

ARTICLE 12

PROCEDURES AND STANDARDS

Section 12.01 Site Plan Review.

A. Purpose.

The purpose of this Section is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity. It is the further purpose of this Section to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's General Development Plan.

B. Site Plan Approval Required.

Two separate review processes have been established in accordance with the purpose of this Section, as follows:

1. **Planning Commission approval.** The following development projects and uses shall require review and approval of a detailed final site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use. Exceptions listed below shall not be subject to plan review, but shall be subject to zoning permit approval per Section 1.07 (Zoning Permits):
 - a. All special approval uses, subject to the provisions of Section 12.02 (Special Uses).
 - b. All RURAL USES, as specified in Article 4 (Land Use Table), except farming and active agricultural uses and designated rural accessory uses.
 - c. All RESIDENTIAL USES, as specified in Article 4 (Land Use Table), except the following:
 - (1) One (1) single-family, two-family or duplex dwelling and customary accessory structures on a single residential lot of record.

- (2) Family and group day care homes, and adult foster care family homes, as licensed by the State of Michigan.
 - (3) Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
- d. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES, as specified in Article 4 (Land Use Table).
 - e. All OTHER USES, as specified in Article 4 (Land Use Table), except accessory structures and uses specified in Section 6.101 (Accessory Structures and Uses), temporary construction buildings and uses, and essential service and public utility facilities.
 - f. Construction, expansion or alteration of a manufactured housing park, as defined in Section 18.02 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.205 (Manufactured Housing Parks).
 - g. Construction, expansion or alteration of a condominium development, as defined in Section 18.02 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 13 (Condominium Regulations).
 - h. Construction, expansion or alteration of a planned unit development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 14 (Planned Unit Developments).
 - i. Construction, expansion or alteration of a wireless communications facility, as defined in Section 18.02 (Definitions), shall be subject to approval in accordance with the procedures and standards of Section 11.02 (Wireless Communication Facilities).
2. **Projects eligible for administrative approval.** The following development projects, uses, and activities have been determined to be appropriate for an administrative site plan review and approval by the Township Planner and Zoning Inspector. The Zoning Inspector or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative site plan approval:
- a. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved final site plan.
 - b. Minor building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.

- c. Construction of accessory structures or fences, or installation of screening around a waste receptacle, mechanical unit or similar equipment for a multiple-family or non-residential use.
- d. Changes to a site required by Washtenaw County to comply with State Construction Code requirements.
- e. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- f. Construction of an addition to an existing building or expansion of an existing, conforming use, subject to the following:
 - (1) No variances to the requirements of this Ordinance are required.
 - (2) The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 2,000 square feet, whichever is less.
- g. Re-occupancy of an existing building that has been vacant for more than 30 days, subject to the following:
 - (1) No variances to the requirements of this Ordinance are required.
 - (2) The proposed use will be conducted within a completely enclosed building.
 - (3) The proposed use will not require significant additional parking demands, access changes or other substantial modifications to the existing site.

C. Pre-Application Conference.

Applicants are encouraged to request a pre-application conference with the Township Planner and designated Township consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting a preliminary site plan application for formal review.

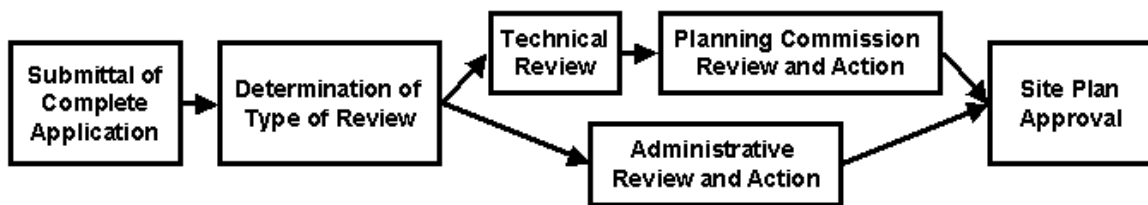
- 1. Conceptual plans shall include sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
- 2. Any person may also request that a conceptual site plan be placed on a regular Planning Commission meeting agenda as a discussion item. Conceptual plans submitted for Planning Commission discussion shall include all information required by Section 12.01F (Required Information for Site Plans).
- 3. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application conference.

