

DIVISION 4. - SITE PLAN REVIEW

FOOTNOTE(S):

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Editor's note— Ord. No. 6-2009, adopted Sept. 21, 2009, amended former Div. 4, §§ 74-171—74-183, in its entirety to read as herein set out. Former Div. 4 pertained to similar subject matter and derived from the Compiled Ords. of 1990, §§ 130.2201—130.2213; Ord. No. 8-89, 8-21-1989; Ord. of 9-17-1990; Ord. No. 8-02, §§ 130.2203, 130.2204, 5-20-2002; Ord. No. 10-03, §§ 130.2203, 130.2204, 7-21-2003; Ord. No. 11-2007, 11-19-2007; Ord. No. 7-2008, 9-22-2008.

State Law reference— Site plans, MCL 125.686e, 125.686f.

Sec. 74-171. - Authority.

The Planning Commission shall review site plans as required in this article.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-172. - General procedures for submission and review of site plans.

(a) *Buildings, structures and uses requiring site plan review.* The following buildings, structures and uses require site plan review:

- (1) A residential building the use of which constitutes an R-1 or R-2 Residential Group under the Michigan Building Code of 2009 or any successor to such code;
- (2) A building containing two or more dwelling units;
- (3) Any principal nonresidential building or structure permitted in residential districts;
- (4) In any business or industrial district, any building with a floor area greater than 500 square feet, and any addition to such a building;
- (5) In any business or industrial district, any principal use of a lot that does not involve a building, including outdoor sales, outdoor displays, and storage of wrecked vehicles;
- (6) In any business or industrial district, more than one building or structure, except a sign, on a lot or parcel or combination of lots under one ownership;
- (7) In recreation-conservation and agriculture districts, any permitted principal building and structures except (a) single-family residences with a floor area of 5,000 square feet or less, and (b) farm buildings and structures;
- (8) A mobile home park;
- (9) A condominium development;
- (10) All proposed conditional uses and related buildings or structures and all planned unit developments; except those conditional uses specifically exempted from site plan review, such as certain bed and breakfast operations;
- (11) Public utility buildings and structures;
- (12) Except as limited by § 206(1) of the Michigan Zoning Enabling Act, a structure licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737 or in the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128;

- (13) Any parking lot, or addition to a parking lot, containing five or more parking spaces;
 - (14) Any principal public building in any zoning district; and
 - (15) Any structure or use for which site plan review is otherwise required by this chapter.
- (b) *Prohibited actions.* No person may begin grading, removal of trees or other vegetation, land filling, or construction of buildings, structures or improvements for any project that requires site plan approval until a final site plan is approved and the other requirements of this article (such as an executed development agreement and deposit of performance guarantee) are met.
- (c) *Who may apply.* Any person with a legal interest in the property may apply for site plan review. If the applicant is not the fee simple owner of all land covered by the project, the application also shall include the written consent of each fee simple owner. The applicant shall provide a current title commitment of the property showing all owners and parties in interest.
- (d) *Site plan stages.* The procedure for processing site plans includes three stages:
- (1) *Pre-application conference (optional).* The applicant may request a pre-application conference. The conference is encouraged, but is not mandatory. During this conceptual review phase, the applicant presents a generalized site plan showing the overall concept of the project. Such matters as use, density, compatibility with development in the area and the effect of the project on Township services will be discussed during this phase. The applicant schedules the conference through the Township Supervisor. Conference attendees will include the applicant and the applicant's consultants, the Township consultants, one or more representatives from the Planning Commission, and representatives of other Township departments as appropriate.
 - (2) *Preliminary site plan review.* At this phase, the applicant submits a preliminary site plan meeting the requirements of this article. The requirements for a preliminary site plan are less detailed than for a final site plan.
 - (3) *Final site plan review.* Following approval of the preliminary site plan, the applicant submits a final site plan meeting the requirements of this article.

The applicant or a representative must be present at each scheduled review, or the application will be tabled for a maximum of two consecutive meetings due to lack of representation, after which the site plan will be dismissed and a new application required.

