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117.2000

SITE PLAN REVIEW

117.2001- PURPOSE.

Sec. 20.01 The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his/her objectives in the utilization of his/her land within the regulations of this zoning ordinance and with minimum adverse effect on existing land and infrastructure uses, and consistent with the allowed uses in the surrounding zoning districts in the immediate area.

The plan, shall be consistent with the intent and purpose of zoning to:

1. Promote the public health, safety and general welfare.
2. Encourage the use of lands in accordance with their character and adaptability.
3. Avoid the overcrowding of population.
4. Lessen congestion on the public roads and streets.
5. Reduce hazards to life and property.
6. Facilitate adequate provisions for a system or transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
7. Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and property.
8. Conserve property values and natural resources.
9. 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.

117. 20.02 - SCOPE.

Sec. 20.02 The Zoning Administrator shall not issue a permit for any construction or uses until a site plan, submitted in accordance with **Chapter 20.00**, shall have been reviewed and approved by the Planning Commission except as hereinafter set forth,

- A. Single or two-family homes under separate ownership on an individual lot for each one.
- B. Interior building changes requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.

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117.2003 - OPTIONAL SKETCH PLAN REVIEW.

Sec. 20.03 Preliminary sketches or a sub-committee and/or the Planning Commission prior to final approval may submit proposed site and development plans for a non-binding review. The purpose of such procedure is to allow discussion between a developer and Sub-Committee and/or the Planning Commission to better inform the developer of the acceptability of his/her proposed plans prior to incurring unnecessary costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

- A. The name and address of the owner and applicant or developer, including the names of any officers of a corporation or partners of a partnership.
- B. A legal description of the property and the tax number for each parcel thereof.
- C. Sketch plans showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

117. 2004 - APPLICATION PROCEDURE.

Sec. 20.04 Requests for final site plan approval shall be made by filing with the Township Zoning Administrator a complete application accompanied by **Five (5) copies** of a detailed site and development plan that shall contain all information required in this ordinance. The fees as established in the Milton Township Fee Resolution Schedule **Sec. 18.09** must accompany the application.

- A. At a minimum, the application shall include the following information:
 - 1. The applicant's full name, address and phone number including area code.
 - 2. Proof of property ownership, and whether there are any options on the property, or liens against it.
 - 3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 - 5. The address and parcel (Tax Roll) number of each parcel contained in the proposed site plan.

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6. The name and address of the developer (if different from applicant).
 7. Name and address of the engineer, architect and/or land surveyor.
 8. Project title.
 9. An overall project description.
 10. A vicinity map drawn at 1" = 2,000' with northpoint indicated.
 11. The gross and net acreage of all parcels in the project.
 12. Current land use, zoning classification and existing structures on the subject parcel and adjoining parcels.
 13. Project development phases and completion schedule.
 14. A written statement relative to project impacts on existing infrastructure (including traffic capacity of streets, schools and existing utilities) and on the natural environment of the site and adjoining lands and as it is related to the **Milton Township Zoning Ordinance**. (Detailed requirements will vary depending on the project size and impact to the Township.)
- B. The site plan shall consist of an accurate, **drawing at a scale of not less than 1" = 100' or as recommended by the subcommittee, showing the site and all land within 150' of the site**. If multiple sheets are used, each shall be labeled and preparer identified. Each site plan shall depict the following:
1. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
 2. Existing topographic elevations at **two (2) foot intervals**, proposed grades and directional drainage flows.
 3. The location and type of existing soils on the site.
 4. Location and type of existing vegetation including wetlands, and how it will be altered to permit construction of the project.

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5. Location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, floodplain and wetlands (as identified by the DNR in an official determination request).
6. Location of existing and proposed buildings and intended use thereof as well as the length, width and height of each building, and typical elevation views of proposed structures.
7. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where required **Sec. 2.17.**
8. Location of existing public roads, rights-of-way and private easements of record and abutting streets.
9. Location and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes serving the development. Details of entry way and sign locations shall be separately depicted with an elevation view.
10. Location, design and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and methods of surfacing) fire lanes and all lighting thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
13. Location or layout of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention and detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
14. Location or layout of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and stream.
15. Proposed location, dimensions and details of common open spaces and any common facilities such as community buildings and swimming pools if applicable.

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16. Locations, size and specifications of all signs and advertising features showing all views.
17. Exterior lighting locations with areas of illumination illustrated as well as the type of fixtures and shielding to be used **Sec. 2.20**.
18. Location and specifications for all fences, walls and other screening features with cross-sections.
19. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specification 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.
22. Identification of any significant site amenities or unique natural features.
23. Identification of any significant views onto or from the site to or from adjoining areas.
24. North arrow, scale and date of original submission and last revision.
25. A seal is required of a licensed, professional engineer; architect; landscape architect; surveyor or planner who prepared the plan.

117. 2005 - ACTION ON APPLICATION AND PLANS.

Sec. 20.05

- A. Upon receipt of the application and plans, the Zoning Administrator shall check application for completeness. After application is found complete the date of the application shall be recorded. The Zoning Administrator shall transmit one (1) copy there of to the Secretary of the Planning Commission; one copy to the Township Consultant and send one (1) copy to each member of the Sub-committee.