4. Comments or suggestions regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the Township be bound by such comments or suggestions during any subsequent site plan review.

D. Preliminary and Final Site Plan Approval Required.

In accordance with the requirements of this Section, site plan approval by the Planning Commission shall require approval of both a preliminary site plan and a final site plan. The applicant may, with approval of the Planning Commission, combine preliminary and final site plan review in a single application for approval. The petitioner shall pay the usual fees for both preliminary and final review. Preliminary and final site plan review shall not be combined for any development consisting of two (2) or more phases.

The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity or size of the proposed development so warrants separate reviews.



Preliminary and Final Site Plan Approval Process

E. Preliminary and Final Site Plan Review Procedures.

Preliminary and final site plans shall be reviewed in accordance with the following:

1. **Application.** Any person with a legal interest in a lot may apply for site plan approval. If the petitioner is not the fee simple owner of the property, the petitioner shall submit a statement signed by all of the owners consenting to the petition for preliminary site plan approval.
 - a. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
 - b. A complete application shall include all fully completed forms, the required review fee or escrow deposit, and 15 full-size copies of the site plan drawing(s).

- c. Required review fees and escrow deposits shall be paid in full at the time of the filing of the application. No part of any nonrefundable fee shall be returnable to the petitioner.
2. **Technical review.** Prior to Planning Commission consideration, copies of the site plan and application shall be distributed to designated Township officials, the Township Planner, and other designated Township consultants for review and comment. The Zoning Inspector or Planning Commission may also request comments from outside agencies with jurisdiction.
3. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction.
4. **Planning Commission action.** The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 12.01G (Standards for Site Plan Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the preliminary or final site plan as follows:
 - a. **Tabling.** Upon determination by the Planning Commission that a preliminary or final site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that a preliminary or final site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.
 - (1) If a preliminary or final site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial.
 - (2) Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.
 - c. **Approval.** Upon determination that a preliminary or final site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.
 - d. **Approval subject to conditions.** The Planning Commission may approve a preliminary or final site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site

features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance.

5. **Recording of site plan action.** Planning Commission action on the preliminary or final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, the findings of fact and conclusions or grounds for the Planning Commission’s action, and any conditions of approval.
 - a. After the Planning Commission has taken action on a preliminary or final site plan, the Chair or Secretary shall clearly mark at least one (1) copy of the site plan APPROVED or DENIED as appropriate, with the date that action was taken and a list of any conditions of approval.
 - b. The Planning Commission shall advise the petitioner in writing of its actions on a preliminary or final site plan. The minutes of the meeting at which action was taken may constitute the written notification.
 - c. One (1) marked copy of the site plan and written record shall be placed on file at the Township offices per State of Michigan retention guidelines.

F. Required Information for Site Plans

The following minimum information shall be included with all applications for site plan approval, except where the Planning Commission determines that it is not applicable to the project or necessary for complete review of the proposed site plan, based upon a written request by the applicant:

Minimum Site Plan Information	Concept Plan	Preliminary Site Plan	Final Site Plan
SITE PLAN DESCRIPTIVE INFORMATION			
Name, address, and telephone number of the property owner; name, address, telephone, and facsimile numbers of the applicant; the applicant’s interest in the property; and the owner’s signed consent if the applicant is not the owner.	●	●	●
The name, address, telephone, and facsimile numbers of the firm or individual preparing the site plan. Site plans prepared by an architect, engineer, landscape architect or land surveyor registered or licensed in the State of Michigan shall bear the individual’s professional seal.		●	●
Address(es) and tax identification number(s) of the subject parcel(s) and lot area.		●	●
Legal description of the parcel(s), dimensions, and the gross and net land area. For metes and bounds descriptions, angles or bearings shall be indicated on the plan. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor and correlated with the legal description.			●

Minimum Site Plan Information	Concept Plan	Preliminary Site Plan	Final Site Plan
Description of deed restrictions, if any.			●
A detailed use statement describing the proposed use(s), including floor areas to be occupied, number of units, number of anticipated employees, and other information necessary to verify compliance with this Ordinance.		●	●
SITE PLAN DATA AND NOTES			
Site plans shall be drawn to an engineer's scale not greater than 1:100 and appropriate for the sheet size. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided for clarity.		●	●
Vicinity map, scale, north arrow, date of plan, and date of revisions thereto.	●	●	●
Existing use(s) and existing zoning classification(s) for the subject parcel(s) and surrounding parcels (including across road rights-of-way).		●	●
Dimensions of all property boundaries and interior lot lines.	●	●	●
Percentage of lot coverage, total ground floor area, and floor area ratio.		●	●
Net dwelling unit density for residential projects.		●	●
Calculations for parking, gross and net residential density of development, and other Ordinance requirements.		●	●
EXISTING CONDITIONS			
General topography and soil information, including identification of areas with slopes from 12% to 18%; from 18% to 25%; and 25% and above.		●	●
Delineation of the 100-year floodplain, and all lakes, ponds, stream courses, and wetlands, including the on-site watershed for such on-site water features.		●	●
Delineation of all vegetation within 25 feet of all on-site and off-site surface water features, including wetlands.		●	●
Description of groundwater recharge areas located on the subject parcel(s), and a rough delineation of their borders.		●	●
General delineation of existing vegetation on the subject property to be preserved or removed, including trees, upland brush, hedgerows, woodlands, prairies, and meadows.		●	●
Details of the location, size, and species of all existing tree species present on the site, including landmark trees, individual deciduous trees six (6) inches or larger in diameter and individual evergreen trees six (6) feet or more in height indicated by species, location, and size; and groups of trees shown by an approximate outline of the total canopy.			●

Minimum Site Plan Information	Concept Plan	Preliminary Site Plan	Final Site Plan
The location and height of all existing structures, driveways, fences, walls, signs, utility poles and towers, easements, pipelines, excavations, bridges, culverts, and other site features on the subject property, with notes regarding their preservation or alteration.		●	●
SITE PLAN DETAILS			
Delineation of required yards and setback areas.		●	●
Identification of the general location(s) and area(s) of each development phase.		●	●
Planned construction program and projected phasing schedule for each development phase.			●
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.			●
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.			●
Outdoor sales, display or storage locations and method of screening, if applicable.		●	●
BUILDING DESIGN AND ORIENTATION			
Location, outline, number of floors, height, and a complete schedule of the number, size, and type of dwelling units where applicable.		●	●
Building dimensions, and gross and net floor area.		●	●
Separation distances from adjacent structures.			●
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.		●	●
Location and exterior dimensions of proposed structures referenced to property lines or to a common base point; and finished floor elevations and contact grade elevations.			●
ACCESS AND CIRCULATION			
Dimensions and centerlines of existing and proposed rights-of-way and access drives, names of abutting roads, and indication whether proposed roads are to be public or private.	●	●	●
Dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.		●	●
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and road intersections.		●	●
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, angle of spaces, surface type, designation of fire lanes, and location of loading areas.			●

Minimum Site Plan Information	Concept Plan	Preliminary Site Plan	Final Site Plan
Spot elevations of the road surface for existing roads on and adjacent to the subject parcel(s), including elevations at intersections with the internal roads and drives serving the proposed development.			●
SCREENING, NATURAL FEATURES, AND OPEN SPACE AREAS			
Location and size of required transition and landscape strips, if applicable.		●	●
Location, area, and dimensions of open areas and recreation areas within the proposed development.		●	●
Landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.			●
Planting list for proposed landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.			●
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.			●
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.		●	●
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.		●	●
UTILITIES, STORMWATER MANAGEMENT, AND GRADING			
General description of existing and proposed public water supply, sanitary sewerage, and storm drainage systems.		●	●
Location and size of water lines and hydrants; location, size, and inverts for sanitary sewer and storm sewer lines; location of manholes, catch basins, and any surface-mounted equipment; and location and size of wells, septic tanks, and drain fields, where applicable.			●
Location and size of retention ponds and degrees of slopes of sides of ponds; calculations for size of storm drainage facilities; and location and size of underground tanks where applicable.			●
Grading plan, with areas of intended filling or cutting, existing and proposed topography at a minimum of two (2) foot contour levels, stormwater runoff drainage patterns, and a general description of grades within 100 feet of the site. All finished contour lines are to be connected to existing contour lines at the property lines.			●
Location and size of existing and proposed telephone, gas, electric, and similar utility lines and surface-mounted equipment.			●

Minimum Site Plan Information	Concept Plan	Preliminary Site Plan	Final Site Plan
ADDITIONAL REQUIRED INFORMATION			
Other information as requested by the Township Planner or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's General Development Plan.	●	●	●

G. Standards for Site Plan Approval.

The following criteria shall be used as a basis upon which preliminary and final site plans will be reviewed.

1. **Standards for preliminary site plan approval.** The following criteria shall be used as a basis upon which preliminary site plans will be reviewed and approved, approved with conditions or denied:
 - a. **Adequacy of information.** The applicant is legally authorized to apply for site plan review, and the site plan includes all required information in a complete and understandable form.
 - b. **Conformance with this Ordinance and the General Development Plan.** The site plan provides an accurate description of the proposed uses, complies with all applicable Ordinance requirements, and is compatible with the adopted General Development Plan.
 - c. **Site appearance and coordination.** The site is designed to promote the normal and orderly development and use of surrounding lands; and all site design elements are harmoniously organized in relation to topography, adjacent facilities, building orientation, and improvements serving existing and future uses in the area.
 - d. **Preservation of natural features.** The site design preserves and conserves natural features to the maximum feasible extent, minimizes the amount and extent of cutting and filling required, and will not cause soil erosion or sedimentation.
 - e. **Access and circulation.** Roads, drives, and vehicular access elements are designed to minimize traffic conflicts and promote safe and efficient traffic circulation; and pedestrian facilities comply with applicable barrier-free access regulations and are insulated as completely as possible from the vehicular circulation system.
 - f. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses,

minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.

- g. **Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
 - h. **Phasing.** The phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control.
2. **Standards for final site plan approval.** The following criteria shall be used as a basis upon which final site plans will be reviewed and approved, approved with conditions or denied:
- a. **Adequacy of information.** The applicant is legally authorized to apply for site plan review, and the site plan includes all required information in a complete and understandable form.
 - b. **Conformance with this Ordinance and the General Development Plan.** The site plan provides an accurate description of the proposed uses, complies with all applicable Ordinance requirements, and is compatible with the adopted General Development Plan.
 - c. **Compatibility with the preliminary site plan.** The final site plan is compatible with the overall site layout and improvements shown on the approved preliminary site plan.
 - d. **Building design and orientation.** The proposed building design, architecture, and orientation relate to and are harmonious with the surrounding area with regard to location, scale, mass, proportion, and materials.
 - e. **Exterior lighting.** All exterior lighting fixtures are designed arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
 - f. **Impact upon public services.** The impact upon available public services (including utilities, roads, police and fire protection, and pedestrian facilities) will not exceed the existing or planned capacity of such services.
 - g. **Drainage and soil erosion.** Adjoining land and uses, public rights-of-way and the capacity of stormwater management facilities and drainage systems will not be adversely impacted by stormwater runoff, soil erosion or sedimentation during and after construction.

- h. **Grading and filling.** Grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring property.
- i. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.
- j. **Compliance with outside agency standards.** The plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

H. Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site. Copies of all written approvals shall be provided to the Zoning Inspector for the official Township record.

I. As Built Plans.

As built plans for all site improvements shall be submitted to the Zoning Inspector and approved by the Township Planner and other designated Township consultants prior to issuance of any zoning compliance for occupancy permits or release of performance guarantees.

- 1. The as-built drawings shall show, but shall not be limited to, such information as the exact size, type, and location of utilities and fire hydrants; and the depth and slopes of retention basins. The drawings shall show plan and profile views of any sanitary and storm sewer lines and plan views of all water lines.
- 2. The as-built drawings shall show all work as actually installed and as field-verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing, shall be signed and dated by the owner of the development or the owner's legal representative, and shall bear the seal of a professional engineer.

J. Approval of Phased Developments.

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- 1. The site design and layout for all phases and outlots shall be shown on the approved preliminary site plan to ensure proper development of the overall site.
- 2. Improvements associated with each phase shall be clearly identified on the approved preliminary site plan, along with a timetable for development.

Development phases shall be designed so that each phase will function independently of any improvements planned for later phases, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.

3. Each future phase shall be subject to a separate final site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.
4. The Planning Commission may require the applicant to post a performance guarantee in accordance with Section 1.08C (Performance Guarantees) to ensure that site improvements, amenities, and infrastructure planned for later phases of the development are completed in a timely fashion.

K. Amendments to Approved Site Plans

Amendments to an approved preliminary or final site plan shall be subject to the following:

1. **Amendment request.** The applicant shall make an amendment request in writing to the Planning Commission, clearly stating the reasons for the request. Such reasons may include changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, changes in applicable regulations, or advantages mutually affecting the interest of the Township and the developer. The burden shall be on the petitioner to show good cause for any requested change, subject to the standards of this Section.
 - a. The request shall be filed with the Township Clerk. The Clerk shall transmit the request to the Planning Commission for review and action.
 - b. All required review fees and escrow deposits shall be paid to the Township Treasurer at the time the request is filed with the Clerk. A request submitted without the required fees and escrow deposits shall be considered incomplete, and shall be returned to the petitioner.
2. **Determination of major/minor change.** The Planning Commission shall have the authority to determine whether the proposed change is major or minor in accordance with this subsection. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.
 - a. **Major changes.** Major changes shall require reapplication for a new preliminary or final site plan approval in accordance with the procedures and requirements of Section 12.01E (Preliminary and Final Site Plan Review Procedures). Changes to be considered major shall include, but shall not be limited to the following:
 - (1) Change in concept of the development.

- (2) Change in use or character of the development.
- (3) Change in type of dwelling unit or other structure as identified on the approved site plan.
- (4) Increase in the number of dwelling units or other structures.
- (5) Increase in non-residential floor area of over five percent (5%).
- (6) Increase in GFC or FAR of more than one percent (1%).
- (7) Rearrangement of lots, blocks or building tracts.
- (8) Reduction in land area set aside for common area open space or the relocation of such area(s).
- (9) Increase in building height.
- (10) Any change that will have an adverse impact on neighboring properties or uses.

b. **Minor changes.** Minor changes may be incorporated into a final site plan without an amendment to the approved preliminary site plan, at the discretion of the Planning Commission. The Planning Commission shall have the authority to require that a revised preliminary or final site plan be submitted for purposes of the official Township record. Changes to be considered minor shall include, but shall not be limited to the following:

- (1) A change in residential floor area.
- (2) An increase in non-residential floor area of five percent (5%) or less.
- (3) Minor variations in layout that do not constitute major changes.
- (4) An increase in GFC and FAR of one percent (1%) or less.
- (5) A decrease in the number of approved dwelling units.

3. The Township Planner shall have the authority to approve minor revisions to an approved final site plan that do not materially alter the approved site design, intensity of use or demand for public services.

L. Site Plan Resubmission.

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.

M. Expiration of Site Plan Approval.

Site plans shall expire 365 days after the date of approval. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant an extension of preliminary or final site plan approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

N. Rescinding Final Site Plan Approval.

Final site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of final site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

O. Compliance with an Approved Final Site Plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which final site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved final site plan and all conditions of approval, until the property is razed, or a new final site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

1. To ensure compliance with this Ordinance, the approved final site plan, and any conditions of site plan approval, the Township may require that a performance guarantee be deposited with the Township Treasurer, subject to the standards of Section 1.08C (Performance Guarantees). The amount of the performance guarantee shall be sufficient to ensure faithful completion of the improvements associated with a project for which site plan approval is sought, as determined by the Township Planner.
2. The Zoning Inspector, Township Planner or other Township designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.

Section 12.02 Special Uses.

A. Purpose.

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent land, uses, and residents; and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being permitted without special approval in a particular zoning district.

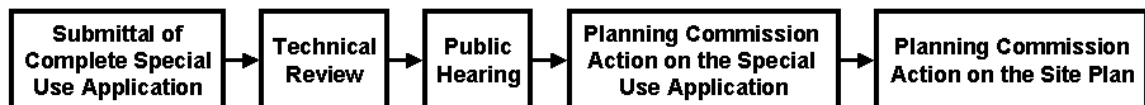
This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the General Development Plan.

B. Application Requirements.

Special use applications shall be submitted in accordance with the following:

1. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant without further review or consideration.
2. **Application.** Special use applications submitted to the Township shall include the following information:
 - a. Names, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
 - b. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the special use application.
 - c. Address, location, legal description, and tax identification number of the parcel.

- d. A detailed description of the proposed use.
- e. A certified survey drawing of the subject parcel, and a complete site plan per Section 12.01 (Site Plan Review).
- f. Appropriate review fees or escrow deposit, as determined by Township Board.
- g. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, including Section 12.02H (Standards for Special Use Approval).
- h. Any other information deemed necessary by the Township Planner or Planning Commission to determine compliance with this Ordinance.



Special Use Review Process

C. Special Use Review Procedure.

Special use applications shall be shall be reviewed in accordance with following procedures:

1. **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a determination based on the

requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval).

5. **Planning Commission action.** The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:
- a. **Tabling.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.
 - c. **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
 - d. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions:
 - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
 - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or
 - (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

Conditions of approval shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. Any such

changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

- e. **Recording of special use action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of special use approval.

D. Resubmission after Denial.

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

E. Appeals of Special Use Decisions.

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

F. Expiration of Special Use Approval.

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

G. Rescinding Special Use Approval.

Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

H. Standards for Special Use Approval.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
2. **Compatibility with the General Development Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted General Development Plan.
3. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
4. **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
5. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
6. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
7. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

I. Compliance with Special Use Approval.

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of

the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Inspector, Township Planner or other Township designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

Section 12.03 Public Hearing Procedures.

Upon receipt of a complete and accurate application, a reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
 - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
 - b. If eleven (11) or more adjacent lots or parcels are proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.
5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300

feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.

- a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - b. Delivery of public notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and if eleven (11) or more adjacent lots or parcels are proposed for rezoning.
 - c. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
 - d. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. Discretionary Notice.

The Township may, at its discretion, post this notice at other public-accessible locations, including the Township Hall, community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send this notice by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Pre-Hearing Examination.

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

D. Right to Submit Written Statements.

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

E. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

F. Rights of All Persons.

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

G. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient.

H. Governance.

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

Section 12.04 Amendments.

The Township Board may amend, supplement or revise the provisions of this Ordinance or Official Zoning Map. Such actions shall be in accordance with the provisions of the Michigan Zoning Enabling Act and the following:

A. Conditional Rezoning Prohibited.

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Saline Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

B. Initiation of Amendment.

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or Zoning Inspector, or by petition from one (1) or more residents or property owners of the Township. A rezoning amendment to the official Zoning Map may be initiated by the Township Board, Planning Commission, or Zoning Inspector; or by the titleholder for the property subject to the proposed amendment.

1. All proposed amendments shall first be referred to the Planning Commission for review and recommendation, prior to any final action by the Township Board.

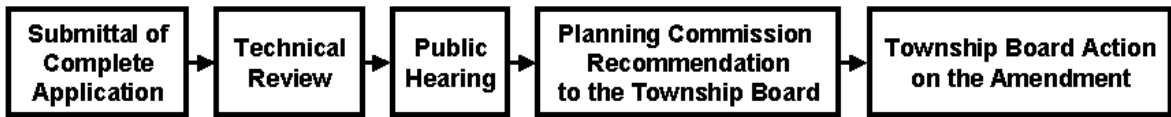
2. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Inspector.

C. Application.

An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Inspector) shall be initiated by submission of a complete and accurate application to the Township, along with the required review fees or escrow deposit established by Township Board.

1. **Rezoning application.** In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:
 - a. A legal description, street address(es), and property tax identification number(s) of the subject property.
 - b. A scaled survey and location map identifying the subject property in relation to surrounding parcels, roads, and other area features.
 - c. A vicinity map showing the location of the subject property, and adjacent land uses and zoning classifications.
 - d. The name and address of the applicant.
 - e. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the rezoning application. In the case of a rezoning amendment initiated by the Township Board, Planning Commission or Zoning Inspector, the signed consent of the owner(s) shall not be required.
 - f. Signature(s) of the applicant and owner(s) certifying the accuracy of the application information. In the case of a rezoning amendment initiated by the Township Board, Planning Commission or Zoning Inspector, such certification shall not be required.
 - g. The existing and proposed zoning district designation of the subject property and surrounding properties.
 - h. A general description of the natural resources and features, including wetlands, streams and other waterbodies, steep slopes, woodlands, and floodplains depicted on scaled drawings. In the case of a rezoning amendment initiated by the Township Board, Planning Commission or Zoning Inspector, such information shall not be required.
 - i. A written description of how the requested amendment meets the criteria stated in this Section.

2. **Zoning Ordinance text amendments.** In the case of an amendment to the text of the Zoning Ordinance, the petitioner shall submit the following information:
 - a. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
 - b. Reasons for the proposed amendment.
 - c. The name and address of the petitioner.



Amendment Review Process

D. Amendment Review Procedure.

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 12.03 (Public Hearing Procedures).
3. **Planning Commission consideration and recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the Township Board.
4. **Township Board action.** The Zoning Inspector shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the Township Board for consideration and final action.

- a. The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration.
- b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
- c. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the Township not less than five (5) and not more than 15 days before the hearing date.

E. Findings of Fact Required.

In reviewing any application for a rezoning amendment to the Official Zoning Map, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings and recommendations to the Township Board. The facts to be considered shall include, but shall not be limited to the following:

1. Compatibility of the proposed rezoning with the General Development Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the General Development Plan was adopted, the consistency with recent development trends in the area shall be considered.
2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features, and with surrounding uses and zoning districts.
3. Capacity of available utilities, roads, and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Washtenaw County with unplanned capital improvement costs or other unplanned public expenses.
4. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
5. Whether the requested rezoning is justified by a change in conditions since the Zoning Ordinance or Official Zoning Map was adopted, or by an error in the Ordinance or Map.
6. The precedents or possible effects of such precedents that might result from approval or denial of the proposed rezoning.
7. Impacts or effects of approval of the rezoning on the condition, character or value of property in the Township or adjacent municipalities.

8. Consistency of the proposed rezoning with the applicable development policies of abutting municipalities or other governmental agencies with jurisdiction.

F. Notice of Adoption.

Following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map, the amendment shall be published within 15 calendar days of such adoption in a newspaper of general circulation in the Township. The amendment shall take effect seven (7) calendar days after the date of publication of the notice of adoption, unless a later date is specified by the Township Board. The notice of adoption shall include the following information:

1. The article(s) and section(s) affected, in the case of a text amendment.
2. Either a summary of the regulatory effect of the amendment, including any geographic area affected, or the text of the amendment.
3. The effective date of the amendment.
4. The place and time where a copy of the amended Zoning Ordinance or Official Zoning Map may be inspected or purchased.

G. Referendum.

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

1. If a notice of intent is filed, then within 30 calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a number of qualified and registered voters residing in the unincorporated portion of Saline Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected.
2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
 - a. The expiration of 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, if the petition is not filed within that time period.

- b. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
- c. If a petition is filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds that the petition is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

H. Conformance to Court Decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published without referral to any other board, commission or agency.

I. Re-Application.

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Inspector determines that one or more of the following conditions has been met:

- 1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- 2. New or additional information is available that was not available at the time of the review.
- 3. The new application is materially different from the prior application.