

## **ARTICLE 27.00**

# **GENERAL PROCEDURES AND RELATED STANDARDS**

### **Section 27.01 -- PURPOSE**

The purpose of this Article is to provide procedures and related standards for the processing of all requests for Township action or review under the provisions of this Ordinance.

### **Section 27.02 -- SITE PLAN REVIEW/PLAT APPROVAL PROCESS** *(revised 1/9/96)*

#### **A. Intent**

The site plan review procedures, standards, and required information in this Section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, including the Michigan Building Code, as amended, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and applicant so as to facilitate development in accordance with the Township's land use objectives.

#### **B. Site Plan Required**

##### **1. Site Plan Required**

Except as provided in the following sub-section B.2, the development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require site plan approval pursuant to this Section. For example, site plan review shall be required for any of the following activities:

- a. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single family or two family dwelling.
- b. Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single family dwellings.
- c. Development of all non-single family residential uses permitted in single family districts and in agricultural districts.
- d. Any change in use that could affect compliance with the standards set forth in this Ordinance, other than for single-family residential uses.
- e. Expansion or paving of off-street parking involving five (5) or more spaces and/or a change in circulation or access for other than a single family dwelling.
- f. Any excavation, filling, soil removal, mining or landfill, or creation of ponds, except as otherwise specified in sub-section B.2, following.

## ***General Procedures and Related Standards***

- g. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single family or two family dwelling.
- h. Any use or development for which submission of a site plan is required by the provisions of this Ordinance.

### **2. Site Plan Not Required**

Notwithstanding the preceding sub-section 1, site plan approval is not required for the following activities:

- a. Construction, moving, relocating or structurally altering a single or two family home, including any customarily incidental accessory structure.
- b. Development of a principal permitted agricultural use, or the construction, moving, relocation or structural alteration of permitted agricultural structures, including any customarily incidental accessory structures.
- c. Any excavation, filling, soil removal, mining, or creation of ponds that are less than 1,000 square feet in area, provided that such activity is normally and customarily incidental to single family and agricultural uses described in this sub-section for which site plan approval is not required.

## **C. Site Plan Review Applications and Procedures**

### **1. Optional Pre-Application Conference**

In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the Township Supervisor or Planner. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference.

At any time during the course of preparation of a site plan prior to submission of a formal application, the Township shall upon request provide information concerning the Zoning Ordinance procedures and standards.

### **2. Optional Conceptual Review by Planning Commission or Township Board**

An applicant may file a written request of conceptual review of a preliminary site plan by the Planning Commission or Township Board to evaluate the following:

- a. Relationship of the site to nearby properties;
- b. Density;
- c. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and,
- d. Conformance with Township development policies and standards.

Conceptual review fees shall be paid according to the fee schedule established by the Township Board.

No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission or Township Board shall be bound by any comments or suggestions made during the course of the conceptual review.

**3. Submission of Site Plan for Formal Review**

In order to initiate formal review by the Planning Commission and Township Board, the applicant is required to submit the following materials to the Williamstown Township Hall:

- a. One (1) completed and signed copy of the Application for Site Plan Review,
- b. Sixteen (16) individually folded copies of the site plan if review by the Planning Commission and Township Board is required, or twelve (12) individually folded copies if review by only the Planning Commission is required. (*revised 2/3/98*)
- c. Proof that the plan has been submitted for review to all appropriate affected governmental agencies, including but not limited to the County Road Commission, County Drain Commission, County Health Department, Michigan Department of Transportation, Michigan Department of Environmental Quality and any other agencies deemed appropriate by the Planning Commission or Township Board.
- d. The required review fee.

These materials shall be submitted to the Township no later than noon fourteen (14) days prior to the Planning Commission or Township Board meeting at which the review is requested. (*revised 2/3/98*)

**4. Distribution of Plans**

Upon submission of all required application materials, the site plan proposal shall be placed on the next open Planning Commission agenda for Preliminary Review. The site plans and application shall be distributed to appropriate Township officials for review, including, as deemed necessary, the Township Planner and/or Engineer.

**5. Review by Township Planner**

The Township Planner shall review the plans to determine compliance with the Zoning Ordinance, and shall submit a written report which shall identify issues which must be resolved as well as all required revisions necessary to obtain site plan approval.

**D. Review and Final Action**

**1. Initial Review**

At the first regular meeting at which a site plan proposal is considered, the Planning Commission shall identify major issues which must be resolved as well as other revisions necessary to obtain site plan approval.

**2. Public Hearing**

Site plans involving uses that are subject to Special Land Use Approval may require a public hearing. After payment of appropriate fees, the Planning Commission will set the date of the public hearing, subject to the requirements in Section 27.03.

**3. Request for Revisions**

Upon Preliminary Review of the site plan proposal, the Planning Commission may require the applicant to complete revisions and submit the plans for engineering review prior to formal action being taken. The applicant shall be given the opportunity to revise the plans and submit revised plans for further review. All required revisions must be completed or the site plan will not be put on the agenda for Final Review.

**4. Submission of Plans for Final Review**

Fifteen (15) individually folded copies of the revised plan shall be submitted for final review at least fourteen (14) days prior to the Planning Commission meeting at which review is requested. The revised plan shall be distributed to appropriate Township officials for review.

**5. Planning Commission Final Review and Recommendation**

The Planning Commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Building Official, Township Planner, and other reviewing agencies. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial, or they may table the proposal, as noted below.

In the context of an overall site plan, the Planning Commission may find that it would be appropriate to modify the specific requirements of the Ordinance, so as to best satisfy the Standards for Site Plan Approval in sub-section F. Accordingly, in the course of recommending approval or approval with conditions, the Planning Commission may allow modifications to the specific zoning standards that deal with sidewalk location; exterior lighting type, height or intensity; dumpster location; number and location of parking spaces; landscaping and screening requirements; loading zone location; and, fence and wall height and location. Justification for all such modifications shall be set forth in the Planning Commission meeting minutes. (*revised 10/1/02*)

**a. Approval**

Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.

**b. Approval Subject to Conditions**

Upon determination that a site plan is in compliance except for minor modifications, the Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of the site plan. The conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies.

If a plan is subsequently approved by the Township Board subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant may re-submit the site plan to the Township Board for final approval after conditions have been met. The Township Board may waive its right to review the revised plan, and instead authorize the Building Official to review and approve the site plan after all required conditions have been addressed. The Township Board may also require that the Building Official submit the revised plan to the Planner and/or Engineer for review and approval. (*Revised 3/6/01*)

**c. Denial**

Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall recommend denial.

**d. Tabling**

Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a later meeting.

