

## APPLICANT'S CHECKLIST FOR SPECIAL USE PERMIT

- \_\_\_\_\_ 1. Review Article 12, Special Use Permit, and Article 14, Site Plan Review, of the Ordinance. Both sections describe finer details of the application and review process.
  
- \_\_\_\_\_ 2. Complete **both** application forms for Special Use Permit and Site Plan Review.
  
- \_\_\_\_\_ 3. Be sure to **review and complete** item 6, “Applicant Response to General Standards for Approval” on the “Application for a Special Use Permit” form. This section identifies the criteria which the Shiawassee County Planning Commission will approve or deny a special use permit.
  
- \_\_\_\_\_ 4. Review the Site Plan Review Checklist that is attached to ensure all information requested by staff is included with your application.
  
- \_\_\_\_\_ 5. **Prepare twenty (20) identical packets** containing all of the required information unless specific wavers are granted by the Zoning Administrator.

The application, fee, and packets must be submitted to the Shiawassee County Community Development Department to be accepted as a complete application by the Zoning Administrator.

**Withdrawals of an application request that has been processed by the Community Development for a public hearing are ineligible for a refund.**

Shiawassee County Community Development Department  
Application for a **Special Use Permit**

**APPLICATION #** \_\_\_\_\_ **FEE: \$** \_\_\_\_\_ **RECEIPT #** \_\_\_\_\_ **DATE:** \_\_\_\_\_

You are encouraged to make an appointment with the Community Development Planner and/or Zoning Administrator to discuss the specific requirements for the intended use, general requirements for approval, and the review process.

**Date accepted as complete:** \_\_\_\_\_ **Accepted by:** \_\_\_\_\_

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**1. APPLICANT NAME/S:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

Address City Zip

**PHONE:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **FAX:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **EMAIL:** \_\_\_\_\_

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**2. PROPERTY OWNERS:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

Address City Zip

**PHONE:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **FAX:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **EMAIL:** \_\_\_\_\_

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**3. SITE LOCATION:** \_\_\_\_\_

**TAX ID NUMBER/S:** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Township \_\_\_\_\_

\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Zoning District: \_\_\_\_\_

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**4. APPLICANT'S REQUEST (Reason of request):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**5. ZONING ORDINANCE:** It shall be the obligation of the applicant to furnish sufficient evidence or proof of present and future compliance with the provisions of this Ordinance; A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Zoning Ordinance and other applicable County, State or Federal laws, rules or regulations. Your response to the General Standards attached (Section 14.5. Standards for Site Plan Review Approval) are essential to the approval of your request. If you do not claim to meet these requirements, it may be difficult to approve your request.

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**6. Applicant Response to General Standards for Approval AL § 12.2.1.A, SCZA.**

1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

*Response:* \_\_\_\_\_

2. The special use shall not inappropriately change the essential character of the surrounding area.

*Response:* \_\_\_\_\_

3. The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural character and environmental quality of the site.

*Response:* \_\_\_\_\_

\_\_\_\_\_



## ARTICLE 12

### SPECIAL USE PERMITS

#### Section 12.1 GENERAL STANDARDS AND REQUIREMENTS

12.1.1 Intent and Purpose: Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific use of land or structures that will allow, on one hand, practical latitude for the developer, but that will at the same time maintain sound provisions for the protection of the health, safety and general welfare of the inhabitants of Shiawassee County. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a Special Use Permit. By such a procedure, the Shiawassee County Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public health, safety, and/or general welfare.

The following Sections specify the procedures and general standards which must be met before a Special Use Permit can be issued. Article 4 presents the specific standards which must be met in order for a special use to be established. The general standards of this Article, the specific use standards of Article 4, the Site Plan Review standards of Article 14 and all other applicable standards of this Ordinance (such as standards for parking, landscaping, signs, etc.) must be met before a use designated as a special use may be established on property.

