upon mutual agreement between the applicant and the Township and by application to the Zoning Administrator according to the following procedures:
 - 1. Minor changes to an approved final site plan involving changes in the location of buildings and structures within ten (10) feet of location identified on the site plan, adjustment of utility location, walkways, traffic ways, parking areas, and similar minor changes may be approved by the Zoning Administrator provided they would not otherwise violate a requirement of this Ordinance or require a variance from the Board of Appeals.
 - a. The Zoning Administrator shall advise the Planning Commission in a written communication the rationale for permitting the minor change and file such written communication with the approved site plan.
 - b. The Zoning Administrator may, at their discretion, require that a proposal under this Section be reviewed as a site plan by the Planning Commission. Such reasoning shall be adequately documented to the applicant.

 - 2. Major changes or amendments to an approved final site plan involving movement of building or structure more than ten (10) feet, change in the number and location of accesses to public streets and alleys, a reduction of more than two (2) parking spaces, an increase in the gross floor area or heights of buildings, a reduction in the open space, or similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted and reviewed.

SECTION 508 PERFORMANCE GUARANTEE

- A. In approving a final site plan the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the applicant and/or property owner to ensure compliance with an approved final

site plan. Such guarantee shall be deposited with the Township Clerk prior to issuance of any zoning or building permits. In the case of an administrative site plan approval, the Zoning Administrator may require the same.

- B. In fixing the amount of such performance guarantee, such performance items shall be limited to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the community. Items included under the performance guarantee include, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee, or some other form of surety, is required pursuant to State law.

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