

**ARTICLE XX
SITE PLAN REVIEW PROCEDURES**

Section 20.01 PURPOSE.

The purpose of this Article is to establish uniform requirements of procedure for all developments in Howell Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.02 DEVELOPMENTS REQUIRING SITE PLAN APPROVAL.

The following land, building and structural uses require "Site Plan Approval":

- A. All principal and special uses and their accessory uses in the MFR, OS, NSC, RSC, HSC, HC, and I Districts.
- B. All special uses and their accessory uses in all Districts.
- C. Projects consisting of multiple principal buildings upon a parcel of land.
- D. Projects under Article XXVI entitled "Roads, Driveways and Related Land Use Developments."
- E. All Planned Unit Development (PUD) projects.
- F. All Condominium projects including condominium subdivisions permitted under the provisions of Public Act 59 of 1978, "The Condominium Act."
- G. All agribusiness principal and accessory uses.
- H. All uses in the AR and SFR zoning districts, except for those not requiring site plans listed in Section 20.03.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; Ord. No. 70 eff. Aug. 12, 1998; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 20.03 DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL.

- A. Single-family homes and their accessory uses in the AR, and SFR Districts.
- B. General or specialized farming and their accessory uses, except roadside stands, involving crops and livestock, in the AR and SFR Districts but not including all other principal and special uses and their accessory uses permitted in the AR and SFR Districts.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 20.04 ROLE OF THE ZONING ADMINISTRATOR.

The Zoning Administrator shall inspect all parts of the set of plans comprising the required site plan submittal for completeness prior to referring the site plan to the Planning Commission for its review and action. The Zoning Administrator shall not issue a Zoning Permit for construction of or addition to any use until a final site plan requiring the Planning Commission's or Township Board's approval has been approved by the Planning Commission or Township Board and is in effect.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.05 SITE PLAN APPROVAL REQUIRED PRIOR TO STARTING CONSTRUCTION OR USE OF LAND.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.06 SITE PLAN REQUIREMENTS.

- A. **Application.** All applicants shall comply with the "A Informational and Procedural Check List for Site Plan Review" of current adoption by the Township Planning Commission and the Township Board. Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least thirteen (13) copies of a preliminary site plan drawing(s). Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) to the Planning Commission prior to its next regular meeting.

- B. **Information required for review.** Every preliminary site plan submitted under this Article shall contain information required in the "Informational and Procedural Check List for Site Plan Review" and the following:

Stage 1 - Preliminary Information:

- 1) Cover sheet shall include the name of the project, the names and addresses of the owners, the firm or persons preparing the plans and their addresses, the location of the project on a vicinity map and the date the plans were prepared.

- 2) A plot or survey of the property prepared by a licensed land surveyor showing all property lines, easements, adjacent roads, topographical contour lines at two (2) foot intervals, location of all trees having a diameter at breast height of six (6) inches or more, boundaries of woodlots and shrub masses, existing buildings and structures located above and below the ground surface, potential wetlands and flood areas, connecting property lines and land uses of adjacent properties and utilities available to serve the project site.

- 3) A conceptual plan showing all proposed developments to be built upon the property prepared by a licensed/registered Engineer, Architect or Landscape Architect of the entire project showing all buildings and structures, including roads, drives, parking areas, walks, signs, outdoor lighting, open space uses, fencing, walls, buffer area and screen plantings, berms, outdoor storage areas, trash receptacle storage areas and any other development feature proposed to be developed on the site for the project.
- 4) The Planning Commission may conditionally approve a conceptual plan at this stage.
- 5) All Preliminary Site Plans, when on and off-site improvements are included on the site plan which needs to be reviewed and reported upon by the following agencies and officials, shall be reviewed and reported upon by such agencies and officials and the Applicant shall secure copies of their reviews and reports and submit them to the Planning Commission as a part of the Preliminary Site Plan submittal:

County Road Commission
County Drain Commissioner
County District Health Department
Township Sewer and Water Authority
State Department of Transportation (MDOT)
State Department of Environmental Quality (DEQ)
State Department of Public Health
Howell or other school districts
Applicable Federal Agencies
Local Fire Marshall.