**6. Township Board Action**

Following receipt of the Planning Commission's recommendation, the application shall be placed on the agenda of the next scheduled Township Board meeting. The Township Board shall review the final plan, together with the findings of the Planning Commission, and any reports and recommendations from the Building Official, Township Planner, and other reviewing agencies. In the case of a condominium project, the Master Deed and condominium bylaws shall also be subject to Township Board review and approval. The Township Board may table consideration of a site plan. However, upon completion of its review, the Township Board shall approve, approve with conditions, or deny a site plan proposal in accordance with the guidelines described previously in Section 27.02, sub-section D.5.

### **7. Recording of Site Plan Review Action**

Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission or Township Board as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

After final action has been taken on a site plan and all steps have been completed, three copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the other two copies will be kept on file in the Township Hall.

### **8. Procedure After Site Plan Approval**

#### **a. Application for Building Permit**

Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, or Federal permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the Township. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction for roads prior to recording the Master Deed. No permit issued or work undertaken prior to recording the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

#### **b. Expiration of Site Plan Approval**

If construction has not commenced within twelve (12) months of final approval of the site plan, the site plan approval expires and a new application for site plan review shall be required. However, the applicant may apply in writing to the Township Board for an extension of site plan approval, whereupon the Township Board may seek the Planning Commission's recommendation. The Township Board may grant one extension of up to twelve (12) months if the applicant requests the extension prior to expiration of the previous approval and provided that it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to current Zoning Ordinance standards. (*revised 10/1/02*)

#### **c. Application for Certificate of Occupancy**

Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Building Official in accordance with the procedures set forth in Section 27.07. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

#### **d. Property Maintenance After Approval**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing

basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

**e. Monuments Requirements for Condominium Projects**

All condominium projects shall be marked with monuments as required by Condominium Rules promulgated to the Michigan Department of Commerce, Corporation and Securities Bureau, and as may also be required by the Township Engineer pursuant to engineering standards enforced by the Township of Williamstown.

**f. Recorded and As-Built Condominium Documents**

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the Township with the following:

- (1) One (1) copy of the recorded Master Deed, and
- (2) One (1) copy of any Condominium Bylaws and restrictive covenants.

Upon completion of the project, the condominium project developer or proprietor shall furnish the Township with the following:

- (1) Two (2) copies of an "as built survey", and
- (2) One (1) copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10 1/2 x 14) inches.

The as-built survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by the Township Board.

**9. Revocation**

Approval of a site plan may be revoked by the Township Board if construction is not in conformance with the approved plans. In such cases, the site plan shall be placed on the agenda of the Township Board for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Building Official, applicant, and any other interested persons shall be given the opportunity to present information to the Township Board and answer questions.

If the Township Board finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.

**10. Modification to Approved Plan**

Minor modifications to an approved site plan may be reviewed by the Township Building Official or Township Engineer.

**a. Minor Modification Defined**

Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the danger from hazards. Examples of minor modifications include:

- An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than twenty-five percent (25%) or two thousand (2,000) square feet, whichever is less.
- Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
- Changes to building height that do not add an additional floor.
- Alterations or modifications involving less than five (5) parking spaces.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

**b. Determination of Minor Modification**

The Building Official shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make the determination, the Building Official shall solicit comments and recommendations from the Township Supervisor, Planner, Engineer, and public safety officials.

**c. Modifications Not Deemed "Minor"**

If the modifications are not deemed minor by the Building Official, or if the Building Official finds (in the Building Official's sole discretion and professional opinion) that there are characteristics of the site plan that warrant Planning Commission review, the full review and approval by the Planning Commission and Township Board shall be required. Planning Commission and Township Board review and approval shall be required for all site plans that involve a request for a variance, a Special Land Use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure. *(Revised 6/1/04)*

**d. Recording of Action**

Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the Building Official. The Planning Commission and Township Board shall be advised of all minor site plan modifications approved by the Building Official and such modifications shall be noted on the site plan and in the minutes of the Planning Commission and Township Board.

**E. Required Information on Site Plans**

The following information shall be included on all site plans, where applicable:

**1. Application Form**

The application form shall contain the following information:

- a. Applicant's name and address.
- b. Name, address and signature of property owner, if different from applicant.
- c. Common description of property and complete legal description including the Tax Identification number.
- d. Dimensions of land and total acreage.
- e. Existing zoning of applicant's parcel and surrounding land.
- f. Existing use of the applicant's parcel.

- g. Proposed use of land and name of proposed development, if applicable.
- h. Proposed buildings to be constructed, including square feet of gross and usable floor area.
- i. Proof of property ownership.
- j. Number of permanent employees, if applicable.
- k. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- l. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

**2. Descriptive and Identification Data**

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Building Official. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on an site plans.

- a. Applicant's name and address, and telephone number.
- b. Title block indicating the name of the development.
- c. Scale.
- d. Northpoint.
- e. Dates of submission and revisions (month, day, year).
- f. Location map drawn to scale with northpoint.
- g. Legal and common description of property, including acreage.
- h. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
- i. A schedule for completing the project, including the phasing or timing of all proposed developments.
- j. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
- k. Written description of proposed land use.
- l. Zoning classification of applicant's parcel and all abutting parcels.
- m. Proximity to driveways serving adjacent parcels.
- n. Proximity to section corner and major thoroughfares.
- o. Notation of any variances which have or must be secured.

- p. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

**3. Site Data**

- a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
- b. Front, side, and rear setback dimensions.
- c. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
- d. Existing and proposed site features, including buildings, roadway widths and names, and parking areas.
- e. Existing structures within fifty (50) feet of the subject property.
- f. Dimensions and centerlines of existing and proposed roads and road rights-of-way, and acreage of proposed roads and road rights-of-way. (*revised 1/9/96*)
- g. Acceleration, deceleration, and passing lanes, where required.
- h. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.
- i. Typical cross-section of proposed roads and driveways.
- j. Location of existing drainage courses, floodplains, lakes and streams, with elevations, and acreage of bodies of water. (*revised 1/9/96*)
- k. Boundaries of all wetland areas, with sufficient dimensions between various points on the wetland boundary and buildings, property lines, or other features to allow accurate portrayal of the wetlands. The acreage shall be provided separately for all wetlands, and wetlands regulated by the State shall be identified. Wetlands staking and identification shall be done by a qualified wetlands expert. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required. (*revised 1/9/96*)
- l. Location of existing and proposed interior sidewalks and sidewalks in the right-of-way.
- m. Exterior lighting locations and method of shielding lights from shining off the site.
- n. Trash receptacle locations and method of screening, if applicable.
- o. Transformer pad location and method of screening, if applicable.
- p. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
- q. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
- r. The location of lawns and landscaped areas, including required landscaped greenbelts.
- s. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.

