

6-45 approved by commission 1/ 07/2021

• **Sec. 6-43 - Duties. (red color is new verbiage)**

The zoning administrator shall:

- (a) Review and rule upon the meaning and interpretation of all sections of the zoning ordinance.
- (b) Receive and review for completeness all applications for site plan review and special use permits which the planning commission are required to decide under this chapter and refer such applications to the planning commission and village council for determination.
- (c) Receive and review for completeness all applications for appeals, variances, or other matters which the zoning board of appeals is required to decide under this chapter and refer such applications to the zoning board of appeals for determination.
- (d) Receive and review for completeness all applications for amendments to this chapter and refer such applications to the planning commission and village council for determination.
- (e) Make periodic site inspections of the village to determine chapter compliance, and answer complaints on zoning ordinance violations.
- (f) Implement the decisions of the planning commission and village council.
- (g) Utilize the ASPR process wherever possible:  
To review and approve specific types of site plan applications and drawings, authorize minor changes, authorize specific change of permitted use, emergency changes, that prevent a hazard, issue certificates of zoning compliance, as is listed in sec. 6-45 in addition to any other ordinance required duties.

(Ord. No. 2018.10-1, 10-1-2018)

**NEW SITE PLAN DEFINITIONS THAT NEED TO BE ADDED TO 6-5 / OR IN MANUAL**

MAIN TOPIC IN DEFINITIONS WILL BE UNDER SITE PLAN REVIEW DEFINITIONS

*Rooming house* - A dwelling in which more than three persons either individually or as families are housed or lodged for hire without meals.

Site Plan review Definitions:

*Alteration* - No alteration / addition to an existing building or structure shall be made that results in less conformance with the provisions of this ordinance than the existing building or structure was prior to the alteration / addition.

*Addition* - An addition to something, is a thing which is added to it. Most would agree that this particular use of technology is a worthy addition to the game. [ + to] This plywood addition helps to strengthen the structure.

*Expansion* - The action of becoming larger or more extensive. For the purposes of this chapter refers to an expansion of 500 sq. ft, or ten percent.

**Change** – An increase or reduction of the of permitted or special use area of a property or use of more than 500 square feet or ten percent, whichever is less.

**Change on use** - A change of use or just the word change shall refer to change from a previously authorized initial use to a different type of use either permitted by right or special use in the applicable zoning district.

Example: CBD district initial authored use is a permitted use of right of an Office building for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, or sales. The owner also decides to utilize excess space as a Retail Office Supply, Computer, and Business Machine Sales. Which is also a permitted use. Although both are permitted uses it is still a change from what the permitted of right use was initially authorized thus creating a change triggering the need for a site plan review.

**Conversion** - The act or an instance of converting or the process of being converted. For the purposes of this chapter conversion refers to a change from an approved use to a different approved or special use regardless of size.

**Increase** - To become progressively greater (as in size, amount, number, or intensity. For the purposes of this chapter increase refers to 1) interior usable floor area 2) expansion of exterior demission's of an existing structure or use of more than 500 square feet or ten percent, whichever is less.

**Structural alteration** - An Alteration that (i) will result in a change in the footprint of the Improvements, (ii) involves the addition of one or more floors to the Improvements, (iii) materially adversely affects the structural elements or any exterior walls of the Improvements or involves the removal or relocation of any interior or exterior walls of the Improvements, (iv) decreases the usable square footage required by this ordinance. Sec. 6-71. - Schedule of area, height, width, and setback regulations

**Proposed use** – A use proposed by the Applicant for a New Development. Where the Applicant proposes several different uses (mixed use) for the New Development then, for purposes of this Chapter, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property for purposes of this chapter.

**Previous use** – The most recent permitted use conducted at a particular property. Where the site was used simultaneously for several different uses (mixed uses) for the purposes of this chapter all of the specific use categories shall be considered. Where one use of the site accounted for 70 percent or more of the total area used, then that dominate use will be deemed to be the sole previous use of the site, where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this chapter.

**Certain** – Various specific uses but not explicitly named or stated.

**Existing use** - Used to refer to Permitted uses. Accessory uses and buildings. or Special uses. in a district.

**Permitted use** – A use that is permitted by right only if specifically listed as principal permitted uses in the various zoning district or are similar to such listed uses.

**Accessory uses and buildings** – Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses in each district.

**Special uses** - Special uses are permitted in each district as listed or if similar to the listed special uses if approved by Planning Commission.

**Floor area** - The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

**Floor area ratio** - Refers to the relationship between the total amount of usable floor area that a building has, or has been permitted to have, and the total area of the lot on which the building stands. You may determine the ratio by dividing the total or gross floor area of the building by the gross area of the lot.