And additionally each Applicant shall comply with the procedures and requirements outlined in the adopted "Informational and Procedural Check List for Site Plan Review" of current adoption by the Planning Commission, and Township Board.

Stage 2 - Detailed Information:

- 1) A grading plan prepared by a licensed/registered Engineer, Architect or Landscape Architect showing all existing and proposed grading changes at two (2) foot contour intervals and including detailed cost estimates for each item of construction.
- 2) Construction drawings of all utility systems, prepared by a licensed Engineer, including water supply, wastewater disposal, storm drainage, electric power, natural gas, telephone and TV cable and off-site connections to them, and including detailed cost estimates for each item of construction.
- 3) Construction details of all improvements including, but not limited to roads, drives, curb and gutter parking areas, walks, fences, berms, drains, water mains or wells, sanitary sewers or septic tanks and tile fields, manholes, pumping stations, force mains and other related appurtenances to each utility system prepared by a licensed or registered Engineer, Architect or Landscape Architect, and including detailed cost estimates for each item of construction.
- 4) Landscape planting plans prepared by a registered Landscape Architect showing the location, name and size of trees, shrubs, vines and ground covers to be planted on-site,

including plantings related to buildings and structures, buffer areas and screenings, including detailed cost estimates for each item of construction.

Stage 1 and Stage 2 - Site Plan Information:

1) Scales of Plans:

- a) For projects of up to forty (40) acres the scale of each plan shall be at one (1) inch equals 100 feet.
- b) For projects of more than forty (40) acres the scale of each plan shall be at one (1) inch equals 200 feet.

2) Other Requirements:

- a) Each plan shall have a graphic and numerical scale represented on it.
- b) Each plan shall have a date the plan was made and the dates of any revisions made of it.
- c) Each plan shall have the signature and stamp of the profession in which they are licensed or registered in the State of Michigan.

6) In order to properly and adequately analyze a Conceptual and/or Preliminary Site Plan, the Planning Commission may require an Applicant to have prepared the following informational studies:

- a) Market Feasibility by a recognized Professional Market Analyst
- b) Environmental Impact Assessments by a Professional Environmentalist experienced in environmental impact studies in the State of Michigan.
- c) Traffic Impact Assessment by a Experienced Professional Traffic Engineer, Licensed by the State of Michigan, which shall be used as a guide.
- d) Public Facility, Utility and Service Impact Assessment by a Licensed Professional Engineer, State of Michigan.

The Types of Site Development Projects which in the judgment of the Planning Commission may require any one or all of the above Studies including the following:

- a) Planned Unit Development Projects
- b) Condominium Projects
- c) Single Family Residential Housing Projects of 30 acres or more in area
- d) Multiple Family Residential Housing Projects of 10 acres or more in area
- e) Commercial Office Projects of 5 acres or more in area

- f) Commercial Retail Projects of 5 acres or more in area
- g) Industrial Manufacturing Projects of 5 acres or more in area
- h) Private or Semi-Private Institutional Projects of 5 acres or more in area
- i) Private or Semi-Private Recreational Area Projects of 5 acres or more in area

In making its determination as to the need and therefore the requirements for an Applicant to complete any of the above Studies the Planning Commission shall use the criteria listed in Section 16.06 "Required Standards and Findings for Making Determinations" of this Zoning Ordinance.

- C. **Planning Commission action.** The Planning Commission shall study the site plan and shall, within sixty (60) days of the filing date, approve or deny the preliminary site plan. If denied, the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

In addition to the above, a PUD Site Plan shall be recommended to the Township Board for its approval, approval with conditions, or denial.

- D. **Effect of approval.** Approval of a preliminary site plan by the Township Planning Commission and PUD Site Plans by the Township Board shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Planning Commission or Township Board in the case of a PUD Site Plan, may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed.

- E. **Expiration and extension of approvals.** Approval of a preliminary site plan shall be valid for a period of one (1) year from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A one (1) year extension may be granted upon written request of the applicant and approval of the Township Planning Commission. The approval of the preliminary site plan shall also expire and be of no effect one (1) year after approval of a final site plan, unless an extension or a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000; further amended by Ord. No. 138 eff. May 26, 2002, further amended by Ord. No. 194 eff. March 1, 2006)

Section 20.07 FINAL SITE PLAN REQUIREMENTS.