## ***General Procedures and Related Standards***

- t. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
- u. Cross-section of proposed berms.
- v. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
- w. Designation of fire lanes.
- x. Loading/unloading area.
- y. The location of any outdoor storage of materials and the manner by which it will be screened.
- z. Indicate acreage of steep slopes. (*revised 1/9/96*)

### **4. Building and Structure Details.**

- a. Location, height, and outside dimensions of all proposed buildings or structures.
- b. Indication of the number of stores and number of commercial or office units contained in the building, if applicable.
- c. Building floor plans.
- d. Total floor area.
- e. Location, size, height, and lighting of all proposed signs.
- f. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
- g. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type and color of exterior building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers.

### **5. Information Concerning Utilities, Drainage, and Related Issues**

- a. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, and/or septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and, the location of gas, electric, and telephone lines.
- b. Indication of site grading and drainage patterns.
- c. Types of soils and location of floodplains and wetlands, if applicable.
- d. Soil erosion and sedimentation control measures.
- e. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
- f. Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.

## ***General Procedures and Related Standards***

- g. Assessment of potential impact on groundwater, including but not limited to quality, quantity, and recharge.
- h. All utilities within the boundaries of a proposed development, including gas, electric, telephone and cable television service leads, shall be located underground.*(revised 1/9/96)*

### **6. Information Concerning Residential Development**

- a. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.)
- b. Density calculations by type of residential unit (dwelling units per acre).
- c. Lot coverage calculations.
- d. Floor plans of typical buildings with square feet of floor area.
- e. Garage and carport locations and details, if proposed.
- f. Pedestrian circulation system.
- g. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads.
- h. Community building locations, dimensions, floor plans, and facade elevations, if applicable.
- i. Swimming pool fencing detail, including height and type of fence, if applicable.
- j. Location and size of recreation open areas.
- k. Indication of type of recreation facilities proposed for recreation area.
- l. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.

### **7. Information Applicable to Mobile Home Parks**

- a. Location and number of pads for mobile homes.
- b. Distance between mobile homes.
- c. Proposed placement of mobile home on each lot.
- d. Average and range of size of mobile home lots.
- e. Density calculations (dwelling units per acre).
- f. Lot coverage calculations.
- g. Garage and carport locations and details, if proposed.
- h. Pedestrian circulation system.
- i. Location and names of roads and internal drives.
- j. Community building location, dimensions, floor plans, and facade elevations, if applicable.

- k. Swimming pool fencing detail, including height and type of fence, if applicable.
- l. Location and size of recreation open areas.
- m. Indication of type of recreation facilities proposed for recreation area.

**8. Additional Information**

**a. Information Related to Condominium Development**

The following information shall be provided with all site plans involving condominium development:

- 1. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
- 2. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

**b. Items Not Applicable**

If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan, or accompanying the site plan: *(revised 1/9/96)*

- 1. A list of each item considered not applicable.
- 2. The reason(s) why each listed item is not considered applicable.

**c. Other Data Which May Be Required**

Other data may be required if deemed necessary by the Township administrative officials, Planning Commission, or Township Board to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

**F. Standards For Site Plan Approval**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

**1. Adequacy of Information**

The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

**2. Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

**3. Appearance**

Landscaping, earth berms, fencing, signs, wall and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

**4. Compliance with District Requirements**

The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

**a. Site Condominiums**

In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit so that said condominium unit and associated limited common element shall be at least equivalent to the minimum lot area requirements. Alternatively, the boundaries of each condominium unit may encompass an area that is at least equivalent to the minimum lot area requirements.

In addition, site condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

**b. Detached Condominiums**

In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 26.00.

In addition, detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

**5. Preservation of Natural Areas**

The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

**6. Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

**7. Emergency Vehicle Access**

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

**8. Ingress and Egress**

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

**9. Pedestrian Circulation**

Each site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

**10. Vehicular and Pedestrian Circulation Layout**

## ***General Procedures and Related Standards***

The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

### **11. Drainage**

Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.

### **12. Soil Erosion and Sedimentation**

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current County and Township standards.

### **13. Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

### **14. Public Services**

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the Township.

### **15. Screening**

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height and shall comply with Articles 5.00 and 6.00 of this Ordinance.

### **16. Danger from Hazards**

The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Township to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township.

Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharge of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

### **17. Health and Safety Concerns**

Any use in any zoning district shall comply with applicable Federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

### **18. Sequence of Development**

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

**19. Coordination with Adjacent Sites**

All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

**20. Characteristics of the Soils**

Soils shall have the physical, chemical, and engineering properties necessary to support the development being proposed. By way of example, consideration shall be given to the capability of soils to support septic tank absorption fields or other type of proposed sanitary sewage treatment, the capability of the soils to support the type of proposed structure, and the potential impact that anticipated modifications to soils would have on ground or surface water quality. *(revised 3/6/01)*

## **Section 27.03 -- SPECIAL LAND USES**

### **A. Intent**

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses (sometimes also referred to as Special Uses). Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be property classified as a permitted use in a particular zoning district (see DEFINITIONS, ARTICLE 1.00). This Article contains standards for review of each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

### **B. Procedures and Requirements**

Special land use proposals shall be reviewed in accordance with the procedures in Section 27.02 for site plan review, except as follows:

#### **1. Public Hearing Required**

A public hearing shall be scheduled by the Township Administration and held by the Planning Commission before a decision is made on a special land use request. One notice of the public hearing shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is within 500 feet of the boundary of the property in question, and to the occupants of all structures within 500 feet. The notice shall be given not less than 5 nor more than 15 days before the date the application will be considered, in accordance with the provisions in Section 16b of the Township Rural Zoning Act, Michigan Public Act 184 of 1943, as amended. The notice shall:

- a. Describe the nature of the special land use request.
- b. Indicate the property which is the subject of the special land use request.
- c. State when and where the special land use request will be considered.
- d. Indicate when and where written comments will be received concerning the request. *(Revised 6/1/04)*

#### **2. Planning Commission Final Action**

The Planning Commission shall review the application for special land use in accordance with the procedures in Section 27.02, together with the public hearing findings and reports and recommendations from the Building Official, Township Planner, Township Public Safety Official, Township Engineer, and other reviewing agencies. The Planning Commission shall then make a recommendation to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

##### **a. Approval**

Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.

**b. Approval with Conditions**

The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.

**c. Denial**

Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

**3. Township Board Action Required**

The Planning Commission shall transmit its recommendation, together with reports and public hearing findings to the Township Board for final action. The Township Board shall base its decision solely on the requirements and standards of this Ordinance. The Township Board is authorized to approve, approve with conditions, or deny a special land use proposal as follows:

**a. Approval**

Upon determination that a special land use proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.

**b. Approval with Conditions**

The Township Board may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to insure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development, 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. Conditions shall be designed to protect natural resources, the health, safety, welfare, and 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. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use of activity.
3. Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.

**c. Denial**

Upon determination by the Township Board that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, and/or orderly development of the Township, a special land use proposal shall be denied.

**4. Recording of Planning Commission and Township Board Action**

Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.

**5. Effect of Approval**

Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.

