

NOTTAWA TOWNSHIP
ST. JOSEPH COUNTY, STATE OF MICHIGAN

ORDINANCE NO. ____

ADOPTED: _____

EFFECTIVE: _____

An ordinance to amend Nottawa Township's Zoning Ordinance, Article Six to renumber certain provisions; to add a new section 300.605 titled "Site Plan Review"; to amend Article Five reference the new process for Site Plan Review; to repeal conflicting ordinance provisions; and to provide an effective date.

NOTTAWA TOWNSHIP
ST. JOSEPH COUNTY, STATE OF MICHIGAN

ORDAINS:

SECTION I
AMENDMENT TO ARTICLE SIX RENUMBERING PROVISIONS

Article Six of the Nottawa Township Zoning Ordinance is hereby amended to renumber the following provisions:

300.605 – Violations and penalties is hereby renumbered to 300.606, with internal provisions being renumbered to match.

300.606 – Vested rights is hereby renumbered to 300.607.

300.607 – Severance clause is hereby renumbered to 300.608.

300.608 – Effective date is hereby renumbered to 300.609.

SECTION II
AMENDMENT TO ARTICLE SIX TO ADD A NEW SECTION 300.605 – SITE PLAN REVIEW

Article Six of the Nottawa Township Zoning Ordinance is amended to add a new Section 300.605 titled "Site Plan Review," which shall read as follows:

605.1 Purpose.

- A. The intent of this section is to provide for consultation and cooperation between the land developer and the Township Zoning Administrator and Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

605.2 Scope.

- A. Prior to the issuance of a building permit or the creation of a use, a site plan shall be submitted in accordance with this section and approved by the Planning Commission. Except as otherwise provided in this Ordinance, site plans shall be required for the following uses and related development:
 - 1. All Commercial and/or Industrial developments in all zoning districts.
 - 2. Any development requiring a Special Use Permit under Article Five of the Nottawa Township Zoning Ordinance.
 - 3. Any development of multi-family housing (as defined by Section 300.202.16) in all zoning districts.
 - 4. A change in use, with the exception of those changes covered by Section 605.5, that includes specific conditions or calculations, such as for the required parking, different than that for the previous Permissible use.

605.3 Sketch plan review.

- A. Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator prior to final approval. The Zoning Administrator may seek assistance in the sketch plan review from no more than one member of the Planning Commission, as the Zoning Administrator deems necessary.
- B. The purpose of such procedure is to allow discussion between a developer and the Zoning Administrator to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:
 - 1. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership;
 - 2. A legal description of the property; and
 - 3. Sketch drawings showing tentative site and development plans.

- C. Neither the Zoning Administrator nor any member of the Planning Commission shall be bound by any tentative approval given at this time.

605.4 Application procedure.

- A. Requests for final site plan review shall be made by filing with the Township Clerk the following:
1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information;
 2. Ten copies of the completed application form for site plan review which shall contain, as a minimum, the following:
 - a. The name and address of the applicant;
 - b. The legal description of the subject parcel of land;
 - c. The area of the subject parcel of land stated in acres or, if less than one acre, in square feet;
 - d. The present zoning classification of the subject parcel; and
 - e. A general description of the proposed development.
 3. Ten copies of the proposed site plan which shall include as a minimum the following:
 - a. A scale drawing of the site and proposed development at a scale of one inch = 20 feet to one inch = 100 feet;
 - b. The date of the drawing and the name, telephone number and address of the applicant/owner/developer and the engineer, architect or surveyor who prepared the plans;
 - c. The topography of the site and its relationship to adjoining land;
 - d. The natural features and any existing manmade features;
 - e. The locations, heights and size of structures and other important features and the dimensions between existing and proposed structures and setbacks required;
 - f. The percentage of land covered by buildings and that reserved for open space;
 - g. Lot coverage and dwelling unit density where pertinent;
 - h. The location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site;

- i. Any curb-cuts, driving lanes, parking and loading areas and the dimensions of such;
 - j. The location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities;
 - k. Any pedestrian walks, malls and recreation areas, emergency vehicle accessibility;
 - l. A required landscape plan which includes both screening and fencing where required (including rubbish disposal facilities) and establishing compliance with screening and/or fencing requirements.
 - m. In addition, the applicant shall show requiring screening or landscaping between for all parcels abutting residentially-used parcels. The applicant may utilize opaque fencing of at least six feet in height, a berm with landscape plantings of at least six feet or a combination of fencing and landscaping to achieve the desired result.
 - n. Any proposed earth changes and environmental impact of the project;
 - o. Any signs and on-site illumination.
4. The Planning Commission may approve a site plan lacking one or more of the above site plan informational requirements if the Planning Commission determines, in its sole reasonable discretion, that the nature of the proposed use or development, the subject property and/or the neighboring properties makes the provision of such information unnecessary to determine whether the site plan satisfies the standards set forth in Section 605.6 of this Ordinance.
 5. If the site plan is submitted as part of an application for outdoor display or outdoor storage, the specific dimensions of such areas shall be included on the plan.

605.5 Action on application and plans.

- A. Upon receipt of the application and plans, the Township Clerk shall record the date of the receipt thereof and transmit 9 copies thereof to the chairman of the Planning Commission and one copy to the Township Zoning Administrator.
- B. A hearing shall be scheduled by the chairman of the Planning Commission for a review of the application and plans as well as the recommendations of the Township Engineer (if any) and the Township Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be held at the next regularly scheduled Planning Commission meeting following the date of the receipt of the plans and applications by the Township Clerk. However, if such date is too soon to provide adequate notice under Section 605.5(C), the hearing shall be scheduled for the next regularly scheduled Planning Commission meeting for which adequate notice can be provided.
- C. The applicant shall be notified of the date, time and place of the hearing on his application not less than fifteen days prior to such date.

- D. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the Township Zoning Ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant.
- E. The Planning Commission may also approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans by the applicant. The site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances and state and federal law.
- a. If a plan is approved contingent on alterations or modifications under this Section, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant must re-submit the site plan to the Planning Commission for final approval after conditions have been met, unless the Planning Commission waives its right to review the revised plan, and instead authorizes the Township Zoning Administrator to review and approve the site plan after all required conditions have been addressed.
- F. Minor modifications to an approved site plan may be reviewed by the Township Zoning Administrator and Township Engineer.
- a. Minor Modification Defined. Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the danger from hazards. Examples of minor modifications include:
- i. An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than twenty-five percent (25%) or two thousand (2,000) square feet, whichever is less.
- ii. Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
- iii. Changes to building height that do not add an additional floor.
- iv. Alterations or modifications involving less than twenty (20) parking spaces.
- The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.
- b. Determination of Minor Modification. The Township Zoning Administrator shall determine if the proposed modifications are minor in accordance with the guidelines in this section.
- c. Modifications Not Deemed "Minor". If the modifications are not deemed minor by the Township Zoning Administrator, or if the Township Zoning Administrator finds (in the Township Zoning Administrator's sole discretion and professional opinion) that there are characteristics of the site plan that warrant Planning Commission review, the full review and approval by the Planning Commission shall be required.

Planning Commission review and approval shall be required for all site plans that involve a request for a variance, a Special Land Use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

- d. Recording of Action. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file at Township Hall. The Planning Commission shall be advised of all minor site plan modifications approved by the Township Zoning Administrator and such modifications shall be noted on the site plan and in the minutes of the Planning Commission.
- G. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairman of the Planning Commission for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the Planning Commission the minutes concerning the variance duly signed shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction.

605.6 Criteria for review.

- A. In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:
 - 1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
 - 2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
 - 3. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
 - 4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
 - 5. That all provisions of the Township Zoning Ordinances are complied with unless an appropriate variance therefrom has been granted by the Planning Commission. The approval of the site plan does not result in any waiver of any code provisions unless specifically disclosed to the Planning Commission and is accepted by the Planning Commission as part of the site plan approval.

6. That the height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
7. That the plan as approved is consistent with the intent and purpose of zoning to:
 - i. promote public health, safety, morals and general welfare;
 - ii. encourage the use of lands in accordance with their character and adaptability;
 - iii. avoid the overcrowding of population;
 - iv. lessen congestion on the public roads and streets; to reduce hazards to life and property;
 - v. facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;
 - vi. conserve the expenditure of funds for public improvements and services, to conform with the most advantageous uses of land, resources and properties;
 - vii. conserve property values and natural resources; and
 - viii. give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.
8. Prior to the grant of an occupancy permit by the Building Inspector, a final review shall be conducted to determine compliance with site plan requirements, including any conditions related to Township Engineer and Fire Department approvals.

605.7 Conformity to approved site plan.

- A. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission or Zoning Administrator as provided by Section 605.5(E). If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.
- B. Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the site plan approval shall become void and new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

605.8 Amendment to site plan.

- A. A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed, unless:
1. The amendment was required as a condition for approval by the Planning Commission under Section 6.505(E) and was reviewed and approved as compliant by the Zoning Administrator; or
 2. The amendment is considered minor under Section 6.505(F) and was reviewed and approved as compliant by the Zoning Administrator; or
 3. The amendment meets all of the following three criteria:
 - i. The amendment does not involve a change in use or addition of a new use; and
 - ii. The amendment does not increase required parking beyond the number of spaces presently located on the site and any area designated on the original site plan for future parking; and
 - iii. The amendment does not change the access point(s) or general circulation within the site.
- B. If an amendment meets the criteria of Section 605.8(A)(3), the amendment to the site plan shall instead be subject to review and approval by the Zoning Administrator, who may utilize professional advice in determining whether such amendment complies with the requirements of this section of the Zoning Ordinance. This provision for administrative site plan review shall in no way be deemed to deprive the Zoning Administrator of discretion to refer a proposed amended site plan to the Planning Commission for its review and approval.

SECTION III

AMENDMENT TO ARTICLE FIVE, SECTION 300.501

Article Five, Section 300.501.2(b)(2) is hereby struck in its entirety, and replaced by the following:

“(2) A site plan approved by the Planning Commission as provided by Article Six, Section 300.605.”

SECTION IV

REPEAL

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION V
SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

SECTION VI
EFFECTIVE DATE

This Ordinance shall become effective eight (8) days after its publication following final adoption.

NOTTAWA TOWNSHIP
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