

Chapter 10 – Site Plan Review

SECTION 10.01 INTENT

Reference: MZEA 125.3501

The Site Plan Review procedures are instituted to enable the Township Planning Commission to determine that the site plan* complies with the provisions of this ordinance. The Planning Commission will review the proposed use of a site in relation to drainage, pedestrian and vehicle circulation, off street parking, structural relationships, public utilities, landscaping, accessibility and other site design elements that may have an adverse effect upon the public health, safety, and general welfare as well as to provide for the best interest of the property owner.

SECTION 10.02 WHEN SITE PLANS ARE REQUIRED

Site plans are required to be submitted under any of the following circumstances:

- A. As part of an application for a planned unit development (PUD) * or conditional use permit.
- B. Prior to construction of any principal structure* other than a single family* or duplex* residence.
- C. Prior to construction of an addition to any principal structure other than a single family or duplex residence.
- D. Prior to construction of any accessory structure other than accessory structures related to a single family or duplex residence.
- E. As part of an application to change a non-conforming use* to a conforming use.
- F. Any remodeling, or change of use, including type of business, of an existing commercial structure.
- G. Whenever a single family or duplex residence requires construction of 10 or more parking spaces.
- H. As part of an application for approval of a condominium development*.
- I. As part of an application for a Large-Scale Commercial Energy System*.

Section 10.02 Text Amended per Ordinance 2023-3

SECTION 10.03 APPLICATION AND REQUIRED INFORMATION

Before any Zoning permit shall be issued, 6 copies of a site plan to a scale of 1" = 50' (1 inch equals 50 feet) on a sheet or sheets 24" x 36" (24 inches x 36 inches), a completed application for site plan approval

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and payment of the site plan review application fee approved by the Township Board* shall be submitted to the Tuscola Township Zoning Administrator or the Chairperson of the Tuscola Township Planning Commission.

The site plan* shall contain the following information:

- A. Statistical data including: Number of dwelling* units, size of dwelling units (e.g., 1-bedroom, 2 bedroom, 3 bedroom), if any, and the total gross acreage involved. In the case of mobile home parks*, the size and location of each mobile home* site shall be shown. In the case of commercial and industrial development, the location, classification, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site (to determine compliance with minimum lot* size, maximum lot coverage, density requirements, parking requirements, and compliance with noise standards).
- B. The site plan shall include a location map that indicates the relationship of the site to surrounding land use and includes the tax parcel boundary lines and tax ID number(s) of all tax parcels involved in the proposed site. If necessary, to show the site on a single page, this map may be at a different scale.
- C. The site plan shall include the applicant's name, address, and phone number and the name address and phone number of the firm(s) responsible for preparation of the site plan.
- D. The location of existing and proposed principal and accessory buildings* on the lot, the relationship of each structure* to another, and the setback distances (to determine compliance with setback requirements).
- E. Vehicular traffic and pedestrian circulation features within and without the site including driveways or streets within one hundred fifty feet (150') of the site (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movements between the site and other nearby driveways).
- F. The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading/unloading spaces, and other service areas within the development (to determine compliance with parking requirements).
- G. The location, dimensions, and proposed use of all recreation areas, if any, (to determine compliance with standards related with compatibility with adjacent areas).
- H. The location of all proposed landscaping, fences, walls, and berms (to determine compliance with screening and landscaping requirements).
- I. The height and dimensions of all structures (to determine compliance with maximum height and lot coverage requirements as well as minimum building* size requirements where applicable).

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- J. Front, rear, and side elevation(s) of all structure(s) proposed for development.
- K. The location and capacity of private or public water, sanitary services and solid waste disposal facilities servicing the site (to ensure compliance with the standard requiring adequate water and sewer service).
- L. The location, dimensions, type, and lighting of all signs (to ensure compliance with all sign requirements).
- M. The location, intensity, and orientation of all lights (to determine compliance with requirements regarding lighting being directed off adjacent premises and roads).
- N. Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).
- O. Existing and proposed grades at two foot (2') intervals (to determine any minimum or maximum grade, clear vision, and height requirements).
- P. Cross section showing construction of drives and parking area (to comply with requirements regarding pavement surfaces and adequacy of base material).
- Q. Floor plan showing existing and proposed uses (to verify gross vs. usable floor area and principal vs. accessory uses).
- R. Location of trash receptacles (to determine compliance with ordinance requirements regarding location & screening).
- S. Designation of fire lanes (to determine compliance with fire code requirements).
- T. Listing of types, quantity, storage location, and secondary containment provisions for any hazardous material stores or used on the site as well as copies of any Tier I or Tier II documentation required under Title III of the Resource Conservation and Recovery Act (RCRA).