**6. Zoning Board of Appeals Authority**

The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use which relate to setbacks and dimensional requirements.

**7. Application for a Building Permit**

Prior to issuance of a building permit, the applicant shall submit proof of the following:

- a. Final approval of the special land use application.
- b. Final approval of the site plan.
- c. Final approval of the engineering plans.
- d. Acquisition of all other applicable Township, County, or State permits.

**8. Expiration of Special Land Use Approval**

If construction has not commenced within twelve (12) months of final approval the approval becomes null and void and a new application for special land use approval shall be required. Upon written request from the applicant prior to expiration of the previous approval, a twelve (12) month extension may be granted by the Township Board, if it finds that the approved special land use application and site plan adequately represent current conditions on and surrounding the site and provided the site plan conforms to current zoning ordinance standards. The written request for extension must be received prior to the expiration date or a new application for special land use review will be required.

**9. Modification to Approved Special Land Use**

Special Land Use approved in accordance with provisions of this Section may subsequently be modified, subject to the following requirements:

- a. Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures described in Section 27.02. In evaluating change in intensity of use, the Planning Commission and Township Board shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.
- b. Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this Section.

**10. Revocation of Special Land Use Approval**

Approval of a special land use proposal and site plan may be revoked by the Township Board if construction is not in conformance with the approved plans. In such a case, the Building Official

## ***General Procedures and Related Standards***

shall ask that the special land use proposal be placed on the agenda of the Township Board. Written notice shall be provided to the applicant at least five (5) days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The Township Board may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing. After revocation notice has been given the use for which the permit was granted must cease within thirty (30) days.

### **11. Performance Guarantee**

The Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to ensure faithful completion of the improvements, in compliance with Section 2.18.

## **D. Standards for Granting Special Land Use Approval**

Approval of a special land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Section 27.02, applicable site development standards for specific uses set forth in Article 8.00, and the following standards:

### **1. Compatibility with Adjacent Uses**

The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.

### **2. Compatibility with the Master Plan**

The proposed special land use shall be consistent with the general principles and objectives of the Township's Master Plan and shall promote the intent and purpose of this Ordinance.

### **3. Public Services**

The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.

### **4. Impact of Traffic**

## ***General Procedures and Related Standards***

The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- a. Proximity and access to major thoroughfares.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections,
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

### **5. Detrimental Effects**

The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

### **6. Isolation of Existing Uses**

The location of the proposed special land use shall not result in a small residential area being substantially surrounding by non-residential development, and further, the location of the proposed special land use shall not result in a small non-residential area being substantially surrounded by incompatible uses.

### **7. Based on Need**

The Planning Commission and Township Board shall find that a need for the proposed use exists in the community at the time the special land use application is considered.

### **8. Economic Well-Being of the Community**

The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.

### **9. Compatibility with Natural Environment**

The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

## **Section 27.04 -- PLANNED DEVELOPMENT PROCEDURES AND REQUIREMENTS**

### **A. Intent**

The procedures and standards in this Section are intended to provide a uniform method for review of planned development proposals. These procedures and standards are intended to assure full compliance with the standards contained in this Ordinance, particularly Article 25.00, and other applicable local ordinances and state and federal laws.

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PD, Planned Development". Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

### **B. Summary of Review Procedures**

## ***General Procedures and Related Standards***

A summary of the steps involved in the review of planned development applications follows:

	<b><u>Review Procedures</u></b>	<b><u>Zoning Ordinance Section</u></b>
<b>Step 1</b>	Optional pre-application conference	27.04 (D)
<b>Step 2</b>	Submit conceptual review application	27.04 (E)
<b>Step 3</b>	Planning Commission and Township Board conceptual review	27.04 (E)
<b>Step 4</b>	Submit Phase 1 application	27.04 (F)
<b>Step 5</b>	Public hearing	27.04 (F3)
<b>Step 6</b>	Planning Commission Phase 1 review	27.04 (F4)
<b>Step 7</b>	Submit Phase 2 (final) review application	27.04 (G)
<b>Step 8</b>	Planning Commission final review and action	27.04 (G2)
<b>Step 9</b>	Submit proposal to County Coordinating Committee (if required)	27.04 (H)
<b>Step 10</b>	Township Board final review and action	27.04 (I)

A detailed explanation of the review procedures follows:

### **C. General Application Requirements**

The application for planned development shall be made on the forms and according to the guidelines approved by the Planning Commission. The application shall be submitted to the Williamstown Township Hall and shall be accompanied by all required fees and documents as specified herein. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.

### **D. Pre-Application Conference**

In order to facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference with members of the Planning Commission and/or Township Board and/or Township Planning staff. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials.

The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. There shall be no fee for a pre-application conference. At any time during the course of preparation of plans prior to submission of a formal application, the Township shall upon request provide information concerning Zoning Ordinance procedures and standards.

### **E. Conceptual Review**

Planned development projects are required to undergo a conceptual review process in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because planned development projects are generally large or complex projects with higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety and general welfare of Township residents.

#### **1. Conceptual Review Procedure**

## **General Procedures and Related Standards**

All planned development projects shall undergo a conceptual review, which shall be undertaken by the Planning Commission and the Township Board at public meetings held pursuant to all applicable notice requirements. The Planning Commission and Township Board may meet jointly to complete the conceptual review. No formal action shall be taken on a plan submitted for conceptual review. Upon completion of the conceptual review by the Planning Commission and Township Board, the minutes of the conceptual review meetings shall be prepared and be made available during the formal consideration of the proposal.

### **2. Information Required for Conceptual Review**

The information required for conceptual review shall be provided according to the requirements of Section 27.04(N) of this Ordinance and shall be submitted to the Township Hall at least twenty-one (21) days prior to the meeting for conceptual review.

### **3. Effect of Conceptual Review**

The conceptual review shall not constitute any form of approval of the planned development or the site plan. The process is intended to facilitate final review and to give the applicant an indication of the issues and concerns that must be resolved prior to final approval of the site plan for the planned development project.

## **F. Phase 1 Review**

Planned development projects shall undergo a two-step plan review and approval process. The procedures for Phase 1 review are outlined in this sub-section. The Phase 1 site plan shall be subject to the site plan review requirements in Section 27.02 of this Ordinance, where applicable, as well as the additional requirements in this Section.

### **1. Information Required for Preliminary Plan Review**

The information required for preliminary plan review shall be provided according to the requirements of Section 27.04(N). The applicant shall submit twelve (12) individually folded copies and supporting materials. These materials shall be submitted to the Township no later than noon twenty-one (21) days prior to the Planning Commission meeting at which the review is requested. (*revise 2/3/98*)

### **2. Professional Review**

The Planning Commission may request professional review of the preliminary plans by appropriate agencies or consultants, such as the Township Planner and Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.

### **3. Public Hearing**

The Planning Commission shall hold a public hearing on any planned development proposal before it is approved.