- (e) *Combining preliminary and final site plans.* An applicant may, at the applicant's discretion and risk, combine a preliminary and final site plan in one application for approval if the project will not be developed in phases. However, the Planning Commission shall have the authority, in its sole discretion, to require submittal of a preliminary site plan separate from a final site plan, when the complexity or size of the project warrants.
- (f) *Site condominiums.* Site plan requirements for site condominiums shall be the same as for other projects, with the addition of the following:
- (1) The preliminary site plan for a site condominium project shall contain the information required by this article, shall comply with section 74-601 of the this chapter, and shall include all land intended for the project. When buildings or structures are not proposed at the time of preliminary site plan review, the preliminary site plan shall provide the location and dimensions of lots, including required yards.
 - (2) The final site plan for a site condominium project shall contain the information required by this article for each phase of the project and shall comply with section 74-601 of this chapter.

(Ord. No. 6-2009, 9-21-2009; Ord. No. 6-2011, 8-15-2011)

Sec. 74-173. - Applications; determination that an application is complete; Planning Commission action.

- (a) *Application.* An applicant may apply for preliminary or final site plan approval by filing with the Township Clerk, at least 20 calendar days prior to the next Planning Commission meeting, a completed application form, the required fees, and 17 copies of all information required by this article. Five (5) of the submittal copies shall include full size (24 × 36 inches) drawings and twelve (12) of the copies shall include reduced (11 × 17 inches) drawings. In addition to the required paper copies, an electronic version of the site plan submittal (including all supporting materials) shall be provided in a format acceptable to the Township.
- (b) *Preliminary determination that an application is complete.* Following receipt of an application, Township staff and consultants will make a preliminary determination as to whether the application is complete or more information is required. If the Township staff and consultants determine that an application is complete, they will inform the chair of the Planning Commission, who will place the application on the agenda for the next available Planning Commission meeting. If more information is required, the application will not be on the agenda for the next Planning Commission meeting and the applicant will be so notified.
- (c) *Final Determination that Application is Complete; Planning Commission action.*
- (1) At the Planning Commission meeting at which the application appears on the agenda, the Planning Commission will study the application, including all information provided and fees paid, as well as reports of Township staff and consultants, and make the final determination as to whether the application is complete. If the Planning Commission makes a final determination that the application is complete, the Planning Commission will proceed with analysis and consideration of the application. If the Planning Commission makes a final determination that the application is incomplete, the application shall be tabled until such time as the required information is provided.
 - (2) Within 135 days of the date of the meeting at which the Planning Commission makes the final determination that the application is complete, the Planning Commission will approve or reject the site plan. The Planning Commission may require changes in the plan prior to approval and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on the plan.
 - (3) The 135-day time limit in the previous paragraph may be extended upon a written request by the applicant made during the 135-day period and approved by the Planning Commission. The Planning Commission may also extend the time limit on its own motion during the original 135-day period for up to an additional 135 days if it determines further information or analysis is required.
 - (4) The time periods set forth in 3. above shall not include any tabling or delay of action or consideration resulting from (a) lack of representation by the applicant at the meeting, (b) the applicant's request or (c) failure of the applicant to supply required information (including required approvals from third parties) by the filing deadline.
 - (5) In reviewing the plan, the Planning Commission may consult with the Township Zoning Officer, the Township Fire Chief, the Township engineer, Township attorney, planning consultants and other governmental officials and departments as it deems necessary, and with public utility companies that might have an interest in or be affected by the project. At any time during the site

plan review process the Planning Commission may require the applicant to provide additional information or studies deemed necessary or advisable by the Planning Commission to properly evaluate the project, and address the standards for review or conditions for approval.

- (6) The Township engineer must approve all engineering drawings and plans before the Planning Commission approves a preliminary or final site plan.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-174. - General requirements for all site plans.

- (a) *Format and information required.* All site plans shall be prepared in the following format and contain the following information:
 - (1) Plans shall be prepared by a professional engineer, architect, planner, landscape architect, or land surveyor registered in the State of Michigan, whose seal shall be affixed to the first sheet.
 - (2) Each sheet in a set of plans shall show:
 - a. The name and general description of the property;
 - b. All revision dates;
 - c. The scale;
 - d. A north arrow, which shall be displayed on the right side of the sheet (and each sheet shall be oriented so that north is either up or to the left);
 - e. The title of each sheet; and
 - f. The name, address, and telephone number of the person or firm that prepared the sheet.
 - (3) Each sheet in a set shall be numbered consecutively and shall have proper match lines or other keys to provide reasonable continuity and orientation.
 - (4) The first sheet in each set shall be the cover sheet and shall include a sheet index. At a minimum, the cover sheet shall show:
 - a. The name and address of the applicant and each record property owner;
 - b. The name and addresses of all adjacent property owners;
 - c. The legal description of the property;
 - d. The tax identification number;
 - e. The address of the site;
 - f. Lot dimensions and bearings;
 - g. Zoning classification and existing land use of the property and adjacent properties;
 - h. zoning data, including:
 1. Required setbacks;
 2. Minimum lot area;
 3. Lot width;
 4. Building height;
 5. ground floor and total floor area to be constructed;
 6. Proposed total ground floor coverage (ground floor area divided by net lot area);
 7. Proposed total floor area ratio (total floor area divided by net lot area).
 - i. The date of the plan and all revision dates;
 - j. The project name (lower right corner);
 - k. Any existing or proposed deed restrictions and easements;