*The way of determining gross floor area" of the building.* Measure distance from exterior wall to exterior wall and multiple the two distances resulting in interior square footage includes inclusive of all interior rooms, corridors, elevators, shafts etc.

*The Difference Between the Floor Area Ratio and Lot Coverage:* Though the floor area ratio calculates the size of the building relative to the lot, the lot coverage takes into account the size of all buildings and structures. The lot coverage ratio includes structures such as garages, swimming pools, and sheds—including nonconforming buildings.

**Floor Area** - Means the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, cellar, garage, verandah, porch or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons and excluding any floor area with a ceiling height of less than two (2.0) meters.

**Ground floor area** - Means gross floor area or the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centerline of fire walls, including covered porches and verandas, but excluding open decks, patios, steps, cornices, eaves, and similar projections. Ground floor area shall include air wells, and all other space within structure.

**Existing Uses** - The RMA provides for the continuation of lawful existing uses within certain parameters when there is a change in planning rules through "existing use rights". An existing use right does not prevail over statutory duties, such as the duty to avoid, remedy or mitigate any adverse effects on the environment of an activity.

**Definition of structure** – 1] the action of building: construction. 2] something (such as a building) that is constructed.

**Variance** - A modification to the literal provisions of this chapter which the zoning board of appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

**Re-occupancy of a vacant building**- Re- occupancy of a structure that has been vacant for less than 12 months with no change of previous use does not constitute a change in use.

**(ASPR) Administrative Site Plan Review** - ASPR process allows significant latitude for the Zoning Administrator working with the Chair of the Planning Commission to determine the type of site plan required, independently review and approve specific types of site plan applications and drawings, authorize minor changes, authorize specific change of permitted use, emergency changes, that prevent a hazard, issue certificates of zoning compliance, in addition to any other ordinance required duties.

**Minor Modifications, Changes, Alterations shall be defined as:**

- a) Minor modification, Changes or Alterations to grounds and or structure that do not substantially affect the character or intensity of the use, vehicle traffic, or pedestrian circulation, drainage patterns, the demand for public services or create a potentially dangers condition or hazard.
- b) Minor alteration to entrances in order to comply with Barrier Free requirements. Change or conversion that increases or results in reduction of the interior space of an existing structure or use of less than 500 square feet, or ten percent, cost less than \$40,000, whichever is less or would not require a variance from the provisions of this chapter. Nothing in this ordinance supersedes the necessity to comply with construction requirements of Michigan construction codes.

- c) The internal rearrangement of parking lot and or parking spaces that do not affect the total number of parking spaces, alter access locations or design, or effect lot drainage is considered minor.
- d) Relocation of a secondary building or structure- Relocation of a secondary building or structure less than 10 ft. where all setback and yard locations requirements are met or Costing less than \$40,000.

*Major Changes- the following are considered major changes:*

- a) An alteration, addition, expansion, change or conversion to the grounds or structure constitutes either an increase or reduction to the existing structure ~~internal~~ use of more than 500 square feet or ten percent whichever is less, or costs more than \$40,000, (adjusted for inflation) or would require a variance from the provisions of this chapter.
- b) *Addition of parking spaces-* altering total number of parking spaces, alter access locations or design, or effect lot storm drainage.
- c) *Relocation of a secondary building or structure-* Relocation of a secondary building or structure by over 10 ft. where all setback and yard locations requirements are met or Costing more than \$40,000.
- d). *Similar changes of a major nature-* Similar changes of a major nature exceeding 500 square feet or ten percent, whichever is less; or would require a variance from the provisions of this chapter, regardless of its size or change configuration , design, layout, or topography of the site which the zoning administrator upon consultation with the Planning Commission Chairperson determines requires a site plan review because the determined change or new structure will materially affect the character or intensity of use, vehicular or pedestrian circulation, drainage patterns, or the demand for public services will have an adverse effect on adjacent or nearby property or the use there of; and will have adverse effect on the health, safety , or welfare of the general public or Changes in building height.

**Screen** - A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

**END OF DEFINITIONS**

Section 6-45 Site Plan Review

- 1. A request to perform a site plan review.
  - 1.1. All new business or an existing business contemplating changing or adding a permitted use or special use shall complete an applicable type of site plan application for review and subsequently must receive zoning approval for the activity being contemplated prior to occupancy or continued occupancy.
  - 1.2. All new proposed R-1 - Single family, R-2- Single family, R-3 - Multi-Family shall complete an applicable type of site plan application for review and subsequently must receive zoning approval for the activity being contemplated prior to construction.

1.3 All proposed additions to a structure or use must complete a site plan review application and subsequently receive zoning approval for the activity being contemplated prior to starting any construction or site preparation.

1.4. All Zoning districts listed below (permitted and special use) shall comply with the requirements imposed by the Village of Stockbridge Michigan Ordinance Chapter vi, Article iv, Zoning District regulations Section 6-45. No grading, removal of trees or other vegetation, landfilling or construction or improvements shall commence for any activity which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this article.

R-1 - Single Family residential district

R-2- Single Family suburban district

R-3 - Multi-Family district

CBD – Central Business district

C-2 – General Commercial district

C-3 – Highway Commercial district

M-1 – Light Commercial district

PUD – Public Districts

OSC – Open Space Conservation

2. Applicable to all zoning districts

2.1. An applicant must submit the appropriate below listed site plan application prior to moving into a structure, the issuance of building permits, commencement of construction of a new structure, for addition, alteration, expansion, any change of use authorized by right, or special use, expansion or reduction of floor area, demolition or change of height to and existing structure.

2.1.1. Type 1 Site Plan Application is required for: Occupancy of a structure with a permitted use by rite requiring no structural changes also used for application to construct a new R-1 Single family dwelling and any use building or structure accessory thereto.

2.1.2. Type 2 Site Plan Application is required for: Occupancy of a structure with a permitted use by rite requiring minor changes to structure.

2.1.3. Type 3: Site Plan Application is required for: Occupancy of a structure with a permitted use by rite requiring major changes to structure.

2.1.4. Type 4: Site Plan Application is required for: Occupancy of a structure with a permitted use by rite requiring construction of a new commercial structure. Note: Not applicable to permitted use R-1 Single family dwelling and any use building or structure accessory thereto.

Note: R-1. Residential District (Specifically) a single-family home in the R-1 zoning district and is not located in a new subdivision that has already completed site plan review must complete a Type 1 site plan review application.

Applicant must complete the Type 1 certification form that documents applicant having reviewed the Villages Zoning Ordinance assuring compliance with other code requirements applicable to R-1: driveway requirements, setbacks, connection of utilities to village provided services as required by section 6-69, section 6-70 Section 6-71, Section 6-141, Section 6-262, Article vii.,

Section 6-261, Appendix a - rates and charges and any other applicable section of the zoning ordinance.

### 3. Applicant Site Plan Review Process

#### 3.1. Type 1 ASPR Site Plan Review Process

- 3.1.1. Type 1 ASPR Site Plan Review shall be applied to all purposes and permitted uses within all zoning districts and is applicable existing structures provided changes will not be made to: exterior walls, interior walls / rooms, accessory, and subordinate buildings, and grounds, and do not require adding height to structure, additional: means of access thereto from adjoining public roads or highways, parking, REU's, change in use and complies with all other applicable zoning ordinances requirements.
- 3.1.2. The Zoning Administrator reviews the application for site plan review for compliance with 6-45 filing requirements and confers with the Planning Commission Chair as required.
- 3.1.3. The Zoning Administrator reviews application to assure compliance with requirements of 6-45 and any other applicable ordinance and issues a certificate of zoning compliance or if not satisfied:
- 3.1.4. The zoning Administrator determines the application does not qualify as a Type 1 site plan and issues a written report stating what type of site plan is required and why.
- 3.1.5. The applicant may appeal the Zoning Administrator decision of 3.3.1. to the Zoning Board of Appeals.
- 3.1.6. The applicant may resubmit or amend application in accordance with the Zoning Administrator decision of 3.3.1 and pay any additional filling fees, if required.
- 3.1.7. The Zoning Administrator if an amended site plan is resubmitted reviews for compliance and issues a certificate of zoning compliance in compliance with ordinance.
- 3.1.8. A application approved by the Zoning Administrator, pursuant to the ASPR process, shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure to complete the project or exceed the expiration limits of the site plan approval.
- 3.1.9. Approval of a site plan shall expire and be of no effect one year following the date of approval unless a waiver is authorized by Planning Commission.
- 3.1.10 Site plan Type 1 review process should take approximately 30 days from date all required documents are submitted.

#### 3.2. Type 2 ASPR Site Plan Review

- 3.2.1. Type 2 ASPR Site Plan Review is applicable to all permitted uses of right within zoning districts and is intended for existing Structures provided only minor (see definitions for explanation of what is minor) changes will be made to: exterior walls, interior wall / rooms, accessory, and subordinate buildings, and grounds, and do not require: adding height to structure, additional means of access or addition of Barrier free required ramps to the structures, adjoining public roads or highways, require additional parking, additional REU's, results change in use and complies with all other applicable zoning ordinances requirements.

- 3.2.2. The Zoning Administrator reviews the application and site plan for compliance with section 6-45 filing requirements and confers with the Planning Commission Chair as required.
- 3.2.3. The Zoning Administrator reviews the application to assure compliance with requirements of 6-45 and any other applicable ordinance or:
  - 3.2.3.1. The Zoning Administrator determines the application does not qualify as a Type 2 site plan and issues written report as to what type of site plan is required and why.
- 3.2.4. The applicant may appeal the Zoning Administrator decision to the Zoning Board of Appeals.
- 3.2.5. The applicant may resubmit and amended application in accordance with the Zoning Administrator decision under 3.3.1. and pays any additional site plan fees, if required.
- 3.2.6. The Zoning Administrator determines application is sufficient and grants a certificate of zoning compliance.
- 3.2.7. A project approved by the Zoning Administrator pursuant to the ASPR process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure to complete the project or exceed the expiration limits of approval.
- 3.2.8. Approval of a site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the site plan if required.
- 3.2.9. Four (4) sets drawing on 11" X 17" paper shall be submitted with application. Or may if authorized by Zoning Administrator electronic copies of plans.
- 3.2.10. Time to complete should be approximately 90 days from date all required documents are submitted.

### 3.3. Type 3 ASPR Site Plan Review

- 3.3.1. Type 3 ASPR Site Plan Review is applicable to existing Structures where major changes are required (see definitions of major section 6-5 ) to permitted authorized use of right within all zoning districts, Permitted Major changes allowed for Type 5 site plan review are changes made to: exterior walls, interior wall / rooms, accessory, and subordinate buildings, adding additional height to structure, additional REU's, providing said major changes result in a permitted approved authorized use in the applicable district and complies with all other applicable zoning ordinances requirements. Major changes that are not permitted are providing additional access to adjoining public roads or highways, providing additional access to building/ structure, additional parking, or additional access to parking lot changes to building site / grounds.
- 3.3.2. The Zoning Administrator reviews the application and site plan for compliance with section 6-45 and confers with the Planning Commission Chair as required.

- 3.3.3. The Zoning Administrator determines application follows Type 3 site plan review requirements use and any other applicable ordinance or:
  - 3.3.3.1. The Zoning Administrator determines the application does not qualify as a Type 3 site plan and issues a written opinion as to what type of site plan is required and why.
  - 3.3.3.2. The Zoning Administrator forwards complete application to Planning Commission for review and approval or non-approval.
- 3.3.4. **Planning Commission schedules a public hearing in conformance with open meeting act. The Planning commission holds public hearing reviews both applications and submittals for Major Alteration / Modifications Special Land Use application for conformance with applicable zoning ordinance requirements.**
  - 3.3.4.1. Planning commission approves or denies application in whole or in part with conditions or denies application.
  - 3.3.4.2. If the Planning Commission denies the application the applicant may appeal the Planning Commission decision to the Circuit Court.
- 3.3.5. No application which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.
- 3.3.6. If the Planning Commission denies the application the applicant may appeal the Planning Commission decision to the Circuit Court.
- 3.3.7. The applicant may resubmit and amended application in accordance with the Zoning Administrator or Planning commission direction and pay any additional filling fees, if required.
- 3.3.8. A applicant approved by the Planning Commission pursuant to the ASPR process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure to complete the project or exceed the expiration limits of approval.
- 3.3.19. The Zoning Administrator will issue zoning compliance certificate if site plan was approved by Planning Commission.
- 3.3.10. Approval of a site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the site plan if required.
- 3.3.11. Applicant shall provide 14 sets of folded sealed drawings. Or may if authorized by Zoning Administrator electronic copies of plans. The sheet size of drawings shall be at least 24 inches x 36 inches with the plans drawn to a scale of no greater than one inch = 50 feet for property less than three acres, or no greater than one inch = 100 feet for property three acres or more.
- 3.3.12. Time to complete should be approximately 120 days from date all required documents are submitted.



- 3.4. Type 4. Site plan Review Process
  - 3.4.1. Type 4 Site Plan Review is intended for:
    - 3.4.1.1. new construction of a Facility, Structure or Development.
    - 3.4.1.2. is Applicable to all purpose change of use of right.
    - 3.4.1.3. facilitate occupancy requirements by performing a full site plan review in conjunction with fulfilling the requirements imposed by Section 6-45 and ensure compliance with all other applicable zoning ordinances requirements.
    - 3.4.1.4. the applicant may, at his or her discretion, divide the proposed development into two or more phases. In such case, the site plan shall cover the entire property involved and shall clearly indicate the location, the size, and character of each phase.
  - 3.4.2. It is strongly recommended that applicant submit only three sets of non-sealed prints for an informal preliminary review by Planning Commission and Zoning Administrator prior to submittal of a Complete Site Plan Review Application.
  - 3.4.3. The Zoning Administrator reviews the application and site plan for compliance with section 6-45 and confers with the Planning Commission Chair as required.
    - 3.4.3.1. The Zoning Administrator determines application follows site plan review requirement section 6-45 and section 6-44 special land use and any other applicable ordinance or:
  - 3.4.4. The Zoning Administrator determines the application does not qualify as a Type 4 site plan and issues a written report as to what type of site plan is required and why.
  - 3.4.5. The Zoning Administrator forwards complete application to Planning Commission for review and approval or non-approval.
  - 3.4.6. No application for a special land use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.
  - 3.4.7. A Site Plan project approved by the Planning Commission pursuant to the ASPR process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure to complete the project or exceed the expiration limits of approval.
    - 3.4.7.1. If the Planning Commission denies the application the applicant may appeal the Planning Commission decision to the Circuit Court.
    - 3.4.7.2. The applicant may appeal the Planning Commission decision in accordance with this ordinance and to Zoning Enabling Act.
  - 3.4.8. The applicant may resubmit and amended application in accordance with the Zoning Administrator or Planning commission direction and pay any additional filing fees, if required.

- 3.4.9. Approval of a site plan shall expire can be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the site plan if required.
- 3.4.10. Applicant shall provide 14 sets of plans folded and sealed drawings. The sheet size of drawings shall be at least 24 inches x 36 inches with the plans drawn to a scale of no greater than one inch = 50 feet for property less than three acres, or no greater than one inch = 100 feet for property three acres or more Or may if authorized by Zoning Administrator electronic copies of plans.
- 3.4.11. Time to complete should be approximately 120 days from date all required documents are submitted.

#### 4. Planning Commission Site Plan review process

##### 4.1. Planning Commission review

- 4.1.1. Planning Commission review and approval of site plan shall be required for all site plans, that involve a request for a Major Alteration, Variance, a Special Land Use, or New Construction a proposal that involves a discretionary decision or a proposal that involves a nonconforming use or structure.
- 4.1.2. Planning Commission schedules a public hearing in conformance with open meeting act. and requirements of sec 6-44. The Planning commission holds public hearing reviews both applications and submittals for Major Alteration / Modifications, Special Land Use applications for conformance with applicable zoning ordinance requirements.
  - 4.1.2.1. Planning commission approves or denies application in whole or in part with conditions or denies application.
  - 4.1.2.2. If the Planning Commission denies the application the applicant may appeal the Planning Commission decision to the Circuit Court.
- 4.2.3. The Planning Commission shall approve with conditions or deny the site plan within 60 days of the date of the planning commission meeting at which the site plan is first heard. The time limit may be extended upon a written request by the applicant and approved by the planning commission. The Planning Commission may suggest and/or require modifications in the proposed site plan as are needed to gain approval. All engineering drawings and plans shall be reviewed by the Village Engineer, DPW, and Fire Chief, Attorney, and any other professionals deemed necessary before a site plan may be approved by the Planning Commission.
- 4.2.4. A project approved by the Planning Commission pursuant to the ASPR process shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure to complete the project or exceed the expiration limits of approval.
  - 4.2.4.1. Approval of a site plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance.
- 4.2.5. The applicant may appeal the Planning Commission decision to the Circuit Court.

5. Zoning Administrator process

- 5.1. The Zoning Administrator utilizing the ASPR process shall have the authority to determine certification for Type 1 and Type 2 site plan reviews without having to forward application to Planning Commission.
- 5.2. The Zoning Administrator reviews the application and site plan for compliance with section 6-45 and confers with the Planning Commission Chair as required.
  - 5.2.1. The Zoning Administrator determines application follows requirements of section 6-45 and any other applicable ordinance for all four (4) types of site plan reviews and issues a certificate of zoning compliance.
  - 5.2.2. The Zoning Administrator determines the application does not qualify or contains insufficient information for request type of site plan and provides information as to what type of site plan is required and why.
- 5.3. The Zoning Administrator forwards completed application for Type 3, and Type 4 site plans to Planning Commission for review and appropriate action.
- 5.4. A project approved by the Zoning Administrator shall be considered to have site plan approval, subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure to complete the project or exceed the expiration limits of approval.
- 5.5. The applicant may resubmit and amended application in accordance with the Zoning Administrator or Planning commission direction and pay any additional fees if required.
- 5.6. Approval of a site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the site plan if required.
- 5.7. Applicant shall provide drawing as specified or requested by Zoning Administrator or Planning Commission in applicable type of site plan.
- 5.8. Property which is subject to site plan approval must be developed in strict conformity with the approved site plan for that property. Any site plan modifications approved by the Planning Commission or Zoning Administrator and variances granted by the Zoning Board of Appeals must also conform in according to this ordinance.
- 5.9. Approval shall be valid for a period of one year; one six-month extension may be granted after complete review of the application by the Village Planning Commission. At the end of the six-month extension, if no building permit has been obtained and site development has not recently begun, the site plan approval becomes void. And the developer shall submit a new application for approval along with all applicable fees.
- 5.10. The certificate of approval shall regulate development of the property and any violation of this article, including any improvement not in conformance with the approved certification shall be deemed a violation of this chapter as provided in article 26, and shall be subject to all penalties therein.
- 5.11. Violations. The certificate of zoning compliance shall regulate development of the property and any violation of this article, including any improvement not in

conformance with the approved certification shall be deemed a violation of this chapter as provided in article 26, and shall be subject to all penalties therein.

#### 5. Building Inspector duties

- 5.1. The Building Inspector shall notify the Zoning Administrator, in writing, when a development for which a site plan is approved has passed inspection with respect to the approved final site plan. The Building Inspector shall notify the Zoning Administrator, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan and shall advise the Zoning Administrator of steps taken to achieve compliance. In such case, the Building Inspector shall periodically notify the Zoning Administrator of progress towards compliance with the approved final site plan and when compliance is achieved.

#### 6. Requirements for reviewing site plan application.

- 6.1 In reviewing the site plans the Planning Commission Chair, Planning Commission, Zoning Administrator, the Village Engineer, and other interested professionals shall determine whether the applicable site plan application meets the following specifications and standards:
  - 6.1.1. The plan conforms to all zoning ordinance regulations.
  - 6.1.2. All required information is provided.
  - 6.1.3. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare, and character of the village.
  - 6.1.4. There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
  - 6.1.5. The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
  - 6.1.6. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.
  - 6.1.7. Stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.
  - 6.1.8. Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet county and state standards.
  - 6.1.9. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with county and state standards.
  - 6.1.10. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain the aesthetic quality of the site and area.

6.1.11. The proposed use complies with all village ordinances and any other applicable laws.

6.1.12. There or adequate service to site for potable water and sanitary sewer and site has the appropriate number of REU's.

7. Application required information on a site plan.

7.1. List of Information required. On All application for Certification:

Project name / Business name

Address of Property / Structure

Existing zoning of property.

Description of what type of Business or Function property will be used for. R-1 Single Family residence, golf course, farmers market etc. (Provide sufficient detail to allow determination of proper zoning use and district.

Hours of operation

Name of legal owner of property, address, and phone number

Name of Developer/Owner Business address and phone number

Property legal description required for Type 3 and Type 4 site plan review applications.

Tax id number of properties.

Gross Sq. Footage

Usable Square footage

Number of Employees

**Engineer / Contractor or Architect Name and Phone number:**

Numbers of residential equivalent units. (REU's). Except for R-1 Single family Residence

Number of existing parking spaces

Number of required parking spaces

**Signs Size Width & Height**

Other information that may be required by Zoning administrator.

Application fees.

Total fees collected.

Applicants: signature.

Date.

Official Action taken

Village office date received.

Date sent to zoning administrator date.

Date application received.

Zoning administrator approval / rejection Date

Planning commission approval / rejection

Date sent too Planning Commission if applicable.

Date public hearing set if applicable

Planning Commission approval / rejection

Village Clerk certifies all fees paid.

8. Table 8 list information that is required on respective site plan drawings as required.

8.1. Corresponding check sheets that will assist applicant in assuring all information required on site plan drawings are be in section 6-45 site plan compliance manual.

8.2 Manual will be provided to applicant with receipt of application fee.

8.3. Number of and size of site plan drawings that must be provided with application and completed are provided within site plan manual for each type of site plan review.

Table 8 (the below Check sheet provides list of information required on respective type of site plan drawings.

Topic	Type 1	Type 2	Type 3	Type 4
Scale: (not greater than 1" =20ft, not less than 1"-200')			x	x
North Arrow			x	x
Name of Business	x	x	x	x
Name of business owner	x	x	x	x
Name of Developer			x	x
Name of Designer			x	x
Date (on EACH sheet)	x	x	x	x
Seal each sheet			x	x
Boundary Dimensions (Include bearings if description is meters & bounds)				x
Lot area			x	x
Existing Topography taller than 2 foot)				x
Existing natural features				x
A grading plan showing finished contours at a maximum of 2 feet correlated with existing contours.				x
Concerning Adjacent Properties				x
Identify				x
Proposed use group	x	x	x	x
Existing zoning classification	x	x	x	x
Vicinity Map			x	x
Location of Open / recreation areas				x
Location of Landscaped areas				x
Existing deed Restrictions				x
Numbers of residential equivalent units. (REUs)			x	x
Current Use	x	x	x	x
Intended use	x	x	x	x
Hours of operation	x	x	x	x
Number of Off- street Parking spaces existing and required		x	x	x
Lot width				x
Front yard setback				x

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**Table 8 (Continued)**

Topic	Type 1	Type 2	Type 3	Type 4
Off street Loading			x	x
Side yard set back				x
Rear yard setback				x
Height of existing structures if second story is to be added			xx	x
Transition strip				x
Adjacent streets			x	x
Signage	x	x	x	x
Surface type and width				x
Easements – location/size, purpose				x
Existing Improvements to be removed				x
Type of Electrical service serving site, including location of poles				x
Size of service 3 phase or single phase and voltage 120/220, 230/460 etc. 208/480 Location of transformer / generator				x
Adjacent streets Names				x
Right of way location				x
<b>Building / Structures New</b>				
Locations new or existing address			x	x
Dimensions				x
Distance between				x
Height				x
<b>STREET/ DRIVES</b>				
Right of Way				x
Surface width				x
Elevations, grades				x
Paving				x
Curbing				x

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**Table 8 (Continued)**

<b>Topic</b>	Type 1	Type 2	Type 3	Type4
<b>Adjacent streets</b>				
Surface type and width				x
Easements – location/size, purpose				x
Existing Improvements to be removed				x
<b>PARKING AREAS</b>				
Number of spaces				x
Parking calculations				
Dimensions				x
Location				x
Method of surfacing i.e. Pavement				x
Wheel stops				x
Curbing				x
<b>LOADING AREAS</b>				
Locations				x
Size				x
Paving				x
<b>ENTRIES / EXITS</b>				
Location of proposed				x
Location and size of any easements or right ways ect.				x
Width				x
Designation of fire lanes				x
Elevations				x
Dedicated roads or service drive locations				x
Grades				x
Signs Size Width & Height				x
Location of signs: Attached, Free standing, Projecting signs, or Digital		x	x	x
Outside Lighting Photo Metric Plan			x	x
Showing Location				x



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Table 8 (Continued)

Topic	Type 1	Type 2	Type 3	Type 4
<b>ENTRIES / EXITS (CONTINUED)</b>				
Showing Intensity				x
Showing type of fixture & Detail				x
Typical Pavement Cross sections				x
Curve Radii of Streets / Drives				x
Sidewalks/Pedestrian ways				x
Screening around property / structure				x
Fences around property and type				x
Trash Storage Location			x	x
Trash Enclosure Details			x	x
Control & Maintenance Provisions				x
Open space conservation				x
<b>Landscaping – Plant Materials</b>				
Location				x
Type				x
Size or age				x
Erosion control				
<b>Retaining walls:</b>				
Location				x
Dimensions				x
Materials of Walls				x
Fill Materials				x
Typical cross section				x
<b>Utilities: water</b>				
Location				x
Type				x
Size of Each line				x

Well				x
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Table 8 (Continued)

Topic	Type 1	Type 2	Type 3	Type4
<b>Utilities: water (Continued)</b>				
Location and size of well				x
Fire Hydrants with 5-inch Storz Adaptors				x
Profiles				x
<b>Utilities – Sanitary Sewer</b>				x
Location of Monitoring manhole for Commercial / Industrial DEV.				
Location lines				x
Size of lines				x
Inverts				x
Profiles				x
Location and detail of Sewage lift Station				X
<b>Utilities Natural Gas</b>				
Location				x
Size of Lines				x
Inverts				x
Valves				x
<b>STORM DRAINAGE UTILITIES</b>				
Location				x
Size of lines				x
Inverts				x
Direction of Flow				x
Drainage Pattern				x
Detention / Retention area calculations				x
Ditches – size elevation, slope				x
Culverts, Bridges				x
Profiles				x
<b>Utilities – Phone, electricity</b>				
Location of poles				x
Underground Wires				x
Surface mounted equipment				x

Emergency Generator				x
Location and size of generator and type of fuel source				x

Table 8 (Continued)

Topic	Type 1	Type 2	Type 3	Type 4
Commercial Building structures				
Total floor area				x
Ground floor area				x
Lot Coverage				x
Floor Area ratio				x
Dimensions			x	x
Distance between buildings				x
<b>Natural features. tree, etc.</b>				
To be removed				x
To be retained				x
<b>Required setback lines</b>				x
<b>Development Phase Lines</b>				x
<b>For residential developments</b>				
Density calculations by type of unit by bedroom counts;				x
Designation of units by type and number of units in each building;				x
Carport locations and details where proposed;				x
Specific amount, and location of recreation space.				x
<b>For commercial and industrial developments:</b>				
Loading/unloading areas;				x
Gross and useable floor areas;			x	x
Number of employees in peak usage			x	x

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Table 8 (Continued)

9. Amendments to an approved site plan

9.1. Amendment to an approved site plan

- 9.1.1. It shall be the responsibility of the applicant to notify the zoning administrator of any such changes prior to such change being made. Any proposed changes which would result in a material alteration of the approved site plan are subject to the ASPR process and may require resubmittal to the Planning Commission. The Planning Commission or Zoning Administrator may require the applicant to correct the changes made without authorization to conform to the approved site plan.
- 9.1.2. The Zoning Administrator has the authority to approve a minor amendment to site plan. The Zoning Administrator has the authority / latitude (even though proposed amendment to site plan is minor) to send proposed amendment to Planning Commission for approval or rejection as deemed necessary.
- 9.1.3. All request for major modifications to and approved site plan shall be referred to the Planning Commission for resolution.
- 9.1.4. The zoning administrator may approve a minor or a major change if the determined change is required to prevent a life-threatening issue.
- 9.1.5. The Zoning administrator shall immediately report said decision to the Planning commission Chair, the project manager, and the building inspector.
- 9.1.6. The planning commission shall approve or deny requested change at the next regular scheduled planning commission meeting. The applicant can request the scheduling of a special planning commission meeting but shall be responsible for all cost associated with the request.
- 9.1.7. If a requested change to and approved site plan results in additional funding being required, no decision shall be issued by the zoning administrator or planning commission unless additional funds are approved in advance for said proposed change results in additional funding for the project.
- 9.1.8. For purposes of record. Changes shall be shown in the approved final site plan, and a revised final site plan drawing (s) be submitted showing such minor / major changes, for purpose of establishing an official record of the change.

10. Significance of approval

- 10.1. A project approved by the Zoning Administrator or Planning Commission authorizes issuance of a building permit subject to compliance with all applicable construction codes or issuance of zoning compliance certificate subject to penalties and actions that may be taken as described elsewhere in this ordinance for a modification requests, failure

to complete the project exceeds the expiration limits of approval or acts outside of the approved site plan.

#### 11. Expiration of approval.

- 11.1. Approval of a site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved site plan. Approval shall also expire and be of no effect unless a building permit shall have been taken out within 180 days of the date of approval of the site plan.

#### 12. Building Inspector duties

##### 12.1. Inspection.

- 12.1.1. In addition to the Zoning Administrator inspection, the building inspector shall be responsible for inspecting all improvements for conformance with the approved site plan. All subgrade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary installation.

Commented [DA1]:

- 12.1.2. Building inspector shall notify the Zoning Administrator, in writing, when a development for which a site plan is approved has passed inspection with respect to the approved final site plan. The Building Inspector shall notify the Zoning Administrator, in writing, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan and shall advise the Zoning Administrator of steps taken to achieve compliance. In such case, the Building Inspector shall periodically notify the Zoning Administrator of progress towards compliance with the approved final site plan and when compliance is achieved.

#### 13. Planning Commission duties

- 13.1. Planning commission action. The planning commission shall approve with conditions or deny request for modifications or amendments to the site plan within 60 days of the date of the planning commission meeting at which the site plan is first heard. The time limit may be commission. The planning commission may suggest and/or require modifications in the proposed site plan as are needed to gain approval. All engineering drawings and plans shall be reviewed by the village engineer, DPW, and fire chief before a site plan may be approved by the planning commission.

#### 14. Violations

- 14.1. The approved site plan shall regulate development of the property and any violation of this article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this chapter as provided in article 26, and shall be subject to all penalties therein.

#### 15. Variance request

- 15.1. Request for Variance to Zoning Board of Appeals from the provisions of this chapter, shall be handled as outlined in Section 6-310 of this Zoning Ordinance.

#### 16. Special land use applications requiring site plan review

- 16.1. Where a Site Plan Approval is conditional upon approval of a Special Land Use application. The applicant shall apply for Special Land Use Permit as required by section 6-44 of this ordinance.
- 16.2. The Planning Commission shall proceed with the 6-45 site plan approval process in conjunction with the completing of the 6-44 Special Use application and approval process.