#### **a. Scheduling a Public Hearing**

The Planning Commission shall schedule a public hearing after any designated agencies or consultants have completed their review and submitted their findings concerning the proposed project.

#### **b. Notice Requirements**

Notice of the public hearing shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice shall be given not less than five (5) days nor more than fifteen (15) days before the public hearing scheduled. Such notification shall be made in accordance with the

## **General Procedures and Related Standards**

provisions of Section 16b of Michigan Public Act 184 of 1943, as amended. Accordingly, the notice shall:

- 1) Describe the nature of the planned development project requested.
- 2) Indicate the property which is the subject of the request.
- 3) State when and where the planned development project will be considered and the public hearing will be held.
- 4) Indicate when and where written comments will be received concerning the request.

### **4. Planning Commission Phase 1 Review**

Following the public hearing, the planned development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, compliance with the planned development regulations, and consistency with the intent and spirit of this Article.

#### **a. Phase 1 Approval by the Planning Commission**

Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall grant Phase 1 approval, preliminarily approve subject to conditions, or deny the proposed planned development project and site plan.

#### **b. Effect of Phase 1 Approval or Denial**

A Phase 1 approval shall mean that the planned development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, Phase 1 approval assures the applicant that the Planning Commission will grant final approval if:

- 1) All state and county approvals are obtained;
- 2) No unresolved negative comments are received by any governmental agencies or public utilities; and
- 3) All federal, state and local laws and ordinances are met.

An unresolved negative comment shall be one that indicates that existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.

A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met. In the event that the applicant submits a revised plan after the Planning Commission has issued a denial, the revised plan shall be considered a new case, which shall begin at the first stage of the review process. In order to initiate such review, the applicant shall be required to submit a new review fee.

If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised Phase 1 plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next scheduled meeting of the Planning Commission for further review and possible action.

### **5. State and County Approval**

- a. All planned development projects shall require the review and approval of the agencies listed below prior to final site plan approval. The Township may accept a tentative or preliminary

## **General Procedures and Related Standards**

approval or a statement from the agency detailing the conditions under which final approval will be granted, provided that such approval or statement provides reasonable assurance to the Township that the development complies with the standards of the agencies having jurisdiction.

- 1) The Ingham County Road Commission or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
- 2) The Ingham County Drain Commission;
- 3) The Ingham County Health Department and the Michigan Department of Environmental Quality shall approve the fresh water system and the waste water disposal system;
- 4) The Michigan Department of Environmental Quality (MDEQ), if wetlands or other site features are under the jurisdiction of the MDEQ; and
- 5) Other agencies that have review and approval authority over any aspect of the project.

In the event that negative comments are received from any of these agencies, the Planning Commission shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

- b. In addition to the specific required approvals, all planned development project site plans shall have been submitted to the Michigan Department of Environmental Quality each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission shall consider any comments made by these agencies prior to final site plan approval.

### **G. Planning Commission Phase 2 (Final) Review and Recommendation**

Phase 2 or final approval shall be considered by the Planning Commission upon the receipt of all the information required for Phase 2 or final review in Section 27.04, sub-section N.

#### **1. Submission of Revised Site Plan**

The applicant shall submit sixteen (16) individually folded copies of the revised site plans and supporting materials if review by the Planning Commission and Township Board is required, or twelve (12) individually folded copies and supporting materials if review by only the Planning Commission is required. These materials shall be submitted to the Township no later than noon twenty-one (21) days prior to the Planning Commission or Township Board meeting at which the review is requested. (*revised 2/3/98*)

#### **2. Final Approval by Planning Commission**

The Planning Commission shall review the application for planned development, together with the public hearing findings and any requested reports and recommendations from the Building Official, Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Planned Development Agreement and all related documents. Based on its review of the proposed plans and supporting documentation, the Planning Commission shall make findings of fact with respect to compliance with the standards and criteria in this Ordinance. The Planning Commission shall then set forth its findings and recommendation in a written report to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

- a. Approval

## ***General Procedures and Related Standards***

Upon determination by the Planning Commission that the final plan for planned development is in compliance with the standards and requirements of this Ordinance, including Sections 25.02, 25.03 and 25.05, and other applicable ordinances and laws, the Planning Commission shall recommend approval.

b. Approval with Conditions

The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a planned development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Sections 25.02, 25.03, and 25.05. In the event that the planned development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 27.04(O).

Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 27.02, provided that:

- 1) the location and approximate size of such buildings shall be shown on the overall plan for the planned development,
- 2) detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 27.02, and
- 3) phasing requirements in Section 25.06 shall be complied with.

c. Denial

Upon determination by the Planning Commission that a planned development proposal does not comply with the standards and regulations set forth in this Ordinance, including Sections 25.02, 25.03, and 25.05, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

### **3. Transmittal of Findings to Township Board**

The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

## **H. Submission to County Coordinating Committee**

Following the public hearing, the proposal shall be submitted to the Ingham County Coordinating Committee for review and recommendation if such review is required. If such review is required and a recommendation from the County Coordinating Committee has not been received within thirty (30) days, it shall be presumed that the County has waived its right for review.

## **I. Township Board Action Required**

Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next scheduled Township Board meeting. The Township Board shall review the final plan and proposed Planned Development Agreement, together with the findings of the Planning Commission,

and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a planned development proposal in accordance with the guidelines described previously in Section 27.04, sub-section G2.

**1. Planned Development Agreement**

If the Township Board approves the Planned Development proposal, the Township and applicant shall execute the Planned Development Agreement, which shall be recorded in the office of the Ingham County Register of Deeds. Final approval of the Planned Development plan shall become effective upon recording of the Agreement.

**2. Effect of Approval**

Approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment thereto is adopted by the Township upon request of the applicant or his successors.

**J. Recording of Planning Commission and Township Board Action**

Each action taken with reference to a planned development shall be duly recorded in the minutes of the Planning Commission or Township Board as appropriate. The grounds for the action taken shall also be recorded in the minutes.

**K. Zoning Board of Appeals Authority**

The Planned Development review process provides the Township Board, upon recommendation from the Planning Commission, with considerable flexibility to modify develop standards in accordance with the guidelines in this Article to achieve recognizable benefits and higher quality development. Such modifications, if granted in accordance with the Planned Development standards and procedures set forth herein, shall not require Zoning Board of Appeals review.

**L. Completion of Site Design**

Following final approval of the planned unit development proposal, a building permit may be obtained for the entire project or specific phases provided that final site plan approval for the project or the phase, as applicable, has been obtained in accordance with Section 27.02, and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Building Official. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

Construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. The Township Board may consider a twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the Township may initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved planned development amendment on a continuing basis until the property is razed, or until an amendment to the planned development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.

Prior to expansion or conversion of a planned development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Article and Ordinance.

