

## **ARTICLE 12**

### **PROCEDURES AND STANDARDS**

#### **Section 12.01 Site Plan Review.**

**A. Purpose.**

The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances. Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity.

It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's Master Plan.

**B. Type of Review Required.**

A limited range of projects or uses, as listed in Section 12.01C (Projects Eligible for Minor Site Plan or Administrative Review), have been determined to be appropriate for a less intensive administrative site plan review. Uses as listed in Section 12.01D (Exempt Projects) shall be exempt from site plan review. For all other development projects and uses, submission and approval of a site plan shall be required in accordance with the provisions of this Article also see illustration).

**C. Projects Eligible for Minor Site Plan or Administrative Review.**

1. **Projects eligible for minor site plan review.** The following projects and uses shall be eligible for review and approval of a minor site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use:
  - a. Farm-based tourism/entertainment activities.
  - b. Riding stables, commercial.
  - c. Accessory dwelling.
  - d. Adult foster care large group home.
  - e. Bed and breakfast inn.
  - f. Child day care home, group.
  - g. Home occupations not listed in Section 5.204 (Home Occupations).

- h. Outdoor sales or display areas.
- i. A change of use for an existing building, construction of an addition to an existing building, or expansion of an existing, conforming use, subject to the following:
  - (1) The proposed use will not require access changes, additional parking beyond that available on-site, or other substantial modifications to an existing building or site.
  - (2) No variances to the requirements of this Ordinance are required.
  - (3) The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty percent (20%) or 1,000 square feet, whichever is less.
- j. Similar projects and uses, as accepted by the Zoning Administrator.

The Planning Commission shall have the authority to require submittal of a more detailed site plan for projects and uses otherwise eligible for minor site plan approval where, in its opinion, the complexity or size of the proposed project or use warrants a more intensive review and additional required information.

- 2. **Projects eligible for administrative review.** The following development projects, uses and other activities shall be eligible for administrative review and approval by the Zoning Administrator:
  - a. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan.
  - b. Minor building modifications that do not significantly alter the facade, height or floor area of the building.
  - c. Construction of accessory structures or fences, or installation of screening around a waste receptacle, mechanical unit or similar equipment.
  - d. Grading, filling or creation of ponds on a residential lot.
  - e. Changes to a site required by Gladwin County to address State Construction Code requirements.

**D. Exempt Projects.**

The following activities are exempt from site plan review because the activity is anticipated to have minimal impact on adjacent land uses; pre-emption of review authority by the State of Michigan; or compliance with applicable regulations of this Ordinance can be addressed through review of a zoning permit:

1. One (1) single-family dwelling and customary accessory structures on a single residential lot.
2. Family child day care homes, as licensed by the State of Michigan.
3. Establishment of a home occupation listed in Section 5.204 (Home Occupations) as a permitted accessory use.
4. Essential service, public utility or barrier-free access improvements.

**E. Site Plan Review Procedure.**

Site plans and minor site plans shall be reviewed in accordance with the following:

1. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township, along with appropriate review fees, as determined by Township Board. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant.
2. **Technical review.** Prior to Planning Commission consideration, copies of the site plan and application shall be distributed to the Township Fire Chief, Zoning Administrator, and other Township officials for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.
3. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 12.01P (Standards for Site Plan Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the site plan as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - b. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.
  - c. **Approval.** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.

- d. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances, or approvals from other agencies.
4. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Chair and Secretary shall mark and sign four (4) copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. Copies of the approved site plan shall be distributed as follows:
    - a. One (1) copy shall be returned to the applicant;
    - b. One (1) copy shall be provided to the Zoning Administrator;
    - c. One (1) copy shall be provided to the Secretary of the Planning Commission to be placed in the permanent record of the Commission's proceedings; and
    - d. One (1) copy shall be provided to the Township Clerk.

**F. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

**G. Construction Plans.**

Where detailed construction or engineering plans are required by the Township, Gladwin County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated Township consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval. Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

**H. Administrative Review.**

The following shall apply to all site plans eligible for administrative review:

1. **Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan review, as outlined in Section 12.01E (Site Plan Review

Procedure), except that the Zoning Administrator shall have the authority to approve, approve subject to conditions, or deny the site plan.

2. **Appeals to the Planning Commission.** The Zoning Administrator or the applicant shall have the option to request Planning Commission consideration of a site plan eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site plan in accordance with the procedures outlined in Section 12.01E (Site Plan Review Procedure).

#### **I. Approval of Phased Developments.**

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.
3. Each future phase shall be subject to a separate site plan review by the Planning Commission, and shall be required to meet all applicable Ordinance standards effective at the time of such review.

#### **J. Site Plan Resubmission.**

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.

#### **K. Appeals of Site Plan Decisions.**

The Zoning Board of Appeals (ZBA) shall not have the authority to consider appeals of site plan determinations, except as follows:

1. **Appeals of Planning Commission actions.** Appeals of Planning Commission site plan review actions shall be subject to the review procedure and criteria for appeals of administrative actions, as specified in Section 17.05 (Administrative Appeals).
2. **Order of review.** Development projects that include a request for site plan and dimensional variance approval shall first be submitted to the Planning Commission for site plan review, prior to ZBA consideration of any dimensional variance requests. The Planning Commission may approve the site plan contingent upon variance approval, or may postpone action pending ZBA review.
3. **Appeals of Planning Commission actions.** If the Planning Commission approves a site plan contingent upon approval of variances from specific requirements of this Ordinance, ZBA consideration shall be limited to the specific

variances identified as conditions of site plan approval. If the ZBA denies the requested variances, then the site plan approval shall be null and void.

**L. Expiration of Site Plan Approval.**

Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

**M. Rescinding Site Plan Approval.**

Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

**N. Revisions to Approved Site Plans**

Minor revisions to an approved site plan may be administratively reviewed by the Zoning Administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor, shall be reviewed by the Planning Commission as an amended site plan.

**O. Required Information for Site Plans**

The following information shall be included with all site plan review applications, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

<b>MINIMUM SITE PLAN INFORMATION REQUIREMENTS</b>	<b>SITE PLAN REVIEW</b>	<b>MINOR SITE PLAN REVIEW</b>	<b>ADMIN. REVIEW</b>
<b>SITE PLAN DESCRIPTIVE INFORMATION:</b>			
Name, address, telephone and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan., and the property location (address, lot number, tax identification number).	●	●	●
Existing and proposed use(s) of the property.	●	●	●
Existing zoning of the property and surrounding parcels (including across road rights-of-way).	●		
Legal description of the property, with the gross and net land area.	●	●	
<b>SITE PLAN DATA AND NOTES:</b>			
Site plans shall be drawn to an engineer’s scale appropriate for a sheet size of at least 24 by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	●		
Minor site plan or plan for administrative review shall be drawn to scale for a sheet size between 8.5 by 11 inches (min.) and 24 by 36 inches (max.), and of such accuracy that the Planning Commission can readily interpret the plan.		●	
Location map with north-arrow.	●	●	
Size and dimensions of proposed structures, including gross and usable floor area, number of stories, and overall height.	●	●	●
Calculations for parking, residential density or other Ordinance requirements.	●	●	
<b>EXISTING CONDITIONS:</b>			
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains, and wetlands, with surface drainage flow directions.	●		
Dimensions of property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, plans should indicate the boundaries of total land holding.	●	●	●
Existing site features, including significant natural and historical features, structures, driveways, fences, walls, signs, and other improvements; with notes regarding their preservation or alteration.	●	●	●
<b>SITE PLAN DETAILS:</b>			
Location, dimensions, setback distances, and use(s) of all proposed improvements.	●	●	●
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	●	●	●
Identification of areas involved in each separate phase, if applicable.	●		
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	●	●	
Waste receptacle locations and methods of screening.	●	●	
Locations and methods of screening for any ground-mounted transformers or mechanical (HVAC) units.	●		
Outdoor sales, display or storage locations and method of screening, if applicable.	●	●	

MINIMUM SITE PLAN INFORMATION REQUIREMENTS	SITE PLAN REVIEW	MINOR SITE PLAN REVIEW	ADMIN. REVIEW
Locations, sizes, heights, types, and methods of illumination of all proposed signs.	●	●	
<b>BUILDING AND ARCHITECTURAL DETAILS:</b>			
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.	●		
<b>ACCESS AND CIRCULATION:</b>			
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	●		
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	●		
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location of loading areas.	●	●	
<b>LANDSCAPING AND SCREENING:</b>			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.	●		
Planting list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.	●	●	
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.	●		
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.	●	●	
<b>UTILITIES, DRAINAGE AND THE ENVIRONMENT:</b>			
Grading plan, with existing and proposed topography at a minimum of two-(2) foot contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	●		
<b>ADDITIONAL REQUIRED INFORMATION:</b>			
Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Township's Master Plan.	●	●	●

**P. Standards for Site Plan Approval.**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

1. **Adequacy of information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
2. **Site appearance and coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
3. **Preservation of site features.** The site design conserves natural and historical site features, to the extent feasible. Such features may include historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas, and significant individual trees.
4. **Access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided, which is in compliance with barrier-free access standards.
5. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
6. **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
7. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
8. **Impact upon public services.** The impact upon public services (including utilities, streets, police and fire protection, public schools and public sidewalks/pathways) will not exceed the existing or planned capacity of such services.
9. **Drainage and soil erosion.** Adjoining lakes, rivers, streams, lots, and road rights-of-way will not be adversely impacted by stormwater runoff and sedimentation.
10. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.

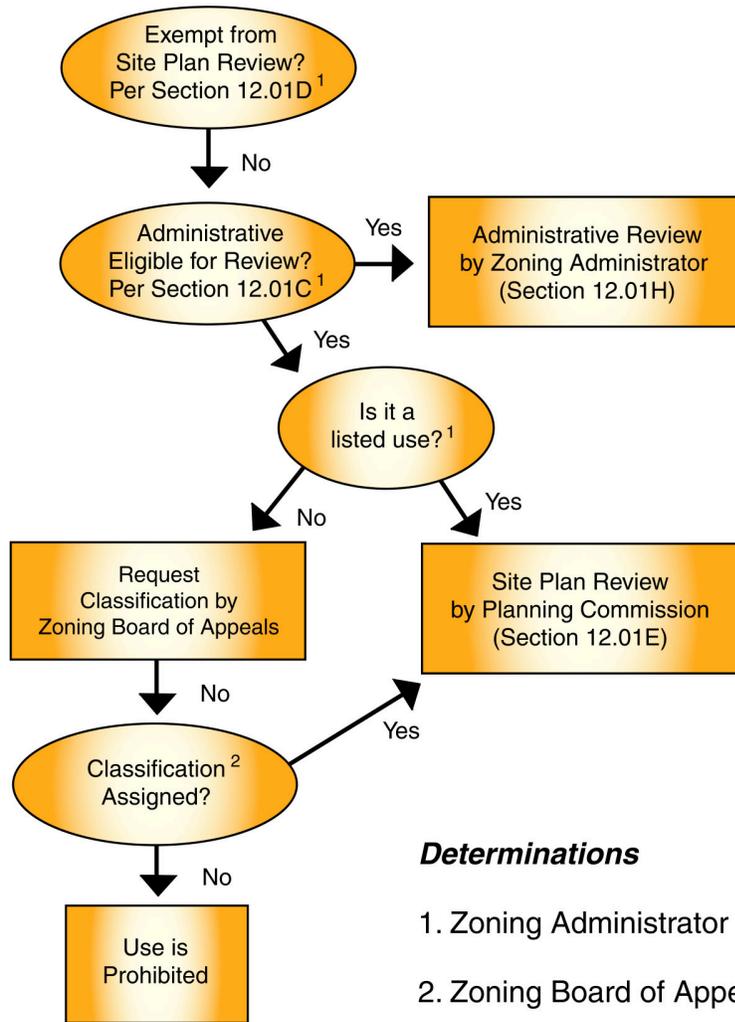
**Q. Compliance with an Approved Site Plan.**

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

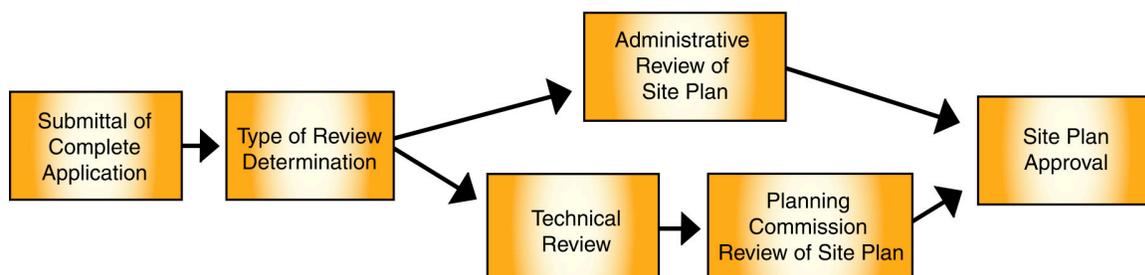
The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance, and shall constitute grounds for the Planning Commission to rescind site plan approval.

# ILLUSTRATIONS

## Type of Site Plan Review Required



## Site Plan Review Process





## Section 12.02 Special Uses.

### A. Purpose.

Special uses include those uses that serve an area, interest or purpose that extends beyond the borders of the Township, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being permitted "by right" as a principal use in a particular zoning district. This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

### B. Application Requirements.

Special use applications shall be submitted in accordance with the following:

1. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant.
2. **Application.** Special use applications shall be submitted to the Township at least 30 calendar days prior to a Planning Commission meeting at which review is sought, and shall include the following information:
  - a. Contact information for the applicant and property owner, and proof of ownership. If the property is leased by the applicant, the owner's signed and dated authorization for the application shall be provided.
  - b. Address, location and tax identification number of the property.
  - c. A detailed description of the proposed use.
  - d. A site plan, if required by Section 12.01 (Site Plan Review).
  - e. Appropriate review fees, as determined by Township Board.
3. Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

### C. Special Use Review Procedure.

The application shall be reviewed in accordance with following procedures:

1. **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.

2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
3. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special use as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  - b. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 12.02E (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.
  - c. **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 12.02H (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.
  - d. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions:
    - (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
    - (2) Related to the valid exercise of the police power, and the impacts of the proposed use; or

(3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

e. **Recording of special use action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description and location of the proposed use, the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall keep one (1) copy of the written record on file in the Township, and shall forward one (1) copy to the applicant as evidence of special use approval.

**D. Resubmission after Denial.**

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**E. Appeals of Special Use Decisions.**

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

**F. Expiration of Special Use Approval.**

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

**G. Rescinding Special Use Approval.**

Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

**H. Standards for Special Use Approval.**

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community and the neighborhood.
2. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
5. **Impact upon public services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, roads, police and fire protection services, and educational services.
6. **Traffic impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
7. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other impacts.
8. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

**I. Compliance with Special Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation. The Zoning Administrator may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

## Section 12.03 Public Hearing Procedures.

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the following:

### A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
  - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
  - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
  - a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. Mailing or personal delivery of such notices shall not be required for amendments to or interpretations of the text of the Zoning Ordinance, appeals of administrative decisions, and, any group of eleven (11) or more adjacent lots or parcels proposed for rezoning.
  - c. Such notices need not be given to more than one (1) occupant of a dwelling, subject to the following:

- (1) If a building contains two (2) to four (4) dwelling units, delivery or mailing of one (1) notice to the building occupants shall satisfy this requirement.
  - (2) If a building contains more than four (4) dwelling units, delivery or mailing of one (1) notice to the building owner or manager with a request to post the notice at the primary building entrance shall satisfy this requirement.
- d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall also be given to the Clerk or the zoning or planning agency of said municipality.
  - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
5. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.
6. **Discretionary notice.** The Township may, at its discretion, post this notice at other public-accessible locations, including but not limited to Township Hall, community bulletin boards, and the Internet. The Township may also send this notice by mail to additional persons, including occupants of multiple-family residential buildings and those located more than 300 feet from the boundary of the property in question, provided that the applicant is not required to pay for expenses associated with the additional mailings.

**B. Pre-Hearing Examination.**

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

**C. Right to Submit Written Statements.**

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing or within such time as may be allowed by the hearing body following such hearing,. Such statements shall be made a part of the public record of the hearing.

**D. Timeframe for Hearings.**

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

**E. Rights of All Persons.**

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

**F. Adjournment.**

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

**G. Governance.**

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.



## Section 12.04 Amendments.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the following:

### A. Initiation of Amendment.

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by petition from one (1) or more residents or property owners of the Township. An amendment to the official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, or Zoning Administrator, or by the title holder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission or Zoning Administrator.

### B. Application.

An amendment to this Ordinance (except those initiated by the Township Board, Planning Commission or Zoning Administrator), shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
3. The existing and proposed zoning district designation of the subject property and surrounding properties.
4. A written description of how the requested amendment meets the criteria stated in this Section.

### C. Amendment Review Procedure.

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.
2. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 12.03 (Public Hearing Procedures).

3. **Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the Township Board.

In considering an amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

- a. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
  - b. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
  - c. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
  - d. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Gladwin County with unplanned capital improvement costs or other unplanned public expenses.
  - e. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
  - f. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - g. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
  - h. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
  - i. Other factors deemed appropriate by the Planning Commission and Township Board.
4. **Township Board action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall consider the proposed amendment.

- a. The Township Board may adopt the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration.
- b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
- c. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment in accordance with Section 12.03 (Public Hearing Procedures). The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.

**D. Re-Application.**

Whenever an application for an amendment to this Ordinance has been denied by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

**E. Notice of Adoption.**

A notice of adoption shall be published in a newspaper of general circulation in the Township within 15 calendar days following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map. The amendment shall take effect seven (7) calendar days after the date of publication of the notice of adoption, unless a later date is specified by the Township Board. The notice of adoption shall include the following information:

1. The article(s) and section(s) affected, in the case of a text amendment.
2. Either the text of the amendment or a summary of the regulatory effect of the amendment, including any geographic area affected.
3. The effective date of the amendment.
4. The place and time where a copy of the amended Zoning Ordinance or Official Zoning Map may be inspected or purchased.

**F. Referendum.**

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing

in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section.

1. If a notice of intent is filed, then within 30 calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a number of qualified and registered voters residing in the unincorporated portion of the Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected.
  - a. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
  - b. The expiration of 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, if the petition is not filed within that time period.
  - c. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
2. If a petition is filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds that the petition is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

**G. Conformance to Court Decree.**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published without referral to any other board, commission or agency.

**H. Conditional Rezoning Prohibited.**

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), shall be prohibited in the Township. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without further Township review or consideration.