

ARTICLE 4 - PROCEDURES FOR PLOT PLAN AND SITE PLAN REVIEW

4.01 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the Zoning Permit application process to ensure that the Zoning Administrator, Planning Commission, and Township Board is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, impacts on abutting and nearby properties, and conformance with all applicable provisions and standards of this Ordinance.

4.02 Approval of Site Plan or Plot Plan Required

(A) **Township ~~Planning Commission Board~~ Approval for Site Plans:** Except as provided by (C) below, site plan approval is required by the Township ~~Board~~ Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:

1. All uses permitted by right within any commercial or industrial zoning district (regardless of whether a permanent building is involved).
2. All special land uses as specified in each zoning district, including planned unit developments.
3. All uses for which this Ordinance requires four (4) or more off street parking spaces (regardless of whether a permanent building is involved).
4. All subdivisions subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
6. All other uses as required elsewhere in this Ordinance.
7. Artificial Ponds of greater than one hundred (100) square feet or greater than two feet deep.

(B) **Zoning Administrator Approval for Plot Plans:** Plot plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 4.02 (A) above, including single family and two-family dwellings.

(C) **Additions:** Except in the case of a special land use, the Zoning Administrator may take action on a site plan where an addition is proposed to an existing building or parking area and the addition does not exceed one thousand (1,000) square feet in area or twenty percent (20%) of the building or parking area, whichever is less. The Zoning Administrator may defer action to the Township ~~Board~~ Planning Commission where the Zoning Administrator finds the complexity of the addition warrants ~~Township Board~~ Planning Commission action.

4.03 Plot Plan Review Procedures

(A) **Data Required:** An accurate, readable, scale drawing showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review.

1. Name, address and telephone number of the applicant (and owner if different).
2. Lot area and dimensions, legal description including angles, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be

- erected, altered, or moved on the lot.
 - 4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
 - 5. A description of proposed use(s) of the building(s), land and structures.
 - 6. The proposed number of sleeping rooms and dwelling units, as applicable.
 - 7. Configuration of the driveway and parking areas.
 - 8. Existing public right-of-ways or easements.
 - 9. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.
- (B) **Review:** The Zoning Administrator shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete pursuant to Section 4.03(A) or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed and adequate application materials, the Zoning Administrator shall review the application materials and determine their conformity with the applicable provisions of this Ordinance.
- (C) **Action:** After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance.
- (D) **Approved Plot Plans:** At least three (3) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.

4.04 Site Plan Review Procedures

- (A) **Preliminary Site Plan Application:** Prior to preparing a detailed final site plan and seeking approval of such site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving input and comments regarding the general design and layout of the project before more costly engineering work is completed. A preliminary site plan may be submitted as part of a Zoning Permit application for all uses listed in Section 4.02(A).
- (B) **Preliminary Site Plan Submittal, Distribution and Data:** Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a form for that purpose. Upon receipt of the plans and zoning permit application forms, the Zoning Administrator shall record the date of their receipt and may transmit copies to the Planning Commission and other agencies or individuals selected to review such plans. The applicant may also request that such preliminary site plan be reviewed by the Planning Commission to obtain feedback regarding the general design and layout of the project. The preliminary site plan application shall include the following, except where the Zoning Administrator determines that certain specific data is not necessary in rendering a sound and informed decision:
- 1. Fifteen (15) copies of a completed application form supplied by the Zoning Administrator.
 - 2. Fifteen (15) copies of the preliminary site plan at a scale not less than one (1) inch equals two hundred (200) feet. The preliminary site plan shall be provided on a professional quality drawing and all information depicted shall be designed by a professional engineer, land

surveyor or landscape architect licensed in Michigan, and the seal of such designer shall be affixed. The plan shall provide the following minimum information:

- a. Name, address and telephone number of the applicant (and owner if different).
- b. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
- c. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, general topography.
- d. Existing public rights-of-way, private easements of record, and deed restrictions.
- e. Project description, including the approximate location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
- f. Proposed roads and alleys.
- g. Approximate location and dimensions of proposed accessory structures, including trash receptacles.
- h. Approximate location, shape and size of proposed free stranding signs.
- i. A conceptual landscape plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting.
- j. A conceptual plan addressing how storm water is to be collected and discharged, including general location of any retention and/or detention areas and approximate points of discharge for all drains.
- k. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
- l. Conceptual elevation drawings of all buildings and structures.
- m. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

(C) Planning Commission Review and Action on Preliminary Site Plan: The Planning Commission shall review the preliminary site plan and shall approve, approve with conditions, or require that the preliminary site plan be resubmitted with specific changes, based on compliance with the standards of Section 4.05. The Planning Commission shall cite reasons for its action.

1. Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to abutting properties that suggest revisions to the layout and/or design of the development. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.
2. The Township ~~Board~~ Planning Commission shall have the authority to approve a preliminary site plan as a final site plan if it finds that the preliminary plan includes all necessary data and portrays such data in sufficient detail and accuracy to verify that such plans are in compliance with all standards of the Ordinance. ~~However, such preliminary plan shall be submitted and acted upon by the Planning Commission prior to Township Board action.~~

(D) Final Site Plan Submittal, Distribution and Data: Applications for final site plan approval shall be submitted to the Zoning Administrator on a form for that purpose. Upon receipt of plans and

zoning permit application forms which are found to be complete, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission ~~and Township Board~~, and other agencies or individuals selected to review such plans. Formal review of such complete plans will occur only if provided ten (10) or more calendar days before a meeting of the Planning Commission ~~or Township Board~~. The final site plan application shall include the following, except where the Planning Commission or ~~Township Board~~ Zoning Administrator determines that certain specific data is not necessary in rendering a sound and educated decision on the specific site plan before it:

1. ~~Twenty (20)~~ Fifteen (15) copies of a completed application form supplied by the Zoning Administrator.
2. ~~Twenty (20)~~ Fifteen (15) copies of the final site plan at a scale of not less than one (1) inch equals two-hundred (200) feet. The final site plan shall be provided on a professional quality drawing and, except in the case of artificial ponds where the Planning Commission determines that such pond does not raise public health, safety and welfare concerns, all information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and the seal of such designer shall be affixed. The plan shall provide the following minimum information:
 - a. Name, address and telephone number of the applicant (and owner if different).
 - b. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
 - c. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, and topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site).
 - d. Existing public right-of-way, private easements of record, and deed restrictions, and existing improvements on the site including but not limited to roads, driveways, structures, and buildings.
 - e. Project description, including the location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
 - f. Proposed roads and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
 - g. Proposed location and dimensions of accessory structures, including trash receptacles.
 - h. Proposed location of free stranding and wall signs, including construction details of such signs.
 - i. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
 - j. A stormwater management plan addressing how storm water is to be collected and discharged, including location of any retention and/or detention areas and points of discharge for all drains, and engineering specifications. The point of discharge for all drains and pipes shall also be specified on the site plan.
 - k. Location and specifications of facilities designed to provide, collect, store, dispose of, and/or transport potable water, waste water and sewage, including pipes, drains,

sumps, holding tanks, and easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.

- l. Location of other utilities not otherwise addressed in (k) above, and any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
- m. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- n. A statement from the applicant identifying all federal, state, county, and local permits required, if any.
- o. Preliminary elevation drawings of all buildings and structures
- p. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
- q. Such other information as is necessary to enable the Township Board to determine whether the proposed site plan will conform to the provisions of this Ordinance.

(E) Final Site Plan Recommendation—Action by Planning Commission: The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. After conducting a review, the Planning Commission shall ~~recommend to the Township Board to deny, approve, conditionally approve, or require that final site plan be resubmitted with specific changes, based on compliance with the standards of Section 4.05.~~ A site plan shall be approved by the Township Planning Commission if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions defined by the Planning Commission for approval or resubmittal shall be stated in writing, together with the reasons and delivered to the applicant.

~~**(F) Final Site Plan Action by Township Board:** The Township Board shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. After conducting a review, the Township Board shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. A site plan shall be approved by the Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.~~

~~**(G)**~~ **(F) Approved Site Plans:** Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township ~~Supervisor~~ Zoning Administrator, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

~~**(H)**~~ **(G) As-Built Drawings:** The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a Certificate of Occupancy. Such drawings shall identify all improvements made upon the site including utility services.