- l. The Township identifying number for the project in the lower right corner once it has been assigned; and
 - m. A vicinity map showing the general location of the site in relation to the nearest cross street (or section corner for a metes and bounds parcel).
- (5) All plans shall be of a scale not greater than one inch equals 20 feet and not less than one inch equals 200 feet, and of such accuracy and clarity that the Planning Commission can readily interpret the plan.
 - (6) All plans shall show a high resolution aerial photo of the site.
 - (7) No applied shading shall be used that obscures any lettering or other graphical information.
 - (8) If a site is to be developed in two or more phases, all plans shall show the entire property in the development, its proposed layout, and the location of each phase.
 - (9) The term "adjacent" shall be used when referring to abutting property and property across a street.
 - (10) The term "roadway corridors" shall be used to describe the entire area between fronting buildings on a public or private street.
- (b) *Re-submittals.* With each re-submittal of a plan, the applicant shall provide a written response to the Planning Commission's and Township Consultants' comments concerning the prior plan.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-175. - Requirements for preliminary site plans.

- (a) *Information required.* In addition to the information required for all site plans, a preliminary site plan shall provide the following information:
- (1) *Physical features.*
 - a. The shape, size and location of existing and proposed development on the site, including buildings, parking areas and service drives, loading zones and the location of existing and proposed public streets serving the property.
 - b. For residential projects, the number and types of dwelling units and density.
 - c. For non-residential projects, the number of buildings.
 - d. The location, width, and purpose of existing easements.
 - e. The location of: (1) any drain tile that serves the property, whether located on or off the property that is the subject of the site plan; and (2) any drain tile on the property that serves other properties. If the applicant determines that no drain tile exists on the property, the applicant will provide a written statement to the Planning Commission representing that the applicant has made a good faith investigation into the existence of drain tile on the property, and that there is no evidence to indicate the presence of any drain tile on the property.
 - f. An area-wide stormwater drainage map showing existing and proposed drainage courses and stormwater basins that are on-site or affect the site. This map shall provide contours shown at five foot intervals, and a stormwater management plan consistent with the Township's stormwater management ordinance.
 - g. A sanitary sewer service area map showing service areas on-site or upstream. This map shall provide contours.
 - h. A general proposed utility layout for sanitary sewer, water, and stormwater systems, including estimated locations for proposed wells, septic tanks, drain fields, and other proposed underground tanks.

- i. The total proposed stormwater impact surface area and percentage of proposed stormwater impact surface area to total gross area. Stormwater impact surface is that surface, including stormwater basins (at the designed capacity elevation), which has a runoff coefficient in excess of 0.3 as defined by the WCWRC.
- j. The location of any proposed trash storage areas and screening. If no outdoor trash storage is intended, the plan shall so state.
- k. A written preliminary review from the Washtenaw County Water Resources Commissioner indicating the project's conformance to WCWRC standards regardless of whether or not the project is within the jurisdiction of the WCWRC.
- l. A written preliminary technical review from the Washtenaw County Road Commission indicating the project's conformance to WCRC standards.

