

**HEATH TOWNSHIP ORDINANCE NO. 37**

**HEATH TOWNSHIP AMENDMENT TO ZONING ORDINANCE**

Adopted: May 8, 1995

Effective: May 22, 1995

An Ordinance to amend the zoning ordinance to establish guidelines for site plan review; to provide for consultation and cooperation between the land developer and Planning Commission in the utilization of land within the Township; to minimize the effect of development on present and future uses of adjacent properties and on adjacent streets and highways; to provide for the severability of any part of said ordinance; and to establish an effective date and to repeal all other ordinances and parts of ordinances in conflict herewith.

**THE TOWNSHIP OF HEATH  
ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**AMENDMENT TO TOWNSHIP ZONING ORDINANCE**

The Heath Township Zoning Ordinance shall be amended to include an additional chapter designated as Chapter XIX and entitled "Site Plan Review", to read as follows:

**CHAPTER XIX**

**SITE PLAN REVIEW**

**SECTION 19.01 PURPOSE.** The intent of this section is to provide for consultation and cooperation between the land developer and 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.

**SECTION 19.02 SCOPE.** Except as hereinafter set forth, the building inspector shall not issue a building permit for construction of any buildings, structures or uses until a Site Plan, submitted in accordance with the Township Zoning Ordinance, shall have been reviewed and approved by the Planning Commission.

The following buildings, structures or uses shall be exempt from the aforesaid Site Plan Review and procedure:

- (a) Single or two-family homes under separate ownership on an individual and separate lot for each home.
- (b) Accessory and subordinate buildings which (1) have a floor area no greater than 768 square feet, (2) require no new or additional means of access thereto from adjoining roads or highways, and (3) comply with all zoning ordinance requirements.
- (c) Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all Zoning Ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highway.
- (d) Additional buildings or structures similar to those previously existing upon an individual site complying with all Zoning Ordinance requirements and requiring no new or additional means of access thereto from adjoining public roads or highways for such purposes or uses as greenhouses, storage buildings, on-premise advertising signs, and essential service structures or buildings.
- (e) Mobile home parks.

SECTION 19.03 OPTIONAL SKETCH PLAN REVIEW. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Planning Commission 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:

- (a) The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or the partners of a partnership, and the name and address of the titleholder of the property.
- (b) A legal description of the property.
- (c) Sketch drawings showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

SECTION 19.04 APPLICATION PROCEDURE. Requests for final Site Plan Review shall be made by filing with the Township Clerk the following:

- (a) 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.

- (b) Six (6) copies of the completed application form for Site Plan Review which shall contain, as a minimum, the following:
  - (1) The name and address of the applicant and the title holder of the property.
  - (2) The legal description of the subject parcel of land.
  - (3) The area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
  - (4) The present zoning classification of the subject parcel.
  - (5) A general description of the proposed development.
- (c) Six (6) copies of the proposed site plan which shall include as a minimum the following:
  - (1) The plan shall be drawn to a scale of not greater than one inch = twenty feet for a development of not more than three acres and a scale of not less than one inch = one hundred feet for a development in excess of three acres.
  - (2) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation and the name and address of the individual or firm preparing the same.
  - (3) The subject property shall be identified by lot lines and general location, together with dimensions, angles, and size correlated with the legal description of the property.
  - (4) The topography of the site with at least 2-foot contour intervals and all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar features being shown.
  - (5) Existing man-made features upon the site and within 100 feet of the same shall be disclosed.
  - (6) The location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple family residential development shall also include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each such units.

- (7) All proposed and existing streets, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size and number of parking spaces in off street parking areas, service lanes thereto and service parking and delivery or loading areas.
- (8) The location, use and size of open spaces, together with landscaping, screening, fencing, walls and proposed alterations of topography or other natural features shall be indicated.
- (9) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands or occupants thereof, together with any special features which are proposed to relieve any adverse effects therefrom. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying such demands.
- (10) Any earth-change plans required by state law shall also be submitted with the application.
- (11) On-site lighting, surface water drainage for the site and proposed sanitary sewage disposal and water supply shall be included in the plans.
- (12) Such other information as may be determined to be necessary by the Planning Commission because of any peculiar features of the proposed development, or necessary to consider the impact of a project upon adjacent property, the general public or the environment.

SECTION 19.05 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 shall transmit five copies 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 Zoning Administrator with regard thereto. Members of the Planning Commission shall receive copies of the same prior to the hearing for their preliminary information and study. The hearings shall be scheduled within not more than 45 days following the date of the receipt of plans and application by the Township Clerk.
- (c) The applicant shall be notified of the date, time and place of the hearing on his application not less than 3 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 the criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Planning Commission may either 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 for the applicant. The decision of the Planning Commission shall be made by said Commission within 100 days of the receipt of the application by the Township Clerk.
- (e) 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 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 Zoning Board of Appeals, 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.

SECTION 19.06 CRITERIA FOR REVIEW. In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

- (a) 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 insure the safety and convenience of pedestrian and vehicular traffic.
- (b) That the buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects therefrom upon owners and occupants of adjacent properties.
- (c) 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.
- (d) That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setbacks; and by the location of buildings, structures and entryways thereto.

- (e) That the height and location of all portions of the building and structures are accessible to available emergency vehicles and equipment.
- (f) That the plan will not result in any additional run-off of surface waters onto adjoining property.
- (g) That all provisions of the Township Zoning Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- (h) That the plan as approved is consistent with the intent and purpose of zoning; to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for uses and the general and appropriate trend and character of land, building and population development.

SECTION 19.07 CONFORMITY TO APPROVED SITE PLAN. 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. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator of the Township 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 construction activities shall cease upon the site until such time as the violation has been corrected or the Planning Commission has, upon proper application of the developer and after hearing, approved a modification of the site plan to coincide with the developer's construction or altered plans for construction as being in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.

Approval of the site plan shall be valid for a period of one year. 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 a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

SECTION 19.08 AMENDMENT TO SITE PLAN. A proposed amendment, modification or alteration to a previously approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

SECTION 19.09 PERFORMANCE BOND. The Township Planning Commission shall have the right and authority to require the developer to file with the Township Building Department at the time of application for a building permit a performance bond or bank letter of credit in such amounts as may be determined by said Commission to insure the development of the site in accordance with the approved plans therefor, conditioned upon such proper construction and development. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount which is a reasonable percentage of the estimated total cost of construction and site development. The bond shall be for the purpose of securing the completion of improvements considered necessary to protect natural resources or the health, safety and welfare of the residents of the Township and adjacent residents and property owners. The Planning Commission shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required.

## **SECTION II**

### **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 the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

## **SECTION III**

### **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This ordinance shall take effect on the \_\_\_ day of \_\_\_\_, 1994. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### **HEATH TOWNSHIP**

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