

## **SECTION 307. APPROVAL PROCESS**

No building or structure shall be erected, moved, enlarged, substantially altered, or razed nor shall any work be started on such structures or buildings after the effective date of the ordinance, until a Land Use Permit has been obtained from the Zoning Administrator. No permit shall be issued to erect, move, enlarge, substantially alter, or raze a building or structure unless the request is in conformance with the provisions of this Ordinance or amendment adopted from time to time after the effective date of this Ordinance.

### **307.1 SITUATIONS REQUIRING A LAND USE PERMIT ONLY.**

- A. The proposed project is a single dwelling unit.
- B. The proposed project is an existing development and,
  - 1. The project involves an expansion of a residential dwelling of two or fewer units.

### **307.2 SITUATIONS REQUIRING A LAND USE PERMIT & FORMAL SITE PLAN REVIEW.**

The Township Planning Commission must review and approve site plans AND the Zoning Administrator must issue a Land Use Permit before granting approval when:

- A. The proposed project requires a Special Use Permit, including those for Planned Unit Developments, or subdivision plats.
- B. The proposed project will have more than two (2) dwelling units.
- C. The proposed project is in a General Business (B-1) zoning district or Residential Business (RB).
- ~~D. The proposed project is in the R-1, Single Family Residential District.~~  
*Amended 8.17.2009*
- E. The proposed project involves a non-conforming lot.
- F. The Zoning Administrator requires Planning Commission review.
- G. In the case of existing development, a Land Use Permit and Site Plan Review is required when one or both of the following apply.

1. The project involves increasing the footprint or total square footage by ten (10%) percent or more, of any residential structure with more than two (2) units, or any general business structure or use.
2. The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.

AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

### **307.3 LAND USE PERMIT SUBMITTAL REQUIREMENTS.**

- A. **Application Deadlines.** A complete application package shall be received at least ten (10) days prior to beginning construction, alteration or expansion.
- B. **Application Materials.** Applications for issuance of Land Use Permits and inspections shall be paid to the Township Treasurer in advance of the issuance of the Land Use Permit. Such fees are necessary to cover the costs involved and shall be established from time to time by the Lake Township Board. Failure to obtain necessary Land Use Permits may result in the doubling of applicable fees.
- C. **Submittal Requirements.** Two complete copies of the following information shall be provided.
  1. Legal survey of lot.
  2. Shape, area, dimensions of the lot and location of the street(s).
  3. Location, dimensions and height of existing and/or proposed structure to be erected, altered or moved on the lot.
  4. Use intended and intensity (such as: single family home).

5. Dimensions showing yard requirements, including setbacks as well as parking and driveways.
6. Flood elevation and flood area if applicable.
7. Copies of all other permits required prior to obtaining Land Use Permit:
  - a. Sewer or septic system: Huron County Health Department.
  - b. Soil erosion control measures and approved plan.
  - c. High Risk Erosion Area (HREA) Permits.
  - d. Wetland Permits.
  - e. Any other permits except Building Permit, which cannot be obtained until a Land Use Permit is obtained from the Zoning Administrator.
8. Any other information deemed necessary by the Zoning Administrator to assure that the Land Use Permit request is in compliance with the provisions of this ordinance.

#### **307.4 SITE PLAN SUBMITTAL REQUIREMENTS.**

- A. **Application Deadlines.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least fifteen (15) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
- B. **Application Material.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least four (4) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- C. **Site Plan Contents.** All applicants shall complete the site plan review checklist with persons described in item (3d) of this section. The site plan review checklist is available with the Zoning Information Packet at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of this Section of the Ordinance.

1. **Scale.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three (3) acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
2. **Identification.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
3. **Property Information.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Huron County Register of Deeds will be the legal description upon which a site plan decision is based.
4. **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.

5. **Transportation Features.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
6. **Utilities.** The site plan must show the location and size of all existing and proposed public utilities. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone, cable television, septic tanks, fields and wells.
7. **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
8. **Supplementary Material.** The site plan shall be complemented by any additional information, which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards. (See Appendix for a Site Plan Checklist guide.)

- D. **Staff Review of Site Plan.** Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- E. **Planning Commission Review of Site Plan.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. The fee for such a meeting shall be established by the Township Board. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.
1. **Approval.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project.
  2. **Conditional Approval.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.

3. **Denial with Explanation.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

F. **Record to be Maintained.** This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

#### **307.5 SITE PLAN REVIEW STANDARDS.**

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

- A. **District Regulations.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- B. **Supplementary Regulations.** The project must comply with any and all of the Supplementary Regulations which may apply to it, as identified by Chapter 13 of this Ordinance.
- C. **Special Use Standards.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified by Chapter 16 also must be satisfied.

- D. **Building Arrangements.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- E. **Transportation.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road right-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Huron County Road Commission shall be sought.
- F. **Driveways.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- G. **Utilities.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, cable television, septic tanks, drain fields, and wells must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- H. **Lighting.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Lighting shall be kept "on site" with limited spill over. A lighting plan with foot candle readings shall be included in the site plan submittal.



- I. **Fire Protection.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project.
- J. **Environment.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) to help control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Huron County Health Department or other agencies.
- K. **Storm Drainage.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- L. **Consistency with Ordinance Intent.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located.