(2) *Natural features.*

- a. The existing topography and proposed grading, at one foot contour intervals.
- b. Off-site elevations within approximately 100 feet of each property line not bordered by a public street to assist in determining proper grading and drainage.
- c. Soils information, for sites utilizing on-site septic tanks and drain fields.
- d. The location and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Washtenaw County Soil Survey.
- e. The location and size of open areas and recreation areas.
- f. The location and type of natural features on or adjacent to the site, including wetlands, watercourses, 100-year floodplains, woodlands, landmark trees, steep slopes, endangered species habitat as identified by the Michigan Department of Natural Resources, and groundwater recharge areas. Fence rows and individual trees of six-inch or larger caliper shall be shown in and within 25 feet of any area proposed to be affected. When natural features exist on-site or adjacent to the site, the applicant shall provide a Natural Features Impact Statement including the following elements, as described in the Township's Land Development Standards or Natural Features Ordinance:
 1. A site inventory map showing all natural features and any proposed loss of, or impact on, natural features. This map must clearly show the locations and types of existing natural features both on the site and those within a region 100 feet beyond the site boundaries including edges of woodlands and wetlands, buffer areas, watercourse streambanks, pond ordinary high water marks, floodways, floodplains, areas of hydric soils, highly permeable soils, groundwater recharge areas, steep slopes, landmark trees and a written description of the quality, character and health of the natural features.
 2. A natural features protection plan. This plan must delineate natural features to be retained on the site or excluded from development, limits of soil disturbance, and protective measures such as barrier fencing, restrictions on traffic and storage of materials under trees, and soil erosion control measures. If applicable, the plan will include information on sustaining the natural features to be retained on the site.
 3. An alternatives analysis. This analysis displays and discusses the alternatives, approaches and designs that were considered in arriving at the design proposed to minimize disturbance to natural features on the site. The analysis will include a written justification of the degree of disturbance to natural features and basis for the mitigation proposed.

4. A mitigation plan. If disturbance of natural features is authorized by applicable ordinances and approvals, a mitigation plan concerning replacement of disturbed natural features shall be submitted.
- g. A written site analysis, supported by graphics, that evaluates the design and development potential of the site, to identify the nature and the effect of the design and development on the existing conditions of the site, and to determine the site's relationship to neighboring properties as well as physical and natural features in the area. The analysis shall show a correlation of the principal characteristics of the developed site that will affect the layout and future use of the property. The site analysis will show what natural features will remain and what natural features will be removed. The analysis shall also indicate the method used in the field to mark trees to be removed and trees to be preserved.
- (3) *Other information.* The Planning Commission may require the applicant to submit such other information, such as a traffic study, as the Commission determines is necessary for proper review of the preliminary site plan.
- (b) *Standards for review.* In reviewing a preliminary site plan, the Planning Commission shall consider the following standards:
 - (1) All required information has been provided.
 - (2) The applicant is legally authorized to apply for site plan review.
 - (3) The project conforms to all regulations of the Zoning Ordinance for the district(s) in which it is located.
 - (4) The project is consistent with the goals and objectives of the Master Plan.
 - (5) The movement of vehicular and pedestrian traffic within the project and in relation to access streets and sidewalks will be safe and convenient.
 - (6) The project will be harmonious with and not be detrimental to existing or future uses in the immediate area, persons, property or the public welfare.
 - (7) The project is adequately coordinated with improvements serving the project and with other developments in the area.
 - (8) Natural resources will be preserved to a maximum feasible extent, and the project respects natural topography and minimizes the amount of cutting and filling required. When a Township Natural Features Setback Permit is required, the applicant shall obtain the permit either prior to or simultaneously with approval of the preliminary site plan.
 - (9) The project will comply with all applicable Township ordinances and regulations including soil erosion control, stormwater management, and drainage and drain tiles.
 - (10) Project soil conditions are suitable for development.
 - (11) The project properly respects floodways and flood plains on or in the vicinity of the project.
 - (12) The phases of development are in logical sequence so that no phase will depend upon a subsequent phase for adequate access, public utility services, drainage, stormwater management, or erosion control.
- (c) *Effect of approval.* Approval of a preliminary site plan by the Planning Commission indicates its acceptance of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas, and of the general character of the project.
- (d)

Expiration of approval. Planning Commission approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. If a final site plan is submitted for only part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two years from the date of approval of the previously approved final site plan. If any period described in this subsection (d) is exceeded, the approved preliminary site plan will become invalid with respect to any portion of the site for which a final site plan has not been filed, unless the applicant requests and is granted an extension by the Planning Commission in accordance with the conditions set forth at section 74-176(g) below.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-176. - Requirements for final site plans.

- (a) *Phased projects.* If a project is being developed in phases, a separate final site plan must be submitted for each phase.
- (b) *Information required.* In addition to the information required for a preliminary site plan, a final site plan shall include the following information:
- (1) *Physical features*
 - a. Location and overall dimensions of existing structures and drives within 200 feet of common property lines and identification of existing improvements to remain and to be removed.
 - b. Surface type and width of streets adjacent to the site, and the surface elevation of any existing street at the intersection of each proposed driveway or other street.
 - c. Proposed buildings or other structures including dimensions, distance between buildings, finished floor elevations, basement elevations, grade line elevations, and an indication if buildings are proposed as walkouts or view-outs.
 - d. Proposed drives or streets, including: names; right-of-way or easement width; surface type and width, including typical cross sections; surface elevations; location and type of curbs, where proposed; expansion of existing street rights-of-way; length and width of turning lanes, where permitted; and curve radii.
 - e. Proposed building and address numbers, including the locations, typical copy, and dimensions.
 - f. Proposed parking areas, including: the number and size of spaces with supporting calculations; location of each space; type of surface, including typical cross sections; aisle width; angle of spaces; and location of wheel stops or curbs, when applicable.
 - g. Proposed loading areas, including the dimensions, surface type, and typical cross sections.
 - h. Proposed sidewalks and pedestrian paths, including width, surface type, and typical cross sections.
 - i. Proposed fences or screens, including height, type, typical details, elevations, and sections.
 - j. Proposed outdoor trash storage, including dimensions and typical details of the enclosure. If no outdoor trash storage is intended, the plan shall so state.
 - k. Proposed central mailboxes, if applicable, or a notation that individual boxes will be used.
 - l. Proposed identification and advertising signs, including dimensions, area, height, illumination, and typical copy.
 - m. Proposed traffic control signs, specifying typical and intended purpose.

- n. Proposed retaining walls, including dimensions, materials of wall and fill, typical vertical sections, and design calculations.
- o. Proposed outside lights and street lights, if applicable, including type, height, intensity, direction, and typical details.
- p. Information concerning the existing utilities serving the site, including: the location, size, inverts, fire hydrants, gatewells, manholes, and catchbasins; locations and elevations of ditches, culverts, and bridges adjacent to the site; location of utility poles and lines; and location and size of natural gas lines and appurtenances.
- q. Information concerning the proposed utilities for the project, including the following (profile illustrations should be included with plan views on the same sheet):
 - 1. Proposed water system, including: size, material and type of lines; location of fire hydrants and valves; profiles; location of meter room; water meter schematic; and fire riser schematic.
 - 2. Proposed sanitary sewer system, including: size, material and type of lines; inverts; location of manholes; profiles; and design basis.
 - 3. Utility structure schedules (tables) for sanitary sewer, storm sewer and water mains.
 - 4. Groundwater information for the site with supporting evidence, including site specific soils information.
 - 5. A hydro-geological study if groundwater information (including the high groundwater table) warrants further investigation, as determined by Township consultants.
 - 6. Proposed electrical, telephone, and gas services; new utility poles, if applicable; underground lines and surface equipment; and size of natural gas lines and appurtenances.
 - 7. The location of proposed wells, septic tanks, drain fields, and other proposed underground tanks
- r. A storm drainage narrative clearly and concisely describing the intended method of designing the storm drainage systems, including: drainage areas, existing and proposed; retention basin and discharge concepts; storm sewer and ditch design criteria, compliance with Washtenaw County Water Resources Commissioner development criteria; and downstream capacity limitations. The narrative should include all the appropriate associated computations and shall be in compliance with the Township's stormwater management ordinance. The narrative should be prepared on standard 8½ by 11 inch sheets that are dated, numbered, and titled. Maps of similar size portraying the concepts involved should also be included.
- s. Proposed storm drainage system, including: dimensions and calculations of stormwater retention areas; location, size, calculations, and material type of storm sewers; location and centerline elevations of swales or ditches; inverts; location of manholes and catch basins; direction of flow; drainage patterns; profiles of sewers, retention basins, culverts, swales, and ditches; and design basis. The plan shall also include a stormwater maintenance plan, complete with annual tasks and anticipated costs.
- t. A written review from the office of the Washtenaw County Water Resources Commissioner ("WCWRC") indicating the project's conformance to WCWRC standards regardless of whether or not the project is within the jurisdiction of the WCWRC.

(2) *Natural features*

- a. Two USGS-based benchmarks on the site.
- b. Proposed open space and recreation areas, including, use, size, and proposed improvements.
- c. A proposed landscape plan meeting the requirements of section 74-586.
- d. A soil erosion control plan.
- e. A completed State/County Environmental Permits Checklist for Non-Residential projects as attached in Appendix A of the Land Development Standards. These permits must include all MDEQ wetland permits and any necessary endangered species approvals.

(3) *Other requirements.*

- a. When applicable, the applicant shall provide evidence of approval by the following agencies:
 1. MDEQ.
 2. Washtenaw County Road Commission.
 3. Washtenaw County Health Department.
 4. Michigan Department of Transportation.
- b. If warranted by the nature of the project and proposed stormwater system, the Planning Commission shall require that a drainage district be established for the entire project giving the Washtenaw County Water Resources Commission ultimate responsibility for the stormwater system.
- c. When applicable, the Planning Commission shall require evidence of City of Ann Arbor review of proposed utilities.
- d. The Planning Commission may request other information for proper review of a site plan and a determination on the standards for review, in view of the nature of the project.

(c) *Standards for review.* In reviewing the final site plan, the Planning Commission shall consider the following standards:

- (1) All required information is provided.
- (2) The plan substantially conforms to the approved preliminary site plan and continues to meet the standards for preliminary site plan approval.
- (3) The plan, including all engineering drawings, meets Township requirements for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
- (4) The drainage plan for the project is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (5) Outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
- (6) Outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the project or neighboring properties.
- (7) The proposed grading or filling will not destroy the character of the project or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- (8) The parking layout will not adversely affect the flow of traffic within the project or to and from the adjacent streets.
- (9)

The plan meets the standards of other government agencies, when applicable, and the approval of these agencies has been obtained.

- (10) The plan provides for the proper expansion of existing public streets serving the project, when applicable.
- (d) *Procedure following Planning Commission approval or rejection of a final site plan.* Upon Planning Commission approval of a final site plan, with or without conditions, the applicant and owner of record and the Zoning Officer shall sign two copies of the approved final site plan and a list of any conditions required by the Planning Commission. The Zoning Officer shall retain one copy of the approved final site plan and any conditions attached to such approval and shall provide one copy of the approved final site plan and any conditions attached to such approval to the applicant. The Zoning Officer shall attach a certificate of approval to both copies. If the approved final site plan was subject to conditions required by the Planning Commission, the owner and applicant shall comply with such conditions, including providing a revised final site plan if necessary to meet such conditions of approval, prior to issuance of a building permit, soil erosion control permit or other construction permits. If the final site plan is rejected, the Zoning Officer shall notify the applicant in writing of such action and reasons for such rejection within ten days following such action.
- (e) *Effect of approval; site improvements defined.* Approval of a final site plan authorizes issuance of a certificate of zoning compliance, application for a grading/SESC permit and issuance of a building permit for Site Improvements, provided all other requirements for a building permit have been met (including execution of a development agreement as provided in section 74-177 and a performance guaranty as provided in section 74-178). Site improvements means the streets, drives, utilities, parking lots, sidewalks, grading, required landscaping, required wetland and natural features use or preservation measures, required visual screens, exterior lighting, and storm drainage to the extent included in the approved final site plan. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a certificate of occupancy, provided all other requirements for such certificate have been met.
- (f) *Expiration of approval.* Approval shall expire and be of no effect unless within 180 days after the date of approval of the final site plan appropriate permits have been applied for and issued by applicable governmental authorities for commencement of development and construction of site improvements at the property in the manner required by the final site plan, subject to extensions requested and granted in accordance with section 74-176(g) below. Approval of a final site plan shall expire and be of no effect 545 days following the date of approval of the final site plan unless substantial development and construction of site improvements has commenced at the property in accordance with permits issued by applicable governmental authorities, and is being diligently pursued and performed in a timely manner to completion in conformance with the approved final site plan, as determined by the Building Official, subject to extensions pursuant to section 74-176(g) below.
- (g) *Extensions.* The time limits set forth in sections 74-175(d) and 74-176(f), above, may be extended by the Planning Commission, in accordance with the following:
- (1) An extension of site plan approval may be granted for any period of time not to exceed twelve months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period determined by the Planning Commission, not to exceed 12 months;
 - (2) An extension of site plan approval must be requested in writing at least 30 days prior to the expiration of the time limit to be extended, and the request must be granted before the expiration or lapse of the site plan approval, or any approved extension;