The Tuscola Township Planning Commission may waive any of the requirements above either on an individual basis or by establishment of an administrative rule when the information is not needed to determine compliance with the requirements of this ordinance.

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SECTION 10.04 WHO REVIEWS SITE PLANS

The Tuscola Township Planning Commission is authorized to review and approve all site plans* required under this ordinance.

SECTION 10.05 SITE PLAN REVIEW PROCESS

The site plan review process is intended to allow the township and other governmental entities the opportunity to review a proposed development prior to its construction to determine compliance with the requirements of this ordinance. The Township's intention is to handle each application as expeditiously as possible while conducting an appropriately thorough review.

- A. Completed and signed applications for site plan review, 6 copies of the site plan, and proof of payment of applicable fees shall be presented for site plan review at any regular meeting of the Planning Commission.
- B. Following the review of the site plan the Planning Commission liaison Officer shall forward 1 copy to each of the following:
 - 1. Tuscola County Sheriff's Department
 - 2. Tuscola County Road Commission
 - 3. Tuscola County Drain Commission
 - 4. Tuscola County Planning Commission
 - 5. The applicable local Fire Department

The entities listed above will review the site plan and contact the applicant within 30 days if the site plan does not meet Tuscola County requirements. A building permit may be withheld if county requirements are not met.

- C. Preliminary Review (Optional)

The option of preliminary site plan review is provided in order to allow an applicant for site plan review an opportunity to investigate with the Tuscola Township Planning Commission the viability of a proposed development prior to preparing a complete site plan. An applicant for site plan review may request a preliminary review of a site plan to obtain information on potential site development issues including setbacks, drainage, access, signage and potential buffering requirements. At a minimum, this preliminary site plan should show:

- 1. Lot* dimensions.

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2. Building* dimensions and setbacks.
 3. Proposed parking areas.
 4. Proposed driveways.
 5. Proposed drainage patterns and water and sewer connections.
- D. Following their review of the final site plan*, the Planning Commission shall do one of the following:
1. Approve the site plan).
 2. Approve the site plan with conditions.
 3. Table the site plan pending required additional information.
 4. Disapprove the site plan.
- E. The Planning Commission shall render a final decision on a site plan at the meeting when it is reviewed or at the first meeting when all required additional information is available to the Planning Commission.
- F. Emergency Site Plan Review
- In cases of reconstruction, repair, or construction that is the result of damage caused by a natural disaster, fire, acts of a public enemy, or other disaster, the Planning Commission may temporarily delay normal informational requirements to expedite the review process. The Planning Commission shall impose conditions on any site plan approved under these provisions to ensure that required information is eventually provided and that site plan approval standards are met.
- G. Consultant Review
- In those instances where the Planning Commission determines it is necessary, the Township may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving the estimate of the consultant review cost, the applicant may withdraw the application if he/she wishes.

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H. Record of Review

Following a determination of approval or denial of a site plan*, the Chairperson shall indicate the decision in writing on two copies of the site plan. Any conditions attached to the approval or the reasons for denial shall be listed on the two site plans. One copy shall be given to the applicant and the other copy shall be filed with the Township Clerk, including:

1. A copy of the site plan, dated and signed by two members of the Planning Commission.
2. A copy of any meeting minutes related to the site plan.
3. A copy of any other relevant records related to the site plan.

I. Appeal of Site Plan Decision

Any person* aggrieved by the decision of the Planning Commission in granting or denying a site plan may appeal the decision to the Zoning Board of Appeals*. The appeal must be filed within 21 days of the decision and state the basis for the appeal.

SECTION 10.06 CONSIDERATIONS FOR SITE PLAN APPROVAL

Reference: MZEA 125.3604

All approved site plans shall comply with the appropriate district regulations, parking requirements, general provisions, and other requirements of this ordinance as they apply to the proposed site plan. In addition, the Planning Commission shall consider the plan's compliance with the following:

- A. Sidewalks and other walkways, driveways, parking areas, loading/unloading areas, and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate congestion of vehicles within the public right-of-way*, minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major roads, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.
- B. Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor, or other nuisances and to maintain physical attractiveness.
- C. Utility service is adequate to serve the needs of the development. Proposed sanitary sewer or septic systems are adequate to handle the projected land use. Storm water facilities are adequate to handle any increased water run-off, which will be minimized through the use of storm water retention and detention facilities when appropriate. The site shall be designed to

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ensure that there is no increase in runoff onto adjacent sites or that existing drainage patterns are not harmed.

- D. Physical improvements* including sidewalks, drives, and parking areas shall be built to minimize premature deterioration
- E. Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains, or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

SECTION 10.07 CONDITIONS

- A. The Planning Commission may condition approval of a site plan* on conformance with the standards of another local, county, or state agency, such as but not limited to the County Drain Commission, County Health Department, and the Michigan Department of Environmental Quality. They may do so when conditions:
 - 1. Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
 - 2. Would protect the natural environment and conserve natural resources and energy,
 - 3. Would insure compatibility with adjacent uses of land, and
 - 4. Would promote the use of land in a socially and economically desirable manner.
- B. The Planning Commission may conditionally approve a site plan on conformance with fencing, screening, buffering, or landscaping requirements of Section 15.01 of this ordinance and may collect a performance guarantee consistent with the requirements of Section 10.08 to insure conformance. When doing so, the following finding shall be made and documented as part of the review process:
 - 1. That such fencing, screening, buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels*;
 - 2. That without the above requirements, the development would adversely affect the reasonable use, enjoyment, and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

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C. Statement of Findings

Following a determination of approval or denial of a Conditional Use Permit application, the Planning Commission Chairperson shall indicate the decision in writing on two copies of the site plan*. This statement of findings and conclusions shall specify the basis for the conclusion and identify any conditions attached to approval, reasons for denial shall be listed on the two site plans. Both copies of the site plan with the Planning Commission decision documented will be signed by 2 members of the Planning Commission. The applicant, or the applicant's representative if the applicant is not present, will also sign both copies of the site plan with the statement of findings to indicate that he/she has received a copy of the Planning Commission's decision. One copy of the signed and dated site plan will be given to the applicant as the official notice of the Planning Commission's decision.

A record of the decision shall be filed with the township clerk, including:

1. A copy of the submitted application.
2. The second copy of the site plan indicating the Planning Commission's determination.
3. A copy of any meeting minutes related to the application.
4. A copy of any other relevant records related to the application.

The Planning Commission shall approve or disapprove a Conditional Use Permit within 70 days following the date of the public hearing.

SECTION 10.08 PERFORMANCE GUARANTEES

Reference: MZEA 125.3505

In the interest of insuring compliance with the Zoning ordinance* provisions, protecting the natural resources, and the health, safety, and welfare of the residents of Tuscola Township 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 a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure 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, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvement to be made as determined by the applicant and verified by the Zoning Administrator.

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Reference: MZEA 125.3505 and
1967 PA 288, MLC 560.101 to 560.293

- B. If the applicant has been required to post a performance guarantee or bond with any governmental agency other than Tuscola Township to insure completion of an improvement associated with the proposed use prior to the Township's conditional approval, the applicant shall not be required to deposit a performance guarantee with Tuscola Township for improvements already guaranteed.

Reference: MZEA 125.3505

- D. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning permit.
- E. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- F. In the event the performance guarantee is a cash deposit or certified check, Tuscola Township shall rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining 50 percent of the deposit funds when 100 percent of the required improvements are completed as confirmed by the Zoning Administrator
- G. Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the remaining balance of the performance guarantee deposited and interest if any earned thereon.
- H. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property* to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee. Should the township use the performance guarantee or a portion thereof, to complete the required improvements*, any amount remaining after said completion shall be applied first to the township's administrative cost of completing the improvements with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the township and prior to the issuance of a building permit, the applicant shall enter into an agreement with Tuscola Township incorporating the provisions of this section (10.08).

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SECTION 10.09 CHANGES TO APPROVED SITE PLANS

Reference: MZEA 125.3604

- A. All work conducted related to a project with an approved site plan* shall be in conformance to that site plan. For minor changes to the site plan, the Planning Commission may waive the application requirements at the applicant's request, as long as the change does not result in:
1. A significant change in use, intensity or character of the development.
 2. A significant increase in lot* coverage.
 3. A reduction in required open space, off-street parking, loading areas, and/or drainage retention or detention capacity.
 4. A reduction in pavement widths or utility pipe size.
- B. Any other changes to a site plan require review and approval as required if the plan were new, as required in Section 10.03 of this ordinance.

SECTION 10.10 EXPIRATION OF SITE PLAN APPROVAL

Approval of a proposed plan shall expire within one year of approval if a building permit has not been applied for and construction has not begun based on the site plan.