- A. **Application.** Following approval of a preliminary site plan, the applicant shall submit thirteen (13) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, shall promptly transmit the final site plan to the Planning Commission.
- B. **Information required for review.** Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review contained in Section 20.06 above. Additional information required for PUD shall be submitted in accordance with Section 27.07.
- C. **Planning Commission action.** The Planning Commission shall study the final site plan and shall within sixty (60) days of the date of the Planning Commission meeting at which the plan was received, approve or disapprove the final site plan. This time limit may be extended upon written request by the applicant and approval by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant. The Planning Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance. Upon Planning Commission approval of the final site plan, the applicant and owner(s) of record, and the Chairperson of the Planning Commission or his designated replacement, shall sign the approved plan. The Planning Commission shall transmit one (1) signed copy of the approved final site plan each to the Zoning Administrator, Township Clerk, and to the applicant. One (1) copy shall be retained in the Planning Commission files. In the case of PUD Site Plans, the Township Clerk shall sign the approved site plan and its action transmitted to the applicant and the Planning Commission.

If the final site plan is disapproved, the Planning Commission shall notify the Township Clerk, in writing, of such action and reasons who in turn shall notify the applicant. In the case of PUD Site Plans, the action of the Township Board shall be transmitted to the applicant and the Planning Commission.

- D. **Effect of approval.** Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Planning Commission or Township Board, whichever has the final approval, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of approval unless authorized construction has begun on the property in conformance with the approved final site plan. (Ord. No. 216 eff. May 1, 2009)
- E. **Appeal by applicant.** The applicant may appeal the decision of the Planning Commission or Township Board on all matters pertaining to the provisions of this Zoning Ordinance, but not to the use of land, buildings or structures, to the Zoning Board of Appeals within ten (10) days of the date of the decision of the Planning Commission or Township Board, whichever has the final approval, on the final site plan. (Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)
- F. **Extension of the Time for the Purpose of Keeping Approved Preliminary and Final Site Plans Effective Beyond the Required and Approved Time Limits.** If in the judgment of the Planning Commission or the Township Board, whichever has preliminary or final site plan approval, any of the following conditions prevail during the time limitations placed upon an approved preliminary or final site plan, a maximum of up to four (4) successive one (1) year extensions for any of the time limitations included in Section 20.06 E., 20.07 D., and 20.08 J.2), J.2)b) and J.2)d) may be approved under the following conditions:

- 1) An applicant's submittal of a written statement with supporting proof that economic or other stated conditions are currently prevailing that preclude the continuance under current conditions and it is not currently feasible to proceed toward the construction of the proposed developments affected by the time limitations placed upon an approved preliminary or final site plan.
- 2) An applicant's submittal of a written statement with supporting proof that planned construction of public sewer or water utilities planned to serve the planned development have been delayed and are therefore not made available in order to be able to proceed toward the construction of the project in accordance with the time limitations placed upon an approved preliminary or final site plan.
- 3) An applicant's submittal of a written statement with supporting proof that the seeking of drainage easements and the construction of connections to the County drain system in order to meet the requirements of the County Drain Commissioner are not made available within the required time limitations placed upon an approved preliminary or final site plan in order to be able to proceed toward the construction of the applicant's project as planned.
- 4) An applicant's submittal of a written statement with supporting proof of any one or more conditions that are determined to be beyond the control of the applicant and therefore precludes the applicant's ability to continue toward the construction of the project in accordance with the time limitations placed upon an approved preliminary or final site plan. (Ord. No. 216 eff. May 1, 2009)

Section 20.08 CRITERIA FOR SITE PLAN REVIEW.

In reviewing a preliminary or final site plan, the Planning Commission or Township Board shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A. **Preservation of natural environment.** Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development. If the Planning Commission or Township Board determines that an Environmental Impact Statement is needed, the applicant shall have such Statement prepared by a professional Environmental Consultant.
- B. **Relations of proposed land, building and structural uses to environment.** Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the use of visual and noise barrier, buffer, or screening areas or structures, the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.
- C. **Drives, parking and circulation.** Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely affect the design of proposed land, buildings and structures and that of adjacent and surrounding development areas.
- D. **Surface water drainage.** Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or to public storm drainage system. Storm water drainage off-site shall not exceed that which normally flowed off-site prior to any development of the site. Impoundment retention or detention basins shall be

required to retain or detain surplus storm water drainage over that which was normal prior to development of the site. If practical, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

- E. **Utility service.** Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission or the responsible State, County, Authority or other public, semi-public or private agency or organization.
- F. **Advertising features.** The size, location and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Article XIX, "Sign Regulations."
- G. **Special features.** Replaced by Article XXVIII - Landscaping Requirements.
- H. **Landscaping requirements.** Refer to Article XXVIII, Landscaping Requirements and Section 14.35, Fences.
- I.
- J. **Additional requirements.** All other standards and requirements of this Ordinance shall be met by site plans presented for review under the provisions of Article XX, "Site Plan Review Procedures."
- K. **Special requirements for PUDs.**
 - 1) Preliminary Plan Review. The purpose of the preliminary plan review and approval process of a PUD is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project and the necessary commitments, in order to prepare final site development plans including those for engineering, architecture and landscaping, and to execute whatever agreements are necessary between the applicant and the Township. A comprehensive presentation shall be made to the Planning Commission for review and recommendation to the Township Board and shall at least include the Criteria for Site Plan Review listed in Section 20.08.
 - 2) Preliminary Approval. Approval of the preliminary PUD plan by the Township Board upon the recommendation by the Planning Commission shall be effective in accordance with the regulations stated in Section 20.06E, for Preliminary Site Plans and Section 20.07 D for Final Site Plans. In reviewing and approving the preliminary plan, the following conditions shall be set forth: (Amended by Ord #228 eff. June 19, 2009)
 - a) Approval under this Section is based on a PUD plan having been submitted and approved in accordance with Article XXVII, "Planned Unit Developments." Once a PUD has been granted preliminary approval, no development nor use may be made of any part thereof, except in accordance with the PUD plan as originally approved or in accordance with any amendments thereto approved by the Township Board upon recommendation by the Planning Commission.
 - b) (Deleted by Ord. #228 eff June 19, 2009)
 - c) Final Review. The purpose of the final review is to approve the site plan for the entire PUD,

including final plans for items listed and all other required conditions, and to approve the appropriate final plan for each specific land use area. If the entire PUD is to be built in phases, then plans for specific land use areas may be submitted as long as each phase of development is in conformance with all requirements of this Ordinance. No land use permit(s) shall be issued for any or all phases of development until a PUD final site plan is in conformance with all requirements of this Ordinance, and no land use permits for any or all phases of development shall be issued until plans for the entire PUD, including those for the specific land use areas, have received final approval by the Township Board upon recommendation of the Planning Commission. A presentation shall be made by the applicant to the Planning Commission for review and recommendations to the Township Board, of the following:

- 1) A final overall site plan for the entire PUD area, showing roads and specified zoning districts and their included uses, densities and lot coverage. Such site plans shall be in conformance with appropriate density and lot coverage requirements for the total acreage of each district. Included open space may be used to compute said density and lot coverage on a district by district basis. Open spaces shall be assigned to each land use as planned and approved.
- 2) Approval of each PUD land use area shall be based on each area meeting the standards of the Zoning District as to uses, density and lot coverage. To accomplish this standard, as open space of adequate size shall be shown with each land use area being presented. This total land area shall then be used to compute density and lot coverage. Land under water, including swamps, bogs, lakes and streams, public roads and nonresidential use areas shall be excluded in computing the area of a parcel for purposes of determining the density or lot coverage for PUD purposes, except as otherwise provided in this Ordinance.

d) Final approval. In reviewing and approving the final plans the following conditions shall be set forth: (Ord. No. 216, eff. May 1, 2009, amended by Ord. No 228 eff. June 19, 2009)

- 1) Approval shall only be granted by the Township Board after review and recommendation by the Planning Commission.
- 2) Proceeding with a PUD shall only be permitted when a mutual agreement has been reached between the Township Board and the applicant upon recommendation of the Planning Commission.

K. All construction specified on a final site plan shall meet the requirements of the agencies and officials listed in Section 20.06B. Stage 1 - #5 for the following on and off-site improvements:

- 1) Surface and subsurface storm water drainage systems.
- 2) Roads, highways, right-of-ways and easements.
- 3) Sanitary sewer and water supply systems or on-site water supply and wastewater disposal systems.
- 4) Public utilities, including electric power, gas, telephone and cable television systems.

- 5) Environmental protection devices and facilities.
- 6) Signs, including street name signs.
- 7) Property survey monuments delineating boundaries of a lot or parcel of land.

L. Required documentation for each project shall include the following:

1) **General requirements.** The developer and/or proprietor of the project shall furnish the Planning Commission for its review and approval copies of all documents establishing easements for ingress, egress, public utilities, etc., as well as those documents creating maintenance agreements or other contracts between property owners and/or residents in the project pertaining to roads, drives, parking areas or common areas, any restrictive covenants and deed restrictions pertaining to the property and, if applicable, a Master Deed and exhibits.

2) **Requirements for condominium projects.** If the proposed project is a condominium project, the information to be provided to the Planning Commission shall be the condominium site or subdivision plan prepared in compliance with P.A. 59 of 1978 ^ΔThe Condominium Act[@] in addition to 1 above. After submittal of the condominium plan and bylaws for recording as part of the Master Deed, the proprietor shall furnish to the Township and the County Register of Deeds a copy of the condominium site or a subdivision plan prepared in compliance with P.A. 59 of 1978, "The Condominium Act" and this Ordinance on a photographic hard copy, laminated photostatic copy or 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.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amended by Ord. No. 74 eff. Sept. 30, 1998; Ord. No. 97 eff. Feb. 23, 2000)

Section 20.09 MODIFICATION OF PROCEDURE.

An applicant may, except for PUDs, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.10 AMENDMENT OF AN APPROVED SITE PLAN.

A site plan may be amended upon application and in accordance with the procedure provided in Section 20.06, herein, for a preliminary site plan, and Section 20.07, herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

- A. **Major changes which shall be considered by the Planning Commission include the following:**
- 1) Changes in general concept or design of the general development plan referred by the Zoning Administrator to the Planning Commission.
 - 2) Changes in the original approved use(s) for the development.
 - 3) Changes in the type and design of residential, commercial, industrial, public, institutional or organizational buildings.
 - 4) Increases in the number of residential dwelling units or number of nonresidential buildings on the site.
 - 5) Increases in residential or nonresidential building floor area of more than ten (10) percent.
 - 6) Rearrangement of building locations, lots, blocks or building sites.
 - 7) Changes in function and character of roads or highways.
 - 8) Changes in the location, character of use or amount of land planned as common open space.
 - 9) Variations in the development represented on the approved site plan involving the deletion, relocation or addition of on-site improvements, including drives, parking areas, structures on, above and below the ground surface, berms, curbs and gutters, screen plantings and other landscaping, fencing, water supply, wastewater disposal or storm water drainage systems.
 - 10) Relocation of any surface or subsurface structures or improvement, except essential public utilities and services, by twenty (20) feet or more from their planned location.
 - 11) Any increase or decrease of the minor changes listed below.
 - 12) Hear an appeal of an applicant whose request for a minor change in an approved final site plan has been disapproved by the Zoning Administrator, and decides whether to approve, approve with conditions or disapprove the applicant's requested change.
 - 13) See Section 14.41
- B. **Minor changes which may be made by the Zoning Administrator including the following:**
- 1) Minor variations in concept of design of the development which are not major changes, as determined by the Zoning Administrator.
 - 2) Increases or decreases of residential or nonresidential floor areas by ten (10) percent or less.
 - 3) Relocation of any surface or subsurface structure or improvement by less than twenty (20) feet from its planned location.
 - 4) Increases or decreases in planned finished grading or heights of berms which do not exceed two (2) feet or more.
 - 5) Changes in the types of finished surfaces or roads, drives, parking areas, walks and loading and unloading areas.

- 6) Changes in height of buildings or structures.
- 7) Increases or decreases or changes in the type, height or length of walks, fencing, berms or screen plantings.
- 8) Additions or deletions of permitted accessory uses to the approved principal uses permitted by the approved site plan.
- 9) Changes in the location of essential public utilities and services from those approved on the site plan in order to accommodate their installation in accordance with the Township Engineer.
- 10) Changes in the species, sizes of specimens or spacing of planned and required landscaping and screen plantings, including trees, shrubs, vines and ground covers.
- 11) Changes due to unforeseen natural or environmental conditions or natural or constructed features, e.g. wetlands, flood plains, groundwater, geological features, existing structures and improvements or man-made or natural features and other significant features located on the site.
- 12) If an applicant decides to appeal the disapproval of a minor change by the Zoning Administrator, the applicant's file shall be forwarded by the Zoning Administrator with the Zoning Administrator's reasons for disapproval to the Planning Commission for its review and decision as to whether to approve, approve with conditions or disapprove the requested minor change.
- 13) See Section 14.41.
(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amend by Ord. No. 96 eff. Feb. 23, 2000)

Section 20.11 MODIFICATION DURING CONSTRUCTION.

All improvements shall conform to the approval final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Township Planning Commission or Township Board will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator, the Planning Commission and Township Board of any such changes. The Zoning Administrator, the Planning Commission or Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

The Applicant upon completion of all construction, and prior to receiving a Certificate of Compliance, shall as the project was finally built, have prepared a set of as-built site plan drawings by a State of Michigan registered/licensed professional architect, civil engineer, landscape architect or land surveyor who shall upon preparing such a set of as-built plans present a written statement certifying the set of plans accurately represent the completed construction of the project as actually and finally constructed as-built on the site. This set of plans shall be labeled "as-built site plans" for the entitled project. The "as-built site plan" shall be submitted to the Township in the form of one (1) Mylar as-

built tracing and three (3) sets of as-built prints acceptable to the Township. The as-built site plan shall show the exact location of all improvements, including building locations, elevations, grades, paved areas, sewer lines or on site wastewater disposal systems, water mains or onsite water supply systems, manholes, drain inlets, fire hydrants, signs, outdoor lighting, utility locations for electric power, gas, telephone and cable television, landscaping, property lines, easements and any other improvement located above, on or below ground grade.

In addition to the above requirements the Applicant must submit a compact disk compatible with the computer program installed at the Township which can, through the use of the compact disk and the Township computer program, bring up the Applicant's project as-built drawings of the site plan. (Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998; Ord. No. 130 eff. Nov. 28, 2001)

Section 20.12 PHASING OF DEVELOPMENT.

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase may be submitted for approval. (Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.13 INSPECTION.

All subgrade improvements, such as utilities, subbase and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Planning Commission and Township Board, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Planning Commission and Township Board, in writing, of any development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Planning Commission and Township Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission and Township Board of progress toward compliance with the approved final site plan, and when compliance is achieved.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.14 FEES.

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

Section 20.15 PERFORMANCE GUARANTEES.

1. To ensure compliance with the zoning ordinance and any conditions imposed under the zoning ordinance, the Township may require a cash deposit, certified check, or irrevocable letter of credit, acceptable to the Township covering the estimated costs of improvements be deposited with the Township Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project.

2. The Township shall prepare a schedule for rebate or reduction of performance guarantees in reasonable proportions to the ratio of work completed on the required improvements as work progresses. Such performance guarantees may only be reduced upon written verification provided by the project engineer that improvements are completed as required under the site plan, and the remaining security is sufficient to insure completion of all remaining improvements.

3. In the event that the applicant shall fail to provide improvements according to the approved final site plan, or shall fail to maintain or renew the performance guarantee until all work required under the site plan is completed and a certificate of compliance, verifying compliance with the approved site plan, is issued for the entire project, the Township shall have the authority to take any of the following actions in its discretion:

- A. Appropriate funds from the deposited security, and therefore apply the funds toward completion of the improvements in accordance with the site plan.
- B. Issue a stop work order for the project.
- C. Commence an action against the applicant in a court of competent jurisdiction and seek penalties and injunctive relief.

4 The Township shall be entitled to deduct reasonable administrative costs, including attorney and consultant fees, from the performance guarantees in the event the applicant fails to complete improvements under this section.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998, Ord. No. 205 eff. May 3, 2007)

Section 20.16 VIOLATIONS.

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)