**M. Performance Guarantee**

A performance guarantee shall be deposited with the Township to insure faithful completion of improvements, in accordance with Section 2.18.

**N. Application Data Requirements**

Applications for planned development shall include all data requirements specified in this sub-section. All information required to be furnished under this sub-section shall be kept updated until a Certificate of Occupancy has been issued pursuant to Section 27.07 of this Ordinance.

**1. Requirements for Conceptual Review**

The following information shall be provided prior to conceptual review, pursuant to Section 27.04 (E):

- a. The name, address and telephone number of:
  - 1) All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
  - 2) All engineers, attorneys, architects or registered land surveyors associated with the project.
  - 3) The developer or proprietor of the planned development project.
- b. The legal description of the land on which the planned development project will be developed together with appropriate tax identification numbers.
- c. The area of the land (in acres) on which the planned development project will be developed.
- d. An overall conceptual land use plan for the planned development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.
- e. The conceptual land use plan shall also show the following information:
  - 1) A general location map.
  - 2) The vehicular circulation system planned for the proposed development.
  - 3) The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
  - 4) The approximate layout of dwelling units, parking, open space, and recreation/park areas.
  - 5) Landscaped screening proposed along the perimeter of the development.
- f. Approximate number of non-residential buildings and residential units to be developed on the subject parcel.
- g. Topographic survey and soils inventory based on the Ingham County Soils Survey.

## ***General Procedures and Related Standards***

- h. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
- i. A description of the proposed sewage treatment and water supply systems. Any proposed sewage treatment plant shall be located internally on the site or otherwise provided with an ample landscaped buffer so as to minimize any impact on surrounding properties, particularly adjacent to residential properties.
- j. A general description of the proposed storm water and drainage system.
- k. A map showing existing zoning designations for the subject property and all land within one quarter mile.
- l. A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan for Future Land Use.
- m. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.
- n. An analysis of the traffic impact of the proposed planned development on existing and proposed streets. The traffic analysis shall be based on accepted engineering standards and methods established by the Institute of Transportation Engineers, Michigan Department of Transportation, and/or Ingham County Road Commission. The traffic analysis shall address, at a minimum, the following considerations: estimated 24-hour and peak hour traffic prior to and after development, percentage and numerical increase in traffic volumes on adjoining roads, proximity and relationship to intersections, adequacy of sight distances, required vehicular turning movements, roadway geometrics, and provisions for pedestrian traffic. The traffic analysis shall further assess the degree to which the development will cause an increase in traffic congestion or traffic safety concerns. The traffic analysis shall indicate road improvements or modifications necessary to accommodate the traffic generated by the development.
- o. An analysis of the fiscal impact (costs and revenues) of the proposed planned development on the Township of Williamstown and the school district in which the development is located. The fiscal impact analysis shall be based on accepted standards and methods, such as those set forth in **The Fiscal Impact Handbook** (Center for Urban Policy Research, 1978). The fiscal impact analysis shall consider the amount of revenue generated from all sources, including but not limited to property taxes and state shared revenues. In determining the estimated property tax revenue, the analysis shall consider the estimated state equalized value of the development at each stage in relation to the current millage rate of each taxing jurisdiction. In determining the impact on school costs, the analysis shall estimate the total number of school-age children living in the development at each phase, based on regional demographic data or on demographic data collected by the school district. This information shall be compared with the average annual cost of education per pupil, based on school budgetary information. The fiscal impact analysis shall also consider the need for new school buildings and other capital expenditures to accommodate increased enrollment. In determining the impact on Township costs, the analysis shall assess the need for additional police, fire, recreation, administrative, library, or other fiscal impact analysis, the applicant shall be responsible for collecting and analyzing data if such data and analysis is not readily available from the school district or Township.
- p. Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety.
- q. A general schedule for completing the planned development, including the phasing

or timing of all proposed improvements.

**2. Requirements for Phase 1 Review**

In addition to the requirements in Section 27.02 and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for Phase 1 review:

- a. All preceding information required for conceptual review.
- b. A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan plus the following:
  - 1) Locations and setbacks of each structure and use in the development. Where construction is proposed to occur in later phases subject to future detailed site plans, the location and setbacks of the maximum building footprint shall be shown on the plan.
  - 2) Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
  - 3) The building footprint of proposed buildings. In the case of single family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
  - 4) The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.
  - 5) The proposed layout of parking areas, open space, and recreation/park areas.
  - 6) Proposed landscaping and screening, which shall comply with the requirements in Article 5.00, unless such requirements have been modified as a result of the Planned Development review process. (*revised 1/9/96*)
- c. The precise number of non-residential and residential units to be developed on the subject parcel.
- d. An environmental analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant environmental features. The hydrology study shall consist of information and analysis in sufficient detail to indicate the impact of the project on surface water and groundwater.
- e. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
- f. A complete description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.
- g. Preliminary approval by the Ingham County Health Department and/or Michigan Department of Environmental Quality of the proposed septic system or sewage treatment system and water system.
- h. Storm water and drainage system details.
- i. Location of sidewalks along roads and elsewhere within the development.

- j. A specific schedule for completing the planned development, including the phasing or timing of all proposed improvements.

**3. Requirements for Phase 2 (Final) Review**

In addition to the requirements in Section 27.02 and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for Phase 2 (final) review:

1. All information required for conceptual and Phase 1 review as specified in Section 27.04, sub-section N3, previously.
2. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final Planned Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 27.02.
3. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final Planned Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:
  - a. Engineering plans for all roads, drive aisles, and paved areas,
  - b. Site drainage plans, including retention and/or detention areas,
  - c. Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
  - d. Plans for controlling soil erosion and sedimentation during construction.
4. Following approval of a Planned Development proposal and an amendment to the Zoning Ordinance per Section 27.04(I), final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
5. A draft Planned Development Agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the Planned Development proposal will be based. The Planned Development Agreement shall, at minimum, include the following:
  - a. A description of the land that is subject to the agreement.
  - b. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
  - c. History of the review procedures and action taken by the Planning Commission or Township Board.
  - d. List of all plans, documents, and other materials submitted by the applicant.
  - e. Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the Planned Development proposal.

- f. An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed Planned Development project.
- g. Description of any required dedications and permits.
- h. Confirmation that the proposed development is consistent with applicable Township ordinances and planning objectives.
- i. Duration of the Planned Development Agreement, along with terms under which a termination date may be extended by mutual agreement.
- j. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed Planned Development Agreement.
- k. Extent to which the Planned Development plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

## **O. Revision to Approved Plans**

### **1. General Revisions**

Approved final plans for a planned development may be revised in accordance with the procedures set forth in Section 27.04.

### **2. Minor Changes**

Notwithstanding Section 27.04, sub-section (O)(1), above, minor changes may be permitted by the Planning Commission following normal site plan review procedures outlined in Section 27.02, subject to its finding that:

- a. Such changes will not adversely affect the initial basis for granting approval.
- b. Such minor changes will not adversely affect the overall planned development in light of the intent and purpose of such development as set forth in Section 25.01.

