

**ARTICLE 27.00**

**TOWNSHIP PLANNING COMMISSION  
SITE PLAN AND DEVELOPMENT APPROVAL**

**Section 27.01 AUTHORITY TO APPROVE USES**

The Township Planning Commission is hereby designated the Commission as specified in Section 2, Act 285 P.A. of 1931, as amended, and shall perform the duties of said Commission as provided in this Ordinance.

**Section 27.02 SURVEYS AND PLANS**

Where the Planning Commission is empowered to approve or recommend approval for certain uses of premises or site and development plans, under the provisions of this Ordinance, or in cases where the Commission is required to make an investigation, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper evaluation and consideration of the matter.

**Section 27.03 JURISDICTION**

The Planning Commission shall investigate the circumstances of each case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any public hearing which may be held relative thereto as required under its rules of procedure or of any public hearing required by this Ordinance.

**Section 27.04 PURPOSE**

Section 27.04.1 The purpose of site plan and development approval is to determine compliance with this Ordinance, Township Standards and Specifications and to provide the orderly development of Frenchtown Charter Township, proper ingress and egress, sufficient highways and streets, the stability of land values, investments, the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, or alterations thereto, without proper attention to siting, or to unsightly, undesirable or obnoxious appearances, and also to afford protection to related or adjoining residential properties.

Section 27.04.2 It is not the purpose of this Ordinance that design control should stifle architectural design or individual initiative as to particular style or architecture selected; rather, it is the intent of this Ordinance that any control of design exercised by the Commission will be necessary to achieve the overall appropriate use of sound

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

materials, the principals of harmony and proportion in the elements of the building, and compatibility with development and architectural patterns of the general planning area.

Section 27.04.3 It is also the purpose of this Ordinance to assure development of subdivided, or unplatted properties, and multiple residences, office or business complexes, commercial complexes, shopping center complexes, manufacturing and industrial park complexes, and all other legal uses permitted by this Ordinance in a manner suitable for the use intended and with proper ingress and egress, sufficient parking facilities, streets, roads and alleys, and screening walls and/or fences and to control the construction of the same to assure whereby they are engineered, planned and installed correctly, to ensure rendition of proper municipal services concerning fire and police protection, surface water and sanitary sewerage drainage, water supply, traffic control and maintenance services as furnished or may be required by the Township, and to assure preservation and protection of property rights to related or adjoining residential properties.

### **Section 27.05 STATEMENT OF PRINCIPALS**

In carrying out the purpose of site plan and development approval, the following principals shall be given primary consideration:

Section 27.05.1 The siting of all structures shall insure that adequate light and air are preserved so as not to be detrimental to the orderly and harmonious development of the Township.

Section 27.05.2 The relationship between the various uses and the associated necessary and ancillary activities (trash pick-up, parking, loading, unloading) of the development of the site and the existing and prospective development of contiguous properties and the general planning area will insure the stability of said adjacent areas and the development will enhance the general public health, safety, and welfare.

Section 27.05.3 The vehicular circulation system planned for the proposed development will be in the best interest of the public health, safety and welfare in regards to on site circulation, on site parking, the overall circulation of the community, egress/ingress to the site, vehicular turning movements related to parking areas, loading areas, street intersections, street gradient, site distance and potential hazards to the normal flow of traffic both on and off site.

Section 27.05.4 Proposed landscaping, screening, buffer areas and signs are appropriate and of such size, location, height and quantity to insure

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

that the proposed development will not be objectionable to nearby developments or properties by reason of noise, fumes or flash of lights from automobiles or other lighting, intrusion of visual clutter, visual intrusion of uses which would be in conflict with the general character of abutting uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise create the potential of endangering the public safety.

Section 27.05.5 The pedestrian circulation system planned for the proposed development will be in the best interest of the public health, safety and welfare in regards to on site circulation and the overall pedestrian circulation of the community.

Section 27.05.6 The parking pattern proposed will be in the best interest of the public health, safety and welfare in regards to size, layout and quantity, and the location of such facilities will not be objectionable to nearby developments, properties or public streets.

Section 27.05.7 Utility services including sanitary, water and storm runoff shall be developed in the best interest of the public health, safety and welfare of the community.

**Section 27.06 APPROVAL REQUIRED**

Section 27.06.1 Site plan and development approval shall be required for all uses in all zoning districts except for one family residences constructed on properly zoned land, for residential subdivisions subject to the Subdivision Control Act and the Township Subdivision Ordinance and permitted uses in an Agricultural District.

Section 27.06.2 The Building Official may review and approve a proposed Site Plan after consultation with the Township Planner, Township Engineer and the Chairman of the Planning Commission, when the proposed development constitutes:

Section 27.06.2(a) an addition to an existing building and the square footage of the addition proposed is less than 40% of the square footage of the existing building.

Section 27.06.2(b) remodeling, re-occupancy of a vacant building, or change in use and said remodeling, re-occupancy or change in use shall result in 30% or less of the existing exterior Site conditions being modified.

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

The Site Plan Development procedure may be modified as follows. Said Site Plan submission shall be accompanied by a Site Plan review fee as established. The Building Official shall insure that the proposed development shall comply with all requirements of this Ordinance except where, in the opinion of the Building Official, after consultation with the Township Planner, Township Engineer and the Chairman of the Planning Commission, the building Official determines that strict adherence to the requirements of this Ordinance would place an undue hardship on the property owner because of existing conditions or the necessary improvements would be far beyond the scope of the project proposed.

Section 27.06.3        In the above cases, the Building Official, after consultation with the Township Planner, Township Engineer and the Chairman of the Planning Commission, may approve the Site Plan with a waiver and/or alternative solution provided that the development would be brought into substantial conformity with the spirit and intent of the Zoning Ordinance. Where a mutual agreement cannot be reached or in the opinion of the Building Official, the scope of the proposed development warrants, the Building Official may require formal submission and site plan review by the entire Planning Commission.

### **Section 27.07        APPLICATION**

Application for site plan approval shall be made by the property owner or their designated and authorized agent on a form prescribed for this purpose by the Township. The application shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Township Board and the information indicated in Section 27.08 of this Ordinance and such other information which shall permit the Planning Commission to make a determination concerning the purpose and requirements of this Ordinance.

### **Section 27.08        APPLICATION INFORMATION**

All plans and drawings submitted to the Planning Commission for site plan approval shall contain such information as required in the Site Plan Checklist and Engineering Checklist adopted by the Planning Commission to permit the Commission to make a determination concerning the purpose and requirements of this Ordinance and to consider the following:

Section 27.08.1        The siting of all structures on subject property and on adjoining properties to show that light and air are preserved, so as not to be detrimental to the orderly and harmonious development of the Township.

Section 27.08.2        The relationship between the on-site development and the existing and prospective development of contiguous land and adjacent neighborhoods.

Section 27.08.3        Landscaping and/or fencing of yards and setback areas, use of landscaping and/or walls or fencing for screening purposes.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

- Section 27.08.4 Design of ingress and egress, construction plans and specifications of streets, highways, exits and entrances abutting streets and together with engineer's estimate of cost of construction of such proposed streets, highways, etc.
- Section 27.08.5 Safety and convenience of vehicular and pedestrian traffic, both within and off site, and the relationship of all on site vehicular and pedestrian traffic to access streets and connections to adjoining properties.
- Section 27.08.6 Off-street parking and loading facilities and construction details.
- Section 27.08.7 Drawings or sketches, in duplicate, of the exterior and elevations, and/or perspective drawings of the building or structure under construction.
- Section 27.08.8 All overhead and underground public utilities such as sanitary sewer, storm sewer, water, electricity, gas, steam, communication services, cable television services, transportation services, etc. available to serve the site.

**Section 27.09 ACTION BY THE PLANNING COMMISSION**

The Planning Commission shall have the function, duty and power to approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the design and site plan of all proposed buildings or structures, the development of the entire property, the specifications of all exits, entrances, streets, highways, or other means of ingress and egress, the proposed method, time of construction of the latter and the mode of payment therefore insofar as the Township has authority and the proposed manner of dedication to the public or maintenance of the same, and the construction of screen walls and/or fences. The site plan review process may be a two step procedure.

Section 27.09.1 **TENTATIVE SITE PLAN APPROVAL BY PLANNING COMMISSION**

The Planning Commission shall review the reports of the Planning Consultant and Engineering Consultant, along with all site plan submissions to insure compliance with the requirements of this Ordinance and the provisions of this Article. Tentative Site Plan approval shall confer approval of the proposed layout and general landscape areas and shall establish any conditions necessary for granting Final Site Plan approval.

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

### **Section 27.09.2 FINAL SITE PLAN APPROVAL BY PLANNING COMMISSION**

The Planning Commission shall require and review all pertinent detail and construction drawings and written approvals and recommendations from any authorities having jurisdiction, (such as Monroe County Road Commission, Department of Natural Resources, Michigan Department of Transportation, etc.), insure that all conditions of the tentative approval have been met and receive recommendation for approval from the Township Engineer after his review of construction drawings for the proposed water, storm and sanitary system, the proposed grading for the project and paving and the Fire Chief after his review of fire protection systems and compliance with the Township Fire Prevention Ordinance. With regard to the planning and construction of streets, roads and alleys and incidental construction thereto concerning drainage, curbs, gutters, fences, screening walls, landscaping, walks, etc., the same shall comply with the requirements and specifications indicated in this Ordinance and further found in the Engineering Design Standards as adopted by the Township Board.

### **Section 27.10 PERFORMANCE GUARANTEE**

To insure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Township Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit acceptable to the Township to be deposited with the Clerk of the Township to insure faithful completion of the improvements. For the purpose of this Ordinance, improvements shall mean those features and actions associated with a project which are considered by the Township Planning Commission to protect natural resources, or the health, safety and welfare of the residents to the Township and future users or inhabitants of the proposed project or project area including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is the subject of site plan approval. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project and shall not be required prior to the time when the Township is prepared to issue the permit. In a case where a performance guarantee is required, the Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**Section 27.11 TENTATIVE SITE PLAN APPROVAL EFFECTIVE DATE**

Tentative site plan approval for any project shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, final site plan approval has not yet been granted by the Township, the tentative site plan approval shall automatically be revoked. No written notice of such revocation shall be required. The Planning Commission may upon written request of the project owner, prior to the expiration period, grant an extension of up to six (6) months for good cause shown. In the case of a tentative site plan for a single family site condominium development the approval may be extended only upon the approval of the Township Board following consideration of a recommendation by the Township Planning Commission in the matter.

Amended July 8, 2008, by Zoning Ordinance Amendment No. 200-95.

**Section 27.12 FINAL SITE PLAN APPROVAL EFFECTIVE DATE**

Final Site plan approval for any project shall be effective for a period of one (1) year. If after a period of one (1) year from the date of said approval, construction has not commenced in conjunction with the issuance of a valid building permit by the Department of Building and Code Enforcement, Final Site Plan approval shall automatically be revoked. Construction for the purpose of this Section shall mean installation of underground utilities, foundations or buildings. In the case of a Final Site Plan approval being revoked, any permits issued by the Building Department shall be revoked and written notice shall be given to the persons affected by the Building Department revocation. Provided, however, the Planning Commission may upon written request of the project owner, prior to the expiration period, grant an extension up to twelve (12) months when it can be assured that the project will be under construction within the time extension. In the case of a final site plan for a single family site condominium development the approval may be extended only upon approval of the Township Board following consideration of a recommendation by the Township Planning Commission in the matter.

Amended July 8, 2008, by Zoning Ordinance Amendment No. 200-95.