- (3) Extension or reinstatement of a site plan approval after the date of expiration will require resubmittal for review and approval by the Planning Commission as a major or minor change under Section 74-179 *Amendment of approved site plans*;
- (4) No more than two 12-month extensions will be granted except that up to 3 additional twelve month extensions may be approved by the Planning Commission as a minor change in accordance with section 74-179;
- (5) In its request for extension, the applicant must show good cause for the requested extension. The Planning Commission shall consider the following factors in determining of whether good cause exists:
 - a. The applicant has demonstrated that needed utility services have been delayed;
 - b. The applicant has demonstrated that technical review of the site plan has raised unforeseen development problems;
 - c. The applicant has demonstrated that unforeseen economic, development or other events, conditions or circumstances justify the extension.

(Ord. No. 6-2009, 9-21-2009; Ord. No. 1-2011, 3-21-2011)

Sec. 74-177. - Development agreement.

After final site plan approval the applicant shall enter into a development agreement with the Township in a form provided by the Township. No building permits will be issued for the project nor will any earth change or construction activity be permitted at the site until execution of a development agreement. The development agreement shall incorporate the standards, findings and conditions for approval of the final site plan and shall provide for deposit of a performance guarantee as described in section 74-178. Final approval of the development agreement shall occur upon signature of the agreement by the Township Supervisor after (i) the Township attorney, staff and consultants confirm incorporation of all standards, findings and conditions for approval, (ii) deposit of the performance guaranty and (iii) signature of the agreement by an authorized representative of the owner of the project and, if different, the developer of the project.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-178. - Performance guarantee.

- (a) The applicant shall provide to the Township Clerk irrevocable bank letters of credit, cash deposits, or other security acceptable to the Township Board after a final site plan is approved. No building permits will be issued for the project nor will any earth change or construction activity be permitted at the site until the applicant provides the performance guarantee. The guarantee shall cover site improvements as defined in section 74-176(e) shown on the approved final site plan for all or any portion of the site plan for which the permit is issued.
- (b) The applicant shall provide a cost estimate of the site improvements to be covered by the guarantee. Such estimate shall be verified as to amount by the Township engineer and other Township consultants as necessary. The form of the guarantee shall be approved by the Township attorney.
- (c) If the applicant fails to provide all site improvements according to the approved plans within the time period specified in the guarantee, the Township may, but is not required to enter upon the site to (i) complete the site improvements; or (ii) stabilize and secure the site; or (iii) restore the site to its prior condition, as determined by the Township. The Township may defray the cost of any such activity (including costs incurred by Township consultants and the Township attorney as a result of applicant's

default) by use of the guarantee funds or may require performance by the bonding company. A failure to complete the Site Improvements as required shall be a violation of the site plan and building permit.

- (d) The applicant and the Township shall decide at the time of deposit on the means of rebating portions of the guarantee in proportion to the amount of work completed at reasonable intervals and consistent with final site plan conditions. At no time shall the amount of deposit remaining be less than 125 percent of the estimated cost of completing the remaining required site improvements. All required inspections for Site Improvements for which the deposit is to be rebated shall have been completed and their cost paid by the applicant before funds are rebated.
- (e) The Zoning Officer shall not sign a final certificate of occupancy until compliance with the approved final site plan and approved engineering plans is achieved. If the Zoning Officer determines that the site improvements and improvements authorized by the building permit are substantially complete, the Zoning Officer has the discretion to issue a temporary certificate of occupancy upon the applicant's deposit of sufficient security in the form of a cash escrow deposit to ensure completion of the incomplete work, which may include an escrow for landscaping survival, under the terms of an escrow agreement acceptable to the Zoning Officer and approval by the Township attorney. The deposit described in section (a) may be used for this purpose if agreed upon by the applicant and the Township, and if sufficient cash funds are available for this purpose.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-179. - Amendment of approved site plan.