Where construction is not proposed to begin immediately, or where a project is proposed to be constructed in phases, the Township Board may grant final approval subject to subsequent review and approval of detailed site plans by the Planning Commission for each facility or phase. Such review shall follow normal site plan review procedures outlined in Section 27.02.

## **Section 27.05 -- VARIANCES AND APPEALS**

### **A. Intent**

The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

### **B. Authority of the Zoning Board of Appeals**

#### **1. General Authority**

The ZBA shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance.

**2. Administrative Review**

The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. Such appeal shall be requested by the applicant within 30 days of the date of the order, refusal, requirement, or determination being appealed.

In hearing and deciding appeals under this sub-section, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in carrying out this Ordinance.

**3. Interpretation**

The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

**4. Variances**

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

Such authority shall be exercised in accordance with the following standards *{(a) and (b) revised 1/6/98}*:

- (a) The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist *and* that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:
  - (1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
  - (2) The variance will do substantial justice to the applicant, as well as to other property owners.
  - (3) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

## **General Procedures and Related Standards**

- (4) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors. (For example, a variance needed for a proposed lot split would, by definition, be self-created, so such a variance typically would not be granted.)
- (b) In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

### **5. Conditions**

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable or 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 the following requirements.

- (a) 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.
- (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

## **C. Applications and Notices**

### **1. Application**

All applications to the ZBA shall be filed with the Township Clerk, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. Applications shall include eight (8) copies of all plans, studies and other information and data to be relied upon by the applicant. These materials shall be submitted to the Township no later than noon fourteen (14) days prior to the Zoning Board of Appeals meeting at which the review is requested. (*revised 2/3/98; 12/1/98*)

### **2. Plot Plan**

A plot plan shall be required with all variance requests. The plan which shall accompany all variance requests shall be based on a mortgage survey or land survey prepared by a licensed land surveyor or licensed engineer. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Section 27.02 shall satisfy the requirements of this section. (*revised 12/1/98*)

The Zoning Board of Appeals has the authority to require a land survey prepared by a registered land surveyor or registered engineer when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

**3. Applications Involving an Appeal of Administrative Order**

In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, upon notice from the Planning Department, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

**4. Consent of Property Owner Required**

Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

**5. Notice**

The Township shall provide written notice, by first class mail or by personal delivery of a ZBA hearing to interested parties. For purposes of this subsection, interested parties shall include the applicant(s) and owners of record of property and the occupants of all single-family and two-family dwellings within five hundred (500) feet of the premises in question. Notice to property owners shall be mailed to the address given in the most recent assessment role. Interested parties shall also include other persons as may be specified by the ZBA.

**6. Stay of Proceedings**

An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

**7. Decision by the Zoning Board of Appeals**

The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board of commission made in the administration of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a "non-use" variance from the terms of this ordinance.

**D. Disposition and Duration of Approval**

**1. ZBA Powers**

The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

**2. Decision Final**

A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

**3. Period of Validity**

Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

**4. Record of Proceedings**

The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

**5. Appeal of a ZBA Decision**

Appeals of a ZBA decision shall be taken in the manner provided by law.

**6. New Application for Variance**

If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of one year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

**Section 27.06 -- AMENDMENTS**

**A. Initiation of Amendment**

The Township Board may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 184 of 1943, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

**B. Application for Amendment**

A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Township Clerk and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information. These materials shall be submitted to the Township no later than noon fourteen (14) days prior to the Planning Commission or Township Board meeting at which the review is requested. (*revised 2/3/98*)

1. Applicant's name, address, and telephone number.
2. Scale, northpoint, and dates of submittal and revisions.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.

6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
7. General location of existing drainage courses, floodplains, lakes and streams, and woodlots.
8. All existing and proposed easements.
9. Location of sanitary sewer or septic systems, existing and proposed.
10. Location and size of water main, well sites, and building service, existing and proposed.

## **C. Review Procedures**

After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

### **1. Planning Commission Review**

The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 14 and other applicable sections of Michigan Public Act 184 of 1943, as amended.

Accordingly, the Planning Commission shall hold not less than one (1) public hearing, notice of which shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing. Not less than twenty (20) days' notice of the time and place of the hearing shall be given to each electric, gas, pipeline and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Township. In addition, if an individual property or several adjacent properties are proposed for rezoning the Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within 500 feet of the premises in question is assessed, and to the occupants of all single and 2-family dwellings within 500 feet. The notice shall be given not less than eight (8) days before the hearing, and shall state the time, place, date, and purpose of the hearing.

### **2. Action by the Planning Commission**

Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendations.

If a County Zoning Coordinating Committee has been appointed by the County Board of Commissioners, the Planning Commission shall also submit the proposed amendments to the Zoning Coordinating Committee for review and recommendation, pursuant to Section 10 of Michigan Public Act 184 of 1943, as amended.

### **3. Action by the Township Board**

The Township Board may hold additional hearings if the Board considers it necessary, following the hearing and notice requirements of Michigan Public Act 184 of 1943, as amended. The Township Board may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the Planning Commission for further review and recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions, or reject it.

### **4. Review Considerations**

The Planning Commission and Township Board shall at minimum, consider the following before taking action on any proposed amendment.

## ***General Procedures and Related Standards***

- a. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
- b. Will the proposed amendment further the comprehensive planning goals of the Township?
- c. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
- d. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- e. Will the amendment result in unlawful exclusionary zoning?
- f. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- g. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- h. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
- i. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
- j. Will the proposed amendment be consistent with the purposes of this Ordinance and, in particular, will the proposed amendment promote the public health, safety and welfare?  
*(revised 1/9/96)*

### **5. Notice of Record of Amendment Adoption**

Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 184 of 1943, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments by number and date.

## **D. Referendum**

Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of qualified and registered voters may be filed with the Township Clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 12 of Michigan Public Act 184 of 1943, as amended.

## **Section 27.07 -- PERMITS AND CERTIFICATES**

### **A. Permits**

#### **1. Permit Required**

A building permit or other appropriate permit shall be required as follows:

- a. Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.
- b. Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.
- c. Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
- d. Prior to any change in use of an existing building or structure to a different class or type.
- e. In all other instances specified by the adopted Township building code.

**2. Definition of Alteration and Repair**

For the purposes of this Section, the terms "alteration" and "repaired" shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code, the Housing Law of Michigan (Public Act 167 of 1917, as amended), or this Ordinance or other applicable ordinances of the Township.

**3. Application Requirements**

No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements are in conformance with the provisions of this Ordinance and with the Building Code.