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- B. The Sub-committee shall again review the application for completeness and compliance with the Milton Township Ordinances.
- C. When an application has been filed in proper form and has the required data, the Secretary of the Planning Commission shall immediately place the said application upon the calendar for hearing and cause notices stating the time, place and subject of the hearing to be served. One (1) notice that hearing is to be held shall be published in a newspaper that circulates in the Township and shall be served personally or by mail not more than fifteen (15) days nor less than eight (8) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator and all persons assessed for any real property within three hundred (300) feet of the premises in question and to the occupants of all structures or dwelling units within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. Any party may appear at such hearings in person or by agent or by attorney.
- D. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the zoning ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Planning Commission may approve the plans contingent upon the required modifications or alterations, if any or may require a further review after the same have been included in the proposed plans by the applicant. The decision of the Planning Commission shall be made without undue delay.
- E. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each of the three above mentioned copies shall be signed and dated by the Chairman of the Planning Commission and the applicant, identifying the same as the **Official Finally Approved Site Plan For the "Project Title."** If any variances from the zoning ordinance have been granted or other action taken by the Board of Zoning Appeals pursuant to the project, the minutes concerning the same, duly signed, shall also be filed with the Township records as part of the site plan and a copy delivered to the applicant for his/her information and direction.
- F. Sec. 20.07, 20.08 and 20.10 shall bind the developer or property owner.
- G. The Planning Commission, through the Zoning Administrator and/or Subcommittee, reserves the right to waive any portion of the application or plan due to the scale and type of development proposed.

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117. 2006 - CRITERIA FOR REVIEW.

Sec. 20.06 In reviewing the application and site plan and approving, disapproving or 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.
- B. The buildings, structures and entryway thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
- 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 the discharge or storm waters.
- D. That the adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
- E. That all provisions of the Township Zoning Ordinance are complied with unless the Zoning Board of Appeals has granted an appropriate variance.
- F. That all buildings and structures are accessible to emergency vehicles.

117. 2007 - CONFORMITY TO APPROVED SITE PLAN.

Sec. 20.07 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. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator of the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his/her last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.

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Approval of the site plan shall be valid for a period of one (1) Year after the date of approval. If a building permit has not been obtained and on-site development actually commences within said one 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. The Planning Commission pursuant to any approval shall process any such new application for site plan approval as a completely new request, requiring new fees, new copies of all information and plans, and full and complete review. An extension may be granted if a written request for an extension is given to the Zoning Administrator prior to the expiration of the site plan review at least **30 days** prior to a regularly scheduled Planning Commission Meeting.

117. 2008 - PERFORMANCE GUARANTEE REQUIRED.

Sec. 20.08 In the interest of insuring compliance with the zoning ordinance provisions, protecting the natural resources and the health, safety and welfare of the Township of Milton residents and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit or otherwise provide for a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping any interfacing with adjoining properties.

- A. For the purpose of executing any performance guarantee, the date of such execution shall be established by the Planning Commission in their site plan approval by establishing the required completion date of such improvements, 180 days after which the Township shall execute the performance guarantee.
- B. Performance guarantee as used herein shall mean a surety bond in the amount of the estimated cost of improvements to be made as determined by the applicant and verified by the Township Consultant, made payable to the Milton Township on the date established in accordance with **Sec. 20.08**.
- C. The Zoning Administrator shall not issue a zoning permit until the Township Clerk receives the required performance guarantee.
- D. If the specified improvements have been completed within the time frame specified, the Zoning Administrator will return the performance guarantee to the applicant upon approval.
- E. In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Milton Township Board shall have the right to execute the performance bond to complete the

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improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance bond is not sufficient to cover the costs incurred by the Township in completing the improvements, the applicant shall be required to pay Milton Township the amounts by which the costs of completing the improvements exceeded the amount of the Performance bond.

117. 2009 - APPEALS OF FINAL SITE PLAN.

Sec. 20.09 Persons aggrieved by a decision of the Planning Commission in granting or denying approval of a final site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within **seven (7) days** of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

- A. The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented.
- B. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable ordinance requirements are met.
- C. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

117. 2010 - AS BUILT SITE PLAN.

Sec. 20.10 Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the Zoning Administrator three (3) copies of an “**As Built**” site plan, certified by a licensed engineer or surveyor, in the State of Michigan, at least one month prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the “**As Built**” to the Township Clerk and the Secretary of the Planning Commission for review to insure conformity with the approved site plan and other Milton Township requirements. Once the Planning Commission has approved the “**As Built**” plans the Zoning Administrator shall make the final inspection and may issue the final approval.

117. 2011 - LAND CLEARING.

Sec. 20.11 No person shall undertake or carry out such activities, or use, including any grading, clearing, cutting and filling excavating, or tree removal associated therewith for which site plan approval is first required by this ordinance. Nor shall activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetland permits or flood plain permits. Any violation of this provision is subject to the fines and penalties prescribed in **Sec. 18.10** of this ordinance for each day of the violation from the day of discovery of the incident until an approved restoration plan, or an approved site plan is granted.