~~**(I) Artificial Ponds:** Site plan applications for artificial ponds shall be submitted directly to the Township Board for review and action, and shall not be subject to Planning Commission review and recommendation unless requested by the Township Board. In addition, the information depicted on the site plan application materials need not be designed by a professional engineer,~~

~~land surveyor, or landscape architect share the Zoning Ordinance Official or Township Board determines that the unique character or conditions associated with the proposed pond raises public health, safety and welfare concern.~~

4.05 Plot Plan and Site Plan Approval Standards

(A) **Plot Plan:** Each plot plan shall conform with all applicable provisions of this Ordinance including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the applicable provisions of:

1. Article 15, Signs
2. Article 16, Off-Street Parking and Loading
3. Article 17, Landscaping and Screening
5. Article 18, Environmental Protection
6. Article 19, Private Roads and Shared Driveways
7. Article 20, General Provisions

(B) **Site Plan:** Each site plan shall conform with the applicable provisions of this Ordinance including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the standards listed below:

1. Applicable provisions of:
 - a. Article 15, Signs
 - b. Article 16, Off-Street Parking and Loading
 - c. Article 17, Landscaping and Screening
 - d. Article 18, Environmental Protection
 - e. Article 19, Private Roads and Shared Driveways
 - f. Article 20, General Provisions
2. Provisions are made so that the proposed development will not be harmful to the existing and futures uses in the immediate area and the vicinity, including that all elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
3. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which are in keeping with the general appearance of adjacent and surrounding uses and development.
4. The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
5. All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
6. Every structure or dwelling unit shall have access to a public or private road, walkway, or other area dedicated to common use.
7. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road

- Commission.
9. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
 10. Development shall not include unnecessary curb cuts and shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
 11. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
 12. Site plans shall conform to all applicable requirements of state and federal statutes.
 13. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 - a. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
 - b. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

4.06 Conformity to Approved Site Plan and Plot Plan

Property which is the subject of plot plan or site plan approval must be developed in strict compliance with the approved plan and any approved changes thereto. If construction and development does not conform with such approved plans, the approved Zoning Permit shall be revoked by the Zoning Administrator pursuant to Section 3.04(E)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

4.07 Changes to Approved Site Plan and Plot Plan

- (A) **Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures;
1. **Major Changes:** Major changes to an approved site plan shall include changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - c. Such changes shall not result in the reduction of open space area as required herein.
 2. **Minor Changes:** Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A) (1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved

changes. The Zoning Administrator may defer action to the Planning Commission.

- (B) **Plot Plan Changes:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

4.08 Pre-Existing Site Plans and Plot Plans Under Review

All development shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval by the Township Board prior to the effective date of this Ordinance, in which case the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the approval of the preliminary plan and contains all information required and accompanied by all required fees.

4.09 Time Limits for Final Plot Plan and Site Plan

- (A) **Final Plot Plan and Site Plan Approval Time Limit:** If, within one year after the final plot plan approval by the Zoning Administrator or site plan approval by the Township ~~Board~~Planning Commission, a building permit has not been obtained and paid for, or in the alternative if no building permit is required, and no use permit has been obtained, the final plot plan or site plan shall be null and void unless the Zoning Administrator or Township ~~Board~~Planning Commission has extended the effective time period for the final plot plan or site plan approval.-
- (B) **Seasonal/Temporary Plot Plan Approval Time Limit:** The Zoning Administrator, Planning Commission, or Township Board may require a lesser period of time for a building permit or a use permit to be obtained for a site plan or a plot plan for a temporary use, seasonal use or other special purposes, ~~to be obtained by the Zoning Administrator or Township Board.~~

ARTICLE 5 - PROCEDURES FOR SPECIAL LAND USES

5.01 Purpose

It is the purpose of this Article to provide a set of procedures and standards for uses of land or structures that will allow, on one hand, practical latitude for the landowner or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article delineates procedures for the detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use.

5.02 Procedures for Special Land Uses

An application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures:

- (A) **Submission and Distribution of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more Zoning Permits for a special land use as provided for in this Ordinance. At least ~~twenty (20)~~**fifteen (15)** copies of a application shall be submitted to the Zoning Administrator's office on a special form for that purpose and each application copy shall be accompanied by a site plan prepared pursuant to Section 4.03. Applications shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. The Zoning Administrator's office shall record the date of receipt and shall transmit all copies of the application to the Planning Commission.
- (B) **Planning Commission Action:** The Planning Commission shall review the application forms and plans for completeness and if such materials are not complete according to Section 4.03, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed forms and plans, the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05, and shall forward ~~five (5) copies to the Township Board,~~ one (1) copy to the Fire Department, and the remaining copies shall be retained by the Zoning Administrator. The Planning Commission may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for the special land use.
1. County Road Commission.
 2. County Health Department.
 3. County Drain Commissioner.
 4. Fire Department.
 5. Other agencies as relevant.
- (C) **Public Hearing:** Upon certification that the application materials are complete, the Planning Commission shall schedule a public hearing and publish a notice in accordance with Section 3.09.
- ~~(D) **Planning Commission Recommendation Action and Basis for Recommendation Action:** Upon ~~review of the special land use application, all supporting materials, and the public hearing,~~ the Planning Commission shall recommend approval, denial, or approval with conditions regarding the special land use application, and forward its recommendation to the Township Board for its~~

~~consideration. The recommendation shall state the reasons for the decision reached. The Planning Commission may recommend to the Township Board that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements. The Planning Commission's recommendation shall be to deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its recommendation, the Planning Commission shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards of Section 5.06, and the specific special land use standards of Article 11. review of the special land use application, all supporting materials, and public hearing comments, the Township Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. This decision shall include a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards set forth in Section 5.06, and the specific special land use standards set forth in Article 11. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Planning Commission may require that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements.~~

~~(D)~~

~~(E) **Township Board Action:** Upon review of the special land use application, all supporting materials, public hearing comments, and the recommendations of the Planning Commission, the Township Board shall deny, approve, or approve with conditions the application for special land use approval. This decision shall include a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by the site plan standards set forth in Section 4.05, the general special land use standards set forth in Section 5.06, and the specific special land use standards set forth in Article 11. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.07 of this Ordinance, be deposited with the Township to insure completion of improvements.~~

5.03 Appeal to Circuit Court

An appeal on a special land use application decision shall be taken to the Circuit Court only.

5.04 Reapplication

No application for a Zoning Permit for a special land use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Township ~~Board~~ Planning Commission finds has direct bearing upon the basis for the final action taken on the original application, and only then pursuant to the provisions of Section 5.02.

5.05 Changes

- (A) **Site Plan:** The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 4.07.
- (B) **Use or Activity:** A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:
 - 1. The addition of land to the legal description of the original special land use permit;
 - 2. The establishment of another special land use;
 - 3. The addition of more sales or service area, or the addition of dwelling units; and
 - 4. An expansion or increase in intensity of use.

5.06 Approval Standards

- (A) Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. An application for a special land use shall be denied except upon a finding that all of the following standards have been met by the application:
 - 1. The project will be harmonious with and in accordance with the Master Plan of the Township.
 - 2. The project will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
 - 3. The project will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, scale, materials and design of all proposed structures. Such considerations include the mixture of exterior materials used, roof pitches, building fenestration, numbers of wall planes, entry features, landscape treatments, signage design and exterior lighting.
 - b. Pedestrian and vehicular circulation on the site.
 - c. The location and design of vehicular use or parking areas.
 - 4. The project will not be hazardous to any person or property, or detrimental or disturbing to the public welfare or to existing or reasonably anticipated future uses in the same general vicinity.
 - 5. The project will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
 - 6. The project will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - 7. The project will not create excessive additional requirements at public cost for public facilities and services.
 - 8. The project shall be in compliance with the site plan approval standards of Section 4.05.
 - 9. The project shall be in compliance with all applicable and use-specific development

requirements of Article 11 (Standards for Specific Special Land Uses).

5.07 Time Limits for Special Land Uses

- (A) **Special Land Use Time Limit:** If, within one year after the special land use and final site plan approval by the Township ~~Board~~, a building permit has not been obtained and paid for, or in the alternative if no building permit is required, and no use permit has been obtained, the special land use and final site plan shall be null and void unless the Township ~~Board~~ Planning Commission has extended the effective time period for the special land use and final site plan approval.

- (B) **Seasonal/Temporary Special Land Use Approval Time Limit:** The Township Board or Planning Commission may require a lesser period of time for a building permit or a use permit to be obtained for special land use for a temporary use, seasonal use or other special purposes to be determined by the Township ~~Board~~.

- ~~(C)~~ **Time Limit for Non-Use of Site:** Pursuant to special land use approval granted by the Township ~~Board~~, and for a building permit or use permit granted in connection therewith, where the special land use ceases to exist for a six month consecutive period or for a total of 18 months during a three year period, the special land use approval may be revoked by the Township Board.

