

## **411 SITE PLAN REVIEW**

### **412 Purpose**

1. The intent of this section is to provide for consultation and cooperation between the land developer and / or user.
2. The Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

### **413 Scope**

1. The Ordinance Enforcement Officer shall not issue a permit for any construction or uses that require a site plan until a site plan is submitted in accordance with this section and has been reviewed and approved by the Planning Commission.
2. A site plan is required prior to the construction or establishment of any of the following:
  - a. Any special exception use in any zoning district, including a change from one special exception use to another special exception use and the expansion or alteration of an existing special exception use.
  - b. Any principal or accessory structure in the C-W, C-1 or C-2 Districts.
  - c. Any new use or change in use in the C-W, C-1 or C-2 Districts.
  - d. Any structure in the AG District, except a single-family dwelling and the first three accessory structures to be built on that lot.
  - e. Any multi-dwelling unit in the MDU District.

### **414 Sketch Plan Review**

1. Preliminary sketches of proposed site and development plans shall be submitted for review to the Planning Commission prior to final approval.
2. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of his/her proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
3. Such sketch plans shall include as a minimum the following:
  - a. The name and address of the applicant or developer, including the name and addresses of any officers of a corporation or partners of a partnership.
  - b. A legal description of the property to include the parcel number.
  - c. Sketch plans showing tentative site and development plans.
4. The Planning Commission shall not be bound by any tentative approval given at this time.

## 415 Application Procedure

1. Requests for final site plan review shall be made with the Ordinance Enforcement Officer by filing the following:
  - a. A nonrefundable application fee to reimburse the Township for the costs of processing and reviewing the site plan. The amount of the fee shall be established from time to time by resolution of the Township Board.
  - b. Where both a Special Exception/Special Land Use and Site Plan Review are requested, only one fee shall be charged.
  - c. Three (3) copies of the completed application form for Site Plan review, which shall include as minimum the following:
    1. Name and address of the applicant, phone number and email.
    2. The legal description of the subject parcel of land.
    3. The area of the subject parcel of land stated in acres or, if less than an acre, in square feet.
    4. The proper zoning classification of the subject parcel and parcel or lot number.
    5. A general description of the proposed development.
  - d. Three (3) copies of the proposed Site Plan, which shall include as a minimum the following:
    1. A scale drawing of the site with proposed development thereon, including the date, name and address of the preparer.
    2. The topography of the site, its relationship to adjoining land, existing man made features, dimensions of setbacks, locations, heights and size of structures and other important features.
    3. Percentage of land covered by buildings and that reserved for open space.
    4. Dwelling unit density where pertinent.
    5. Location of public and private right-of-way and easements contiguous to and within the proposed development, which are planned to be continued, relocated, or abandoned, including grades and types of construction of those upon the site.
    6. Curb cuts, driving lanes, parking and loading areas.
    7. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
    8. Fences, landscaping, screening, and proposed earth changes.
    9. Environmental impact of the project.
    10. Signs and on-site illumination.
    11. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the Ordinance Enforcement Officer or the Planning Commission.

12. A survey of the property shall be provided and or the property stakes shall be located and properly identified in order to properly define setbacks.

#### **416 Action on Application and Plans**

- A. Upon receipt of the application and plans, the Township Clerk shall record the date of the receipt thereof and transmit two (2) copies thereof to the Chairman of the Planning Commission and one (1) copy at the Township Hall.
- B. A hearing shall be scheduled by the Chairman of the Planning Commission for a review of the application and plans as well as the recommendations of the Ordinance Enforcement Officer with regard thereto. Members of the Planning Commission shall receive a copy of the application and have access to the site plan prior to the hearing for their preliminary information and study. The hearing shall be scheduled within forty five (45) days following the date of the receipt of the plans and application by the Township Clerk.
- C. The applicant shall be notified of the date, time and place of the hearing on his application no less than fifteen (15) days prior to such date.
- D. Following the hearing, the Planning Commission shall have the authority to:
  1. Approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the Site Plan Review provisions of this Ordinance and criteria therein contained.
  2. Any required modification or alteration shall be stated in writing, together with the reasons therefore, and delivered to applicant.
  3. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require further review after the same have been included in the proposed plans for the applicant.
  4. The decision of the Planning Commission shall be made by said Commission within one hundred (100) days of the receipt of the application by the Township Clerk.
  5. Two (2) copies of the approved final Site Plan with any required modifications shall be maintained as part of the Township records for future review and enforcement.
  6. One (1) copy shall be returned to the applicant.
  7. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the plans final approval.
  8. If any variances from this Zoning Ordinance have been obtained from the ZBA, the minutes concerning the variance, 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.

## 417 Criteria for Review

1. In reviewing the application and Site Plan and approving, disapproving, modifying the same, the Planning Commission shall be governed by the following standards:
  - a. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic. See: Chapter 17, Roadways, Section 433.
  - b. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize the adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood and that all buildings / structures are accessible to emergency vehicles.
  - c. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or discharge of storm waters.
  - d. That any adverse effects of the proposed development and activities emanation therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping and drainage.
  - e. That all provisions of this Ordinance are complied with.
  - f. That the plan, as approved, is consistent with the intent and purpose of the following:
    1. The zoning to promote public health, safety, morals and general welfare.
    2. To encourage the use of lands in accordance with their character and adaptability.
    3. To avoid the overcrowding of population. To lessen congestion on the public roads and streets. To reduce hazards to life and property.
    4. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
    5. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
    6. To conserve property values and natural resources, and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

## **418 Amendments to Approved Site Plans**

- A. Any applicant who has been granted site plan approval shall notify the Ordinance Enforcement Officer of any proposed amendment to such approved plan. Minor changes to an approved site plan may be approved by the Ordinance Enforcement Officer after construction has begun provided that no such change results in any of the following:
1. A significant change in use or character of the development.
  2. An increase in overall coverage of structures.
  3. The addition of land to the legal description of the original site plan approval.
  4. The addition of more sales or service area, or the addition of dwelling units.
  5. The relocation of proposed buildings in regard to the approved site plan.
  6. An increase in the intensity of use.
  7. A reduction in required open space.
  8. A change that may increase the storm water runoff to adjacent properties.
  9. A reduction in required off street parking and loading.
  10. A reduction in required pavement widths or utility sizes.
  11. A significant increase in traffic on public streets or an increase in the burden on Public Utilities or services.
- B. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval.
- C. For a minor amendment change the Minor Amendment Application Form must be submitted with supporting documentation and applicable fee to the Ordinance Enforcement Officer for approval. Once approved by the OEO, the new documents will be added to the original site plan application.

## **419 Conformity to Site Plan Approval**

1. Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received the approval of the Planning Commission.
2. If construction and development do not conform with approved plan, the approval thereof shall be forthwith revoked by the Ordinance Enforcement Officer of the Township by written notice of such revocation posted upon the premises involved and mail to the developer at his last known address.
3. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.
4. However, the Planning Commission may, upon proposed application of the developer and payment of the required fee, after a hearing, approve major modification in the Site Plan to coincide with the developers construction provided such construction complies with the criteria contained in the Site Plan approval provisions and with the spirit, purpose and intent of the Ordinance.
5. Approval of the Site Plan shall be valid for a period of one (1) year after the date of approval.

6. If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the Site Plan approval shall become void and a new application for Site Plan approval shall be required, and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

**420 Site Plan Appeal Process, See Article X, Chapter 23**

1. If the Planning Commission fails to approve a Site Plan review, the decision may be appealed to the Zoning Board of Appeals.

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