

## ARTICLE 12

# PROCEDURES AND STANDARDS

### Section 12.01 Site Plan Review.

#### A. Purpose.

The purpose of this Section is to establish procedures and standards that provide a consistent method for 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 Section to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the City and the applicant, and facilitate development in accordance with the City's Master Plan.

#### B. Site Plan Approval Required.

Two separate review processes have been established in accordance with the purpose of this Section, as follows:

1. **Planning Commission approval.** The following development projects and uses shall require review and approval of a detailed site plan by the Planning Commission prior to establishment, construction, expansion or structural alteration of any structure or use. Exceptions listed below shall not be subject to plan review, but shall be subject to zoning permit approval per Section 1.06 (Zoning Permits):
  - a. All special uses, subject to the provisions of Section 12.02 (Special Uses).
  - b. All RESIDENTIAL USES, as specified in Article 3 (Land Use Table), except the following:
    - (1) One (1) single-family, two-family or duplex dwelling, and customary accessory structures on a single residential lot of record.
    - (2) Family child day care homes, as licensed by the State of Michigan.
    - (3) Establishment of a home occupation listed in Section 5.105 (Home Occupations) as a permitted accessory use.

- c. All OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH AND LABORATORY USES, as specified in Article 3 (Land Use Table).
  - d. All OTHER USES, as specified in Article 3 (Land Use Table), except the following:
    - (1) Accessory structures and uses specified in Section 15.101 (Accessory Structures and Uses).
    - (2) Temporary construction buildings and uses.
    - (3) Farming and active agricultural uses, as defined in Section 19.02 (Definitions).
    - (4) Essential service and public utility facilities.
  - e. Construction, expansion or alteration of a manufactured housing park, as defined in Section 19.02 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.106 (Manufactured Housing Parks).
  - f. Construction, expansion or alteration of a condominium development, as defined in Section 19.02 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 13 (Condominium Regulations).
  - g. Construction, expansion or alteration of a planned unit development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 14 (Planned Unit Developments).
  - h. Construction, expansion or alteration of a wireless communications facility, as defined in Section 19.02 (Definitions), shall be subject to approval in accordance with the procedures and standards of Section 11.06 (Wireless Communication Facilities).
2. **Projects eligible for administrative approval.** The following development projects, uses, and activities have been determined to be appropriate for an administrative site plan review and approval by the Zoning Administrator or designated City consultant. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative site plan approval:
- 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 a multiple-family or non-residential building.

- c. For a multiple-family or non-residential uses, construction of accessory structures or fences or installation of a fence or wall around a waste receptacle, mechanical unit or other similar equipment.
- d. Changes to a site required by the Sanilac County Chief Building Official to comply with State Construction Code requirements.
- e. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- f. Construction of an addition to an existing building or expansion of an existing, conforming use, subject to the following:
  - (1) No variances to the requirements of this Ordinance are required.
  - (2) 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-five percent (25%) or 1,000 square feet, whichever is less.
- g. Re-occupancy of an existing building that has been vacant for more than 180 days, subject to the following:
  - (1) No variances to the requirements of this Ordinance are required.
  - (2) The proposed use will be conducted within a completely enclosed building.
  - (3) The proposed use will not require significant additional parking demands, access changes or other substantial modifications to the existing site.

**C. Site Plan Review Procedure.**

Site plans shall be reviewed in accordance with the following:

- 1. **Pre-application meeting.** Applicants are encouraged to meet informally with the Zoning Administrator and other City officials and designated City consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting site plans for formal review.
  - a. Conceptual plans shall have sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
  - b. Comments or suggestions by City officials regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the City be bound by such comments or suggestions in preparing for formal submittal or review of a site plan by the Planning Commission.

2. **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 City, along with appropriate review fees, as determined by City Council. 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.
3. **Technical review.** Prior to Planning Commission consideration, the Zoning Administrator shall distribute copies of the site plan and application to designated City officials and consultants for review and comment. The Zoning Administrator or Planning Commission may also distribute copies of the site plan and application to other local agencies or departments with jurisdiction for comment on any problems the plans might pose.
4. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from City officials, consultants, and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 12.01L (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 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.
5. **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, most recent plan revision date, and conditions or grounds for the Planning Commission's action.

- a. After the Planning Commission has taken final action on a site plan, the Zoning Administrator shall clearly mark three (3) copies of the site plans APPROVED or DENIED, as appropriate, with the date that action was taken and any conditions of approval.
- b. One (1) marked copy shall be returned to the applicant, the second copy shall be forwarded to the Sanilac County Chief Building Official, and the third copy shall be placed on file at the City offices per State of Michigan retention guidelines.

**D. 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.

**E. Construction Plans.**

Where detailed construction or engineering plans are required by the City, Sanilac 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 City 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.

**F. 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.

**G. 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, review fees, and approval procedures as a new application for site plan approval.

**H. 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 City for review.

Upon written request received by the City 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.

**I. 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.

**J. 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.

**K. 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.

1. To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Planning Commission or Zoning Administrator may require that a irrevocable performance guarantee be deposited with the City Treasurer, subject to the standards of Section 1.08 (Fees and Performance Guarantees). The amount of the performