

ARTICLE 16
SITE PLAN REVIEW

1601 PURPOSE

The purpose of this Article is to require site plan review approval for certain structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. These regulations are intended to provide for the orderly development of Whitehall Township, the stability of land values by preventing impairment or depreciation, and the conservation of natural resources.

1602 SITE PLAN REVIEW AND APPROVAL; WHEN REQUIRED

Subject to section 1603 below, site plan review and approval is required:

- A. For those uses requiring a Special Use Permit.
- B. For any change in use of a lot or structure (i.e. converting a nonconforming residence in a commercial zone to a business use)

1603 EXCEPTIONS TO MANDATORY SITE PLAN REVIEW AND APPROVAL

- A, Single or two (2) family dwellings.
- B. Accessory structures requiring no new or additional means of access thereto from adjoining streets and not higher or larger than existing structures on the site, and complying with all Zoning Ordinance requirements. Site plan review may be required by the Zoning Administrator,
- C. Projects involving the expansion, remodeling, or enlargement of existing structures which comply with all Zoning Ordinance requirements, involve no new or additional means of access thereto from adjoining streets, do not involve a change in the use of the premises, and do not involve increasing the height of existing structures nor an increase in the area thereof by more than one-fourth (1/4). Site plan review may be required by the Zoning Administrator.

1604 APPLICATION PROCEDURE

Application for site plan review shall be submitted to the Planning Commission on a form provided by the Township. Each application shall be accompanied by the required fee. Every application will be accompanied by the following information and data:

A. Completed application form.

B. Eleven copies of a site plan drawn to a readable scale showing:

1. Property dimensions, address, and legal description.
2. Size, shape, and location of existing and proposed uses, and structures.
3. The location of parking areas, parking spaces, loading areas, driveways, and curb cuts.
4. Existing streets and private easements and their locations and widths.
5. Proposed storm water disposal.
6. Water courses and water bodies, including existing drainage ways.
7. Set back distances from right-of-way and adjacent lot lines.
8. Location of existing or proposed open spaces, berms and green belts.
9. A landscaping plan indicating locations of proposed planting and screening, fencing, signs, and advertising features.
10. A lighting plan, describing the location and illumination of all outdoor lighting in sufficient detail to allow the Planning Commission to determine the extent of any adverse effect on neighboring lots or possibly motorists.
11. Dumpster and other refuse storage locations, with sufficient setbacks from other occupied structures to insure that fires in the dumpsters or other refuse storage locations are unlikely to spread to other occupied structures.

C. Such other documents, plans and/or written descriptions, containing a general description of the proposed development, including the proposed construction or remodeling, and the proposed use. Further, the application shall include such

environmental, engineering, or other reports, tests, safeguards, or studies as the Planning Commission may require.

1605 ACTION ON APPLICATION AND PLANS

A. Upon receipt of an application for site plan review, the Zoning Administrator shall require the Applicant to transmit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the request (e.g. curb cut= Muskegon County Road Commission, etc..)

1. Muskegon County Road Commission, or Michigan Department of Transportation, as applicable.
2. Muskegon County Health Department,
3. Muskegon County Drain Commissioner (not mandatory; at the discretion of the Township), and
4. White Lake Fire Authority.

for their review and approval. The Zoning Administrator shall forward a copy of the site plan to each member of the Township Planning Commission and retain one (1) copy at the Township Hall for public review.

B. A hearing will be scheduled by the Chairperson of the Planning Commission for a review of the application and plans as well as the recommendations of the agencies and officials mentioned in A. above. Copies of the application, plans, comments, etc. shall be provided to the Planning Commission members for review prior to the hearing.

C. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, or modify the proposed plans in accordance with the purposes of this Article. Any required modification shall be stated in writing, together with the reason therefor and delivered to applicant. The Planning Commission may either approve the plans contingent upon the required modifications, if any, or may require a further review after the same have been included in the proposed plans of the applicant. Prior to final site plan approval, the Planning Commission shall be provided with copies of the approvals of the entities cited in sub-paragraphs A1 through A4 above. The Planning Commission shall arrive at a decision for each proposal in 60 days or less.

Amended 10/27/2014 Effective 11/09/2014

D. The Planning Commission shall establish a deadline for completion of the project, which deadline may be extended from time to time by the Zoning Administrator, upon request of the applicant and for good cause shown

E. A copy of the approved site plan with any required modifications shall be maintained as part of the Township records for future review and enforcement One (1) copy shall be signed and dated with the date of approval by the Chairperson and Secretary of the Planning Commission for identification of the finally approved plans. If the site plan includes, as a component thereof, a variance issued by the Zoning Board of Appeals, then a copy of the variance and the Zoning Board of Appeals minutes related to the grant of such variance, shall be attached to and retained with the Planning Commission's written Site Plan approval. Record of Site Plan applications and Planning Commission action thereon shall be retained by the Township for as long as the Township Board shall direct.

1606 STANDARDS FOR SITE PLAN APPROVAL

In addition to compliance with all other relevant provisions of this Ordinance, the site plan shall satisfy the following additional requirements:

A. Maintenance of a proper relationship between the existing streets 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.

B. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance_

C. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas

D. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

E. The site plan shall provide reasonable visual and sound privacy for all dwelling units. Fences, walks, barriers and landscaping shall be used as appropriate for the protection and enhancement of property and for the privacy of its occupants. Required bufferyards and specific plans will be included.

F All structures or groups of structures shall be so arranged as to permit reasonable emergency vehicle access.

G. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical screen consisting of structural (fence) or plant materials no less than six (6) feet in height upon installation.

H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

1607 MODIFICATION OF APPROVED SITE PLAN

Once site plan approval has been granted by the Planning Commission, material changes to the approved site plan shall require a resubmission and payment of fees.

1608 PERFORMANCE GUARANTY

In approving the site plan, the Planning Commission may require that a temporary or permanent cash deposit, certified check, performance bond, letter of credit, and/or other guaranty acceptable to the Planning Commission, in such amount and upon such terms as the Planning Commission shall deem appropriate, be furnished by the applicant or property owner or both, to insure continued compliance with the terms of this Ordinance, the terms and conditions of the site plan as approved, and with any other requirements related to any construction or improvement of any lot authorized by such approved site plan. Any such financial guaranty shall be deposited with the Township Treasurer prior to the issuance of the site plan approval. As work progresses, the Planning Commission may authorize a partial rebate in or reduction of the amount of any such financial guaranty.

1609 CONFORMITY TO APPROVED SITE PLAN

A. Property which is the subject of site plan approval must be developed in compliance with the approved site plan and any amendments thereto. If construction and development does not materially conform with such approved plan, the approval shall be revoked by the Zoning Administrator by written notice. Such revocation shall be posted upon the premises involved and mailed to the developer at his/her 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.

B. The Planning Commission may, upon proper application 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 this Article.

1610 DECISION OF THE PLANNING COMMISSION; APPEALS

The decision of the Planning Commission shall contain the findings and determination of the Planning Commission in each case. The signature of the chairperson and secretary of the Planning Commission shall be affixed thereon. Any persons aggrieved by the decision of the Planning Commission shall have the right to appeal to the Township Board, which appeal shall be brought within thirty (30) days after issuance of the decision by the Planning Commission. The Township Board shall have the power to uphold, modify or reverse the decision of the Planning Commission and toward this end shall have all of the powers of the Planning Commission. Any persons aggrieved by the decision of the Township Board shall have the right to appeal to the Circuit Court for Muskegon County, which appeal shall be brought within thirty (30) days after issuance of the decision by the Township Board.