12.1.2 Permit Procedures: An application for a Special Use Permit for any land use or structure permitted under this Article shall be submitted and processed under the following procedures:

- A. Submission of Application: An application shall be submitted through the Planning Director for consideration to the Planning Commission on a form provided by the Planning Director not less than sixty (60) days before any regular meeting of the Shiawassee County Planning Commission. The application shall be accompanied by payment of a fee as established by the Board of Commissioners to cover costs of processing the application. Once an application is accepted as complete no part of any fee shall be refundable except on unused portion of an escrow fee (see Section 16.11).
- B. Required Information and Parcel Status.
  1. Twenty (20) copies of an application for a Special Use Permit shall be presented to the Planning Director and accompanied by a site plan, drawn to a readable scale, of the property involved and adjacent property which meets the requirements of Article 14.
  2. An application determined to be complete by the Planning Director shall be scheduled for public hearing before the Planning Commission. The Planning Director shall select the first regularly scheduled meeting of the Planning Commission after the Site Plan Review Committee has met (see Section 14.6) and after the Township in which the property is located has had a chance to review the request pursuant to Section 12.1.3 for the public hearing.
  3. Until a Special Use Permit has been issued for any use requiring the same in this Ordinance, and until a proper zoning permit has been granted pursuant to the Special Use Permit, there shall be no construction or excavation on said land nor shall there be made any use of land related to the request for the Special Use Permit.
- C. Incomplete Applications.
  1. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.
  2. An application determined to be complete by the Planning Director shall be scheduled for public hearing before the Planning Commission. The Planning Director shall select the first regularly scheduled meeting of the Planning Commission after the Site Plan Review Committee has met (see

Section 14.6) and after the Township in which the property is located has had a chance to review the request pursuant to Section 12.1.3 for the public hearing.

D. Site Plan Review Committee.

1. The Site Plan Review Committee shall receive from the Planning Director a copy of the Special Use Permit application and site plan within five (5) days after the same has been filed with the Planning Director.
2. The findings and recommendation(s) of the Site Plan Review Committee on the site plan for the special use shall be provided to the Planning Commission at least five (5) days before the public hearing.

E. Others Having Interest. Any person having an interest in any application may present any petition or document supporting his or her position for or against such application for a Special Use Permit. All documents shall be submitted to the Planning Director no later than five (5) days before the hearing at which the application will be considered.

12.1.3 Township Review:

Township Review: Within five (5) days after the application is determined to be complete the Township Board and the Chairman of the Township Planning Commission, wherein the premises described in the application are situated, shall be sent a copy of the application by the Planning Director for review by the Township.

The Township Board and/or Township Planning Commission may review the application and make recommendations within fifty (50) days after receipt thereof to the Shiawassee County Planning Commission which shall consider the recommendations. If a recommendation is made by either or both the Township Board and the Township Planning Commission, it shall be in writing to the Planning Director stating the reasons for recommended approval or disapproval.

12.1.4 Public Hearing: Public Hearing: At least five (5) days after receipt of the action by the Site Plan Review Committee ( see Section 12.1.2 D.2.) and at least sixty (60) days after the application is accepted as complete, the County Planning Commission shall, schedule a hearing on the site plan and Special Use Permit request the next regular meeting provided that public notice is given pursuant to Section 16.12.

12.1.5 Review and Approval: The review of an application and site plan requesting a special use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself or attached to it or these documents shall be resubmitted incorporating said changes. A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable County, State or Federal laws, rules or regulations. Approval and issuance of a special use permit shall signify prior approval of the application and site plan, therefore, including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special use permit and shall be enforceable as such. The decision to approve or deny a request for a special use permit shall be retained as a part of the record of action on the request and shall incorporate a written statement of conclusions which specify: The basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a special use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the County Planning Commission and is documented as such.

## Section 12.2 STANDARDS FOR ISSUANCE

12.2.1 Basis of Determination: Before making a decision, the County Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

- A. General Standards: The County Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall approve a special use request only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.
1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  2. The special use shall not inappropriately change the essential character of the surrounding area.
  3. The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural character and environmental quality of the site.
  4. The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light or glare.
  5. The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
  6. The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
  7. The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.
  8. For special uses in the A-1, A-1½ and A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.
  9. The special use meets the Site Plan Review Standards of Section 14.5.
- B. Conditions:
1. The County Planning Commission may impose conditions with the approval of a special use application and site plan which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this or other applicable County ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.
  2. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
  3. Recording with Register of Deeds. A Special Use Permit and all conditions attendant thereto, may be recorded with the Register of Deeds and attached to the property record of the property for which it was issued as may a notice that such permit no longer is valid. See Section 16.9.

- C. Performance Guarantee: In authorizing a special use permit, the County Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the permit holder to insure compliance with an approved site plan and the special use permit requirements per the requirements of Section 16.10.

#### 12.2.2 Effective Date of Special Use Permit

The Special Use Permit shall become effective when the application has been approved by the Planning Commission.

- A. A zoning permit shall not be issued until approval of such Special Use Permit by the County Planning Commission.
- B. Land subject to a Special Use Permit may not be used or occupied for purposes of such special use until after a Certificate of Zoning Compliance for same has been issued pursuant to Section 16.7 of this Ordinance.

#### 12.2.3 Expiration of Special Use Permit:

- A. A Special Use Permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the Special Use Permit.
- B. The Planning Commission shall have the right to limit the duration of a special use where the same is of a temporary nature.
- C. If no construction activity to initiate site development pursuant to a Special Use Permit has begun within six (6) months from the date of its issuance, then it shall automatically expire and be of no further effect or validity. In the event of permit expiration, the Zoning Administrator shall notify the applicant, in writing, mailed to the address listed on the application, that such Special Use Permit has expired.
- D. If the applicant requests an extension of the permit validity, prior to its expiration, the Planning Commission may extend the permit one time for an additional six (6) months if:
  - 1. it is satisfied that the owner or applicant is maintaining a good faith effort to proceed with construction and establishment of the use;
  - 2. no significant changes to applicable regulations have occurred;
  - 3. there have been no significant changes to surrounding property or public services.

The determination of the Planning Commission shall be forwarded to the applicant with a recommended action.

- E. Expiration of a Special Use Permit if the use changes: If the use of a property for which a Special Use Permit was issued is no longer for the land use authorized by either of those permits, the Special Use Permit authorization shall automatically be terminated and the property shall only be used for a use permitted in the District in which the property is located. Discontinuance of a seasonal use for which a Special Use Permit was issued is also subject to termination of the Special Use Permit, if the season passes in which the permit would normally apply and a different use is in place instead.

12.2.4 Re-Application: No application for a Special Use Permit which has been denied, wholly or in part, by the County Planning Commission shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which is found upon inspection by the Planning Commission to be valid. A reapplication shall be processed in the same manner as the original application.

12.2.5 Requirement Compliance-Penalties: It shall be the duty and obligation of the owner(s) or operator(s) of property approved for a Special Use Permit to at all times be in compliance with the use requirements of this Ordinance and the conditions of the Special Use Permit under which their particular use is governed. Failure thereof shall be in violation of this Ordinance and subject to the penalties and remedies provided in Article 17.

12.2.6 Appeal: Appeal of a decision on a Special Use Permit request may be taken to the Board of Appeals in accord with the procedure specified in Sections 18.3 and 18.4.8.

12.2.7 Once Granted a Special Use Permit, the Use is a Permitted Use:

- A. Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:
  - 1. Such permit was issued in conformity with the provisions of this Ordinance and,
  - 2. Such permit shall be deemed to effect only the lot or portion thereof and uses there upon for which the Special Use Permit shall have been explicitly granted and,
  - 3. Such permit authorizes a use which is subsequently built, operated and maintained in compliance with the Ordinance, the Special Use Permit, and all conditions established with its approval.
  
- B. Permit Transferability: A Special Use Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A Special Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes to which the Special Use Permit was granted as long as all conditions and terms of the permit are adhered to. Permit transfer is automatic, provided the new owner submits in writing to the Zoning Administrator, his or her new address, and telephone number on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Use when the transfer form is submitted.

Shiawassee County Community Development Department  
Application for a **Site Plan Review**

**APPLICATION #** \_\_\_\_\_ **FEE: \$** \_\_\_\_\_ **RECEIPT #** \_\_\_\_\_ **DATE:** \_\_\_\_\_

You are encouraged to make an appointment with the Community Development Planner and/or Zoning Administrator to discuss the specific requirements for the intended use, general requirements for approval, and the review process.

**Date accepted as complete:** \_\_\_\_\_ **Accepted by:** \_\_\_\_\_

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**7. APPLICANT NAME/S:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

Address City Zip  
**PHONE:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **FAX:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **EMAIL:** \_\_\_\_\_

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**8. PROPERTY OWNERS:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

Address City Zip  
**PHONE:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **FAX:** (\_\_\_\_)\_\_\_\_-\_\_\_\_ **EMAIL:** \_\_\_\_\_

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**9. SITE LOCATION:** \_\_\_\_\_

**TAX ID NUMBER/S:** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Township \_\_\_\_\_  
\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Zoning District: \_\_\_\_\_

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**10. APPLICANT'S REQUEST (Reason of request):** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**11. ZONING ORDINANCE:** It shall be the obligation of the applicant to furnish sufficient evidence or proof of present and future compliance with the provisions of this Ordinance; A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Zoning Ordinance and other applicable County, State or Federal laws, rules or regulations. Your response to the General Standards attached (Section 14.5. Standards for Site Plan Review Approval) are essential to the approval of your request. If you do not claim to meet these requirements, it may be difficult to approve your request.

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**12. ATTEST:**

I, the undersigned, attest that I am duly authorized by the owner/s of the above described land to make this specific application; and, that I have reviewed the relevant portions of the Shiawassee County Zoning Ordinance and I have reason to believe that:

1. Site Plan Review is required for the land use or activity that I propose.
2. The location and proposal meets the specific requirements of the Zoning Ordinance as outlined within the Zoning Ordinance; and,
3. My location and proposal meets the requirements of Section 14.5 of the Zoning Ordinance.

I further attest that the information provided in this application is true, complete, accurate and correct.

\_\_\_\_\_  
Applicant/Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**Shiawassee County Zoning Ordinance  
Application for Site Plan Review**

Applicant Use	Site Plan Checklist	Staff Use	
<b>Waiver Request</b>		x	N/A
	Twenty (20) copies of a site plan drawn to a readable scale, of the property involved and adjacent property. The Site Plan shall consist of a scale drawing at no smaller than 1" = 50' (1" = 20' for land under 5 acres) showing the following information unless waived by the Zoning Administrator:		
	Property dimensions, legal description of the property, existing or proposed deed restrictions or previous zoning approval limiting the property and in the case of a condominium development, the proposed master deed.		
	Significant vegetation and location of all proposed landscaping, buffer strips, greenbelts, berms, fences or walls.		
	Water courses and water bodies including surface drainage ways.		
	Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.		
	Location and design of off-street parking areas, including type of surface materials, maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.		
	Location of water supply and the location and design of waste water systems and solid waste disposal facilities (including trash receptacles and dumpsters). All utility lines must be indicated along with the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.		
	Proposed grades on site retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals.		
	Proposed location of common open spaces and facilities, if applicable.		
	Proposed location of accessory buildings and use, including free-standing signs and on-site lighting.		
	A location map at a smaller scale indicating the relationship of the site to the surrounding land use.		
	North arrow, scale, descriptive legend, name and address of applicant, name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer, and date prepared or last amended.		
	Distance of proposed structures from rear, side, and front lot lines.		
	The zoning of the site and of all adjacent property and any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.		
	The location of all proposed outside storage and the manner in which it is to be screened and accessed.		
	Dimensions and number of proposed lots or condominium units.		
	Total acreage of site.		
	All areas within the 100-year floodplain or wetland areas on or adjacent to the site.		
	The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade.		
	For projects requiring and Environmental Impact Assessment pursuant to Section 5.2.1, a completed Environmental Impact Assessment Work Sheet on a special form designed for the purpose and as adopted or periodically updated by the Site Plan Review Committee shall accompany the Site Plan.		
	For projects requiring a Traffic Impact Assessment pursuant to Section 5.2.1, a completed Traffic Impact Assessment shall accompany the Site Plan.		
	Location of all farms within one mile.		

\_\_\_\_\_  
**Applicant/Owner Signature**

\_\_\_\_\_  
**Date**

# ARTICLE 14 SITE PLAN REVIEW

## Section 14.1 PURPOSE AND INTENT

It is the purpose of this article to require site plan review approval for certain building structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, and the character of future development in the area.

The requirements contained in this article are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements, and to promote the harmonious relationship of uses through proper design.

## Section 14.2 MEMBERSHIP

A Site Plan Review Committee shall be created to assist in the administration of site plan requirements under the terms of this Ordinance. The Site Plan Review Committee shall consist of the following members:

- A. The Shiawassee County Zoning Administrator or a permanently designated employee of the Office of the Zoning Administrator.
- B. The Shiawassee County Planning Director or a permanently designated employee of the County Planner's Office.
- C. The Shiawassee County Drain Commissioner or a permanently designated employee of the Drain Commissioner's Office.
- D. The Shiawassee County Road Commission Managing Director or a permanently designated employee of the Shiawassee County Road Commission.
- E. The Director of the Environmental Health Division of Shiawassee County Health Department or a designated employee of the Environmental Health Division.
- F. The Township Planning Commission Chair or other township official appointed by the Township Board of Trustees, from the township where the land use is proposed to be located.
- G. A representative of the local Fire Department., or a designated representative.
- H. . A representative of the Shiawassee County Office of the Natural Resources and Conservation Service.

14.2.1 The term of appointment shall be as long as each member holds his/her respective office or designated employee status.

14.2.2 The Shiawassee County Zoning Administrator or the Planning Director shall act as chairperson of the committee. . The Office of the County Zoning Administrator shall provide administrative support to the committee including agendas, minutes, legal notices and records The files of the committee shall be maintained separately in the Zoning Administrator's Office and open to public inspection during normal working hours.

## **Section 14.3 JURISDICTION**

14.3.1 Site plan review is required for:

- A. all developments requiring a Zoning Permit other than single-family homes, duplexes, and accessory buildings associated with them;
- B. all special uses (S)and
- C. PUDs (P); and
- D. any right by condition use specified as requiring site plan review. Platted subdivisions and condominium projects involving more than two dwelling units, and .
- E. conservation design developments.

14.3.2 The Site Plan Review Committee shall take action on all site plans submitted for review unless withdrawn by the applicant. The Planning Commission shall approve, deny or approve with conditions site plans for special uses and PUDs as part of the approval process for special uses (see Article 12) and PUDs (see Article 13).

14.3.3 Major and Minor Site Plans:

- A. All site plans associated with a request for a Special Use Permit, all PUD Permit requests, and all other site plans for land uses requiring more than ten (10) new parking spaces shall be classified as a major site plan which go through the site plan review procedures specified in Sections 14.4, 14.6, 14.7, 14.8 and 14.9.
- B. All site plans for land uses requiring less than ten (10) new parking spaces may be classified as minor site plans upon determination by the Zoning Administrator that the proposed project is not expected to have a significant impact on natural resources, traffic patterns or future development in the vicinity.
- C. The standards of Section 14.5, as well as any other relevant standards of this Ordinance, shall be applied to determine if a major or minor site plan conforms with this Ordinance.

14.3.4 Minor Site Plan: All minor site plans shall be distributed to the Site Plan Review Committee pursuant to Section 14.6.2. However, unless a member of the Site Plan Review Committee requests the minor site plan be reviewed by the whole committee at a meeting of the committee, the site plan shall be reviewed and approved, approved with conditions, or denied by the Zoning Administrator. The Zoning Administrator shall not act before fifteen (15) days following the date of dissemination of the site plan to the Committee members. The Zoning Administrator shall determine compliance of the site plan with the standards in Section 14.5, taking into account any responses received by members of the Site Plan Review Committee, or any other agency or official the Zoning Administrator requested and received a response from regarding the proposed site plan.

14.3.5 Relationship to Variances: If it is evident that in order for a site plan to be approved, one or more variances must be obtained, the Zoning Administrator shall so inform the applicant and explain the procedural steps and implications of initiating a variance request immediately, following action by the Site Plan Review Committee or following action by the Planning Commission if they make the final decision. The applicant shall make the decision as to when or whether to proceed with a variance request.

## **Section 14.4 PLAN REVIEW PROCEDURES**

14.4.1 Application: The owner or his/her designated agent shall file an application requesting site plan review with the Zoning Administrator on a special form designated for the purpose and as adopted or periodically updated by the Site Plan Review Committee. The owner and/or applicant shall include their full name, address, telephone, fax numbers and e-mail address and their signature on the application.

- A. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.

- B. An application determined to be complete by the Zoning Administrator shall be scheduled for review by the Site Plan Review Committee.

14.4.2 Site Plan: Each application for Site Plan Review shall contain the required quantity plan view line drawings containing all of the following information unless specific waivers are granted by the Zoning Administrator. A Site Plan for A Conservation Design Development requires twelve (12) copies containing the information listed in Section 4.3.20

Table 14-1 Number of Copies

Type of Project	Number of Copies	Criteria for Plans in Section
Major Site Plan	20	14.4.2
Minor Site Plan	10	14.4.2
Conservation Design Development	12	4.3.20



**Table 14-2 Plan Requirements and Waivers**

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Wavier by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
A. A scale drawing at no smaller than 1" =50' (1" = 20' for land under 5 acres)	none	scale may be changed	sale
B. Property dimensions, legal description of the property, existing or proposed deed restrictions or previous zoning approval limiting the property and in the case of a condominium development, the proposed master deed.	none	none	none
C. Significant vegetation and location of all proposed landscaping, buffer strips, greenbelts, berms, fences or walls.	none	none	none
D. Existing and proposed public rights-of-way and/or private easements.	none	none	none
E. Water courses and water bodies including surface drainage ways.	none	none	none
F. Location of abutting streets and proposed alignment of streets, drives, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.	none	the location of all roads and driveways within 200 feet of the parcel.	
G. Location of proposed buildings and intended uses thereof, as well as floor area, finished floor elevation, building height and lot coverage.	none	finished floor elevation	
H. Location and design of off-street parking areas, including type of surface materials, maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	none		all
I. Location of water supply and the location and design of waste water systems and solid waste disposal facilities (including trash receptacles and dumpsters). All utility lines must be indicated along with the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.	none		
J. Proposed grades of any site retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals.	none	site drainage pattern at a minimum of two (2) foot intervals.	
K. Proposed location of common open spaces and facilities, if applicable.	none		
L. Proposed location of accessory buildings and use, including free-standing signs and on-site lighting.	free-standing signs		
M. A location map at a smaller scale indicating the relationship of the site to the surrounding land use.	all		
N. North arrow, scale, descriptive legend, name and address of applicant, name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer, and date prepared or last amended.	none	name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer,	

Table 14-2 Plan Requirements and Waivers Continued

Requirements for Site Plan Completeness	Portion Eligible for Wavier by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
O. Distance of proposed structures from rear, side, and front lot lines.	none		
P. The zoning of the site and of all adjacent property and the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	none	the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	
Q. The location of all proposed outside storage and the manner in which it is to be screened and accessed.	none		
R. Dimensions and number of proposed lots or condominium units.	none		
S. Total acreage of site.	none		
T. All areas within the 100-year floodplain or regulated wetland areas on to the site.	none		
U. The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade.	all		
V. For projects requiring an Environmental Impact Assessment pursuant to Section 5.2.1, a completed Environmental Impact Assessment Work Sheet on a special form designed for the purpose and as adopted or periodically updated by the Site Plan Review Committee shall accompany the Site Plan.	none		
W. For projects requiring a Traffic Impact Assessment pursuant to Section 5.2.1, a completed Traffic Impact Assessment shall accompany the Site Plan.	none		
X. Location of all farms within one mile.	all		

14.4.3 A fee shall be charged to the applicant for site plan review based on a schedule developed by the Site Plan Review Committee and approved by the Board of Commissioners.

## Section 14.5 STANDARDS FOR SITE PLAN REVIEW APPROVAL

In reviewing a Site Plan, the Site Plan Review Committee and Planning Commission shall consider the following standards when applicable, in the case of a Conservation Design Developments, standards for approval are found in Section 4.3.20

Table 14.3 General Standards for Approval

<b>STANDARDS</b>	<b>Applicable</b>		
	<b>Major Site Plans</b>	<b>Minor Site Plans</b>	<b>Conservation Design Developments</b>
A. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.	Yes	Yes	Yes
B. Ingress and egress to the property and proposed structures thereon shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency.	Yes	Yes	Yes
C. Every structure or dwelling unit shall have access to a public or approved private street, walkway, or other areas dedicated to common use.	Yes	Yes	Yes
D. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the County storm drainage system.	Yes	Yes	Yes
E. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.	Yes	Yes	Yes
F. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.	Yes	Yes	Yes
G. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping.	Yes	Yes	Yes
H. That existing stands of trees and large individual trees be preserved to the extent feasible.	Yes	Yes	Yes
I. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone.	Yes	Yes	Not Applicable
J. The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.	Yes	Yes	Replaced by Section 4.3.20 6.)

Table 14.3 General Standards for Approval Continued

STANDARDS	Applicable		
	Major Site Plans	Minor Site Plans	Conservation Design Developments
K. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties.	Yes	Yes	Yes
L. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.	Yes	Yes	Not Applicable
M. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water including:	Yes	Yes	Not Applicable
1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.	Yes	Yes	Not Applicable
2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.	Yes	Yes	Not Applicable
3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.	Yes	Yes	Not Applicable
4. Rules for keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.	Yes	Yes	Not Applicable
5. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.	Yes	Yes	Not Applicable
6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.	Yes	Yes	Not Applicable

14.5.1 Other Regulations: Before granting approval of any application, the Site Plan Review Committee shall be reasonably sure that the proposed development fully complies with:

- A. All applicable State laws
- B. County and local ordinances
- C. The adopted published rules, standards or policies of the Shiawassee County Planning Commission
- D. The published rules, standards or policies Shiawassee County Drain Commissioner
- E. The published rules, standards or policies Shiawassee County Board of County Road Commissioners
- F. The published rules, standards or policies of the Shiawassee County Health Department
- G. The fire safety and emergency vehicle access requirements of the Michigan Building Code and/or any local Fire Code having jurisdiction

The published rules, standards or policies the Shiawassee County Board of Commissioners.

## **Section 14.6 MEETINGS OF SITE PLAN REVIEW COMMITTEE**

14.6.1 Meetings: The Committee shall hold regular monthly meetings in accordance with the Open Meetings Act

14.6.2 Copies: Copies of the application and site plan must comply with Zoning Ordinance regulations and is acceptable by staff. Copies of the application and site plan shall be sent by the Zoning Administrator to each member of the Site Plan Review Committee and to the township supervisor and township planning commission chairperson of the applicable township within five (5) days of receipt of an acceptable application and site plan. In order to facilitate review by the township planning commission's each site plan shall be forwarded to township representatives and to the committee at least 30 calendar days before the meeting at which it is noticed for consideration. If there is no township response, the Site Plan Review Committee will proceed with the application.

## **Section 14.7 INDIVIDUAL RECOMMENDATIONS**

It shall be conclusively presumed that a member of the Site Plan Review Committee has no objections to an applicant's site plan as submitted when a member fails to either submit written comments or voice his or her concerns before the adjournment of properly noticed meetings. Such recommendations shall be made in terms of each member's respective area of expertise and shall include reference to laws, ordinances, standards, rules and policies supporting the recommendation. A form may be developed by the Site Plan Review Committee to facilitate timely, instructive responses which may serve as a proxy for a member of the Site Plan Review Committee in the event the member is unable to attend a meeting.

## **Section 14.8 SITE PLAN APPROVAL**

A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance, the conditions imposed under the Zoning Ordinance, other applicable ordinances, and state and federal statutes. Except in the case of Conservation Design Developments the Committee's decisions are non-discretionary or ministerial in nature.

- A. If any Site Plan Review Committee member demonstrates a lack of compliance in the site plan with their own rules, standards, or ordinances, a site plan shall not be approved until compliance is acknowledged. Appeals by applicants to local, state, or federal agencies other than the decisions of the Zoning Administrator shall be directed to the legal course of action applicable to those agencies. Any disapproval of a site plan shall be accompanied by the reasons for that disapproval and provided, in writing, to the applicant. Further, a site plan for a Conservation Design Development shall not be approved if four (4) of the members that are currently appointed, object to the approval on the basis of failure to comply with the placement or design standards contained in Section 4.3.20.
- B. An approval of a site plan for a Special Use Permit does not constitute the final approval of a Special Use Permit. Standards for complete approval of a Special Use Permit are outlined in Article 12.

## **Section 14.9 REVIEW PERIOD LIMITATIONS**

The Site Plan Review Committee shall act on a complete application within forty five (45) calendar days to allow for township response. This time limitation may be extended only by the mutual consent of the applicant and the committee chairperson.

## **Section 14.10 BOARD OF APPEALS**

Any applicant for Site Plan Review considering himself aggrieved by the decision of the Site Plan Review Committee may appeal the decision to the Board of Appeals within 21 calendar days of receipt of the decision.

The Board of Appeals shall review the decision of the Site Plan Review Committee to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The Board of Appeals shall give written justification for their decision. The Board of Appeals may not grant a variance to any element of a site plan unless an application for a variance has been filed therefor; any such variance request shall be reviewed relative to the requirements of Section 6.4.5.

### **Section 14.11 REVIEW OF SITE PLANS BY COUNTY PLANNING COMMISSION**

- A. Site plans for Special Use Permits and Planned Unit Developments shall be reviewed by the Shiawassee County Planning Commission according to provisions of Article 12 following review and action by the Site Plan Review Committee.
- B. Site plans for Special Use Permits, including Site Plans under jurisdiction of Section 14.3, shall be prepared in the same manner for Township Review as said plans are prepared for the Planning Commission and the Site Plan Review Committee.

### **Section 14.12 AMENDMENT TO SITE PLAN**

No changes shall be made to an approved site plan prior to, during or after construction except upon mutual agreement between the applicant and the County and by application to the Zoning Administrator according to the following procedures:

- A. Small changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, traffic-ways, parking areas, and similar slight changes may be approved by the Zoning Administrator provided they would not otherwise violate a requirement of this Ordinance or require a variance from the Board of Appeals.
- B. Major changes or amendments to an approved site plan involving enlargement of the project area or new buildings, change in the number and location of accesses to public streets or alleys, a reduction in the number of parking spaces, a major relocation of a building, an increase in the gross floor area or heights of buildings, a reduction in the common open space, and similar major changes, shall require the approval of the Site Plan Review Committee or Planning Commission, whichever made the decision, in the same manner as the original application was submitted, reviewed, and approved.

### **Section 14.13 CONFORMITY TO APPROVED SITE PLAN**

- A. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto, which have received the approval of the Planning Commission or Site Plan Review Committee. If construction and development does not conform with such approved plan, the permit holder or land owner shall be notified of a violation of this Ordinance and if the circumstances warrant, issued a stop work or cease operations order per the requirements of Section 16.6. Following a hearing pursuant to the requirements of Section 16.6.3, any Zoning Permit associated with the project may be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation. However, the Board of Appeals may by variance or the Planning Commission may by site plan amendment, upon proper application of the developer and after a hearing, approve a modification in the Site Plan to coincide with the developer's construction provided such construction complies with the criteria contained in the Site Plan approval provisions and with the spirit, purpose, and intent of the County Zoning Ordinance.
- B. Approval of the Site Plan shall be valid for a period of one (1) year after the date of approval. If a Building Permit has not been obtained and on-site development actually commenced within said one (1) year, the Site Plan approval shall become void and a new application for Site Plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

### **Section 14.14 AS BUILT SITE PLANS**

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bikepaths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a Certificate of Zoning Compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

## **Section 14.15 CONDITIONAL APPROVALS**

- A. As provided in the County Zoning Act, Public Act 183 of 1943, site plans for special uses, planned unit developments, variances or other discretionary decisions may be approved with reasonable conditions.
- B. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:
  - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners adjacent to the proposed land use or activity, and the community as a whole.
  - 2. Be related to the valid exercise of the police power, and to the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- C. A site plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable ordinances, and State and Federal statutes.
- D. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable ordinances, and State and Federal statutes.