Applications for permits required by this Section shall be filed with the Building Official. Each application shall be accompanied by a written detailed explanation of the proposed improvements, and, if applicable, dimensioned plans drawn to scale. The plans shall be of sufficient detail to allow the Building Official to determine whether the proposed improvements are in conformance with this Ordinance, the Building Code, the State Construction Code Act (Michigan Public Act 230 of 1972, as amended), and other applicable laws and ordinances. At minimum, the plans shall illustrate information requested on the application form or by the Building Official.

**4. Conformity with Applicable Ordinances and Approved Plans**

Permits shall be issued only if, after thorough inspection of the application materials and plans, the Building Official finds that the proposal is in conformance with this Ordinance, the adopted Building Code, the State Construction Code Act, Michigan Public Act 230 of 1972, as amended, and other applicable laws and ordinances, except where the Building Official receives written notice of a variance having been granted by the Zoning Board of Appeals or Construction Board of Appeals.

Building permits issued on the basis of plans and application materials approved by the Building Official authorize only the use, layout, and construction set forth in such plans and application materials. Use, layout, or construction at variance with approved plans and application materials shall be deemed in violation of this Ordinance, and subject to penalties in accordance with Section 27.09.

**5. Expiration of Permits**

A permit issued for construction, or remodeling of any building or structure shall be subject to terms of expiration specified in the adopted Building Code.

**6. Inspection of Completed Work**

The holder of any permit issued pursuant to the requirements in this Section shall notify the Building Official immediately upon completion of the work authorized by the permit for a final inspection and to request a Certificate of Occupancy.

**B. Certificates of Occupancy**

## ***General Procedures and Related Standards***

A Certificate of Occupancy shall be required prior to occupancy or use of any land, building or structure. The following guidelines shall apply to Certificates of Occupancy:

### **1. General Requirements**

#### **a. Purpose**

The purpose of a Certificate of Occupancy is to permit the occupancy or use of land, buildings, or structures, upon first making the determination that the provisions of this Ordinance have been complied with and that all outstanding fees have been paid.

#### **b. Certificates for New and Existing Buildings**

Certificates of Occupancy shall be issued for new or existing buildings or structures, or parts thereof, or existing or new uses of land if, after inspection, the Building Official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of this Ordinance, that the proposed occupancy is fully in compliance with this Ordinance, and that the applicant has submitted an updated mortgage survey.

#### **c. Temporary Certificates**

A temporary Certificate of Occupancy may be issued for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance and the Building Code, and provided further that no threat to public safety exists. The Building Official may require that a performance guarantee be provided in accordance with Section 2.18 as a condition of obtaining a temporary Certificate. The date of expiration shall be indicated on the temporary Certificate; failure to obtain a final Certificate of Occupancy within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in Section 27.09.

#### **d. Certificates for Accessory Buildings to Dwellings**

Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

### **2. Period of Validity**

A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new Certificate of Occupancy.

### **3. Records of Certificates**

A record of all Certificates of Occupancy shall be kept in the office of the Building Official. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

### **4. Application Requirements**

Application for a Certificate of Occupancy shall be made on forms supplied by the Building Official and accompanied by the fees specified. A Certificate of Occupancy shall be applied for at the same time as the application for a building permit, if a building permit is required.

The Building Official shall inspect a building or structure within five (5) working days after notification of completion of a building or structure or other improvements. The Building Official shall issue a Certificate of Occupancy upon finding that the building or structure, or part thereof, or the use of land is in conformance with the provisions of this Ordinance. If the Building Official denies approval of a Certificate, the applicant shall be notified in writing of the denial and the reasons for denial.

## **Section 27.08 -- FILING FEES**

All applications shall be accompanied by a filing fee which shall be established by resolution of the Township Board, in accordance with Section 24 of Public Act 184 of 1943, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the Township for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reported services, or similar services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application.

Any deposit toward the cost of any consultants shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

A schedule of the current filing fees and deposit requirements shall be made available in the office of the Township Clerk.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 2.18.

There shall be no fee in the case of application filed in the public interest by a municipal department or Township Official.

## **Section 27.09 -- VIOLATIONS AND PENALTIES**

### **A. Public Nuisance**

Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

### **B. Violation Defined**

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this Ordinance by the Building Official or other enforcement official shall be deemed in violation of this Ordinance.

### **C. Penalties**

Any violation of this Ordinance shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

The imposition of any sentence shall not exempt the offense from compliance with the requirement of this Ordinance.

### **D. Procedures for Addressing Violations**

## **General Procedures and Related Standards**

The following procedures shall be followed in addressing potential violations:

### **1. Report of Violation**

Any and all buildings or land use activities considered possible violations shall be reported to the Building Official or his/her Township appointed delegate.

### **2. Zoning Official**

For the purposes of investigating a possible violation, the role of Zoning Official may be filled by the Building Official, Zoning Administrator, or a member of the Township Board, subject to being appointed by the Township Board.

### **3. Investigation**

The Zoning Official shall inspect each alleged violation. If a violation has occurred, the Zoning Official shall issue an order to correct the violation to the offender within ten (10) days of the inspection.

### **4. Remedial Plan**

All violation notices shall be responded to by correcting the violation within the time limit specified by the Zoning Official, or, if requested in the notice of violation, by submitting a remedial plan and timetable for correction of the violation to the Zoning Official. The time limit for correction of a violation or submitting a remedial plan shall be based on the nature of the violation and the anticipated amount of time required to correct the violation. If the Zoning Official rejects the remedial plan or the timetable, revisions must be submitted to the Zoning Official within five (5) days of notification of the rejection.

### **5. Prosecution**

A remedial plan and timetable not approved or not submitted within the required timetable shall be reported to the Township Board, who may initiate prosecution proceedings.

### **6. Hearing**

At any time after receiving notice of a violation, but prior to the pursuit of an action in a court of law, the recipient or issuer of the notice may request a hearing as described herein. The hearing shall be conducted by the Township Supervisor or a hearing officer designated by the Supervisor, and the official(s) who issued the notice of violation shall be present. The purpose of the hearing shall be to compile factual information from the recipient and the Township, to determine the precise nature of any ordinance violation based upon the factual information. This hearing shall be held in accordance with the State of Michigan Open Meetings Act. The hearing shall proceed in an informal nature and shall be presided over by the Supervisor. All questions or comments shall be directed to the Supervisor. The recipient of the notice of violation may be represented by counsel of the recipient's choice. However, the rules of evidence shall not be enforced and cross-examination shall not be allowed. Upon completion of the hearing, the Township and the recipient of the notice shall attempt to seek agreement on a plan and timetable for correction of any violation. A written summary of the hearing proceedings shall be prepared by the Supervisor or the Supervisor's designee. *(revised 2/3/04)*

## **E. Authority to Pursue Court Action**

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

## **F. Other Remedies**

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law

## ***General Procedures and Related Standards***

to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such non-compliance.

### **G. Rights and Remedies Preserved**

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

## **Section 27.10 -- RECORDS**

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.