- (a) When changes are to be made to a development for which a preliminary or final site plan has been approved, the Planning Commission shall have the authority to determine if the proposed change is a minor or major amendment to the site plan. An applicant may apply for such a determination by filing with the Township a completed application for amendment, the required fee, and 17 copies of: an 11" x 17" scaled plan of the site showing:
 - (1) The proposed changes;
 - (2) Any increases or decreases in stormwater impact surface;
 - (3) Dimensions (including height) of any proposed structures or buildings;
 - (4) Changes to existing structures or buildings;
 - (5) Any earth change or tree removal;
 - (6) Any change in the floor area ratio or ground floor coverage; and
 - (7) Any additional information necessary for the Planning Commission to make a determination.
- (b) Minor changes to a preliminary site plan may be incorporated into a final site plan, at the discretion of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that revised preliminary or final site plan drawings be submitted showing such minor changes, for purposes of record. If the Planning Commission determines that the proposed change is a major change, a site plan submittal and review, as provided in section 74-175 for a preliminary site plan and in section 74-176 for a final site plan, will be required. An applicant may elect in writing to acknowledge that the proposed change is a major change without a formal determination from the Planning Commission and upon such written acknowledgment may proceed directly to site plan submittal and review as a major change. A major change shall include a:
 - (1) Change in concept of the project;
 - (2) Change in use or character of the project;

- (3) Change in type of dwelling unit as identified on the approved site plan;
 - (4) Change in the number of dwelling units;
 - (5) Change in non-residential floor area of over five percent;
 - (6) Change in GFC, FAR or stormwater impact surface of the project of over one percentage point;
 - (7) Rearrangement of lots, blocks, or building tracts;
 - (8) Change in the character or function of any street;
 - (9) Reduction in land area set aside for common open space or the relocation of such area; or
 - (10) Increase in building height.
- (c) If a preliminary or final site plan has expired, or if two 12-month extensions have already been granted, the Planning Commission has the authority to determine that good cause exists for allowing an extension as a minor change for no longer than one 12-month period per request, based on the factors set forth in section 74-176(g), and the length of time since expiration, the reason for delay in requesting an extension, the number of extensions previously granted, changes in condition or use of the site or surrounding area, changes in ordinances, standards or regulations affecting the site or surrounding area, and other similar factors. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period determined by the Planning Commission, not to exceed twelve months. Under no circumstances shall an extension be granted if the extension request is received more than twelve months after expiration of the site plan.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-180. - Changes during construction.

All site improvements shall conform to the approved final site plan. If any changes are made during construction, the applicant or developer must notify the Zoning Officer, the Building Official, the Township engineer, and the Planning Commission of the changes. Any change is made at the applicant's and developer's own risk, without any assurance that the Planning Commission will approve the changes. The Planning Commission may require the applicant or developer to correct the changes so as to conform to the approved final site plan, and the Township shall notify the applicant (and the developer, if different) of any required corrections in writing within 30 days of the Planning Commission's decision.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-181. - Inspections.

- (a) *Conduct of inspections.* The Zoning Officer, with assistance from the Township Fire Chief, Building Official, and Township engineer, shall be responsible for inspecting all Site Improvements for conformance with the approved final site plan. All sub-grade Site Improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.
- (b) *Notifications.* The Zoning Officer shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved final site plan. The Zoning Officer shall notify the Township Board, the Planning Commission, and the Building Official in writing of (1) any development for which a final site plan was approved that does not pass inspection with respect to the plan and (2) the steps taken to achieve compliance. In such case, the Zoning Officer shall periodically notify the Township Board, Planning Commission, and Building Official of progress towards compliance with the approved final site plan and when compliance is achieved.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-182. - 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. 6-2009, 9-21-2009)

Sec. 74-183. - As-built information.

- (a) The applicant shall provide as-built information (including in electronic format as required by the Township) for all sanitary sewer, water, and storm sewer lines and all appurtenances that were installed on a site for which a final site plan was approved. The information shall be submitted to the Township Utilities Department and shall be approved by the Township engineer prior to the release of any performance guarantee covering such installation.
- (b) The as-built information shall include all appropriate information, including: the exact size, type and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The information shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (c) The as-built information shall include all work as actually installed and as field-verified by a professional engineer or the engineer's representative. The Township may use the as-built information to produce as-built drawings of the utilities at the project for the Township's records.

(Ord. No. 6-2009, 9-21-2009)

Sec. 74-184. - Violations.

The approved final site plan shall become part of the record of approval, and all subsequent action relating to the site shall conform to the approved final site plan, unless the Planning Commission agrees to a change as provided in this article. Any violation of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of the Township Zoning Ordinance, and shall be subject to all penalties therein.

(Ord. No. 6-2009, 9-21-2009)

Secs. 74-185—74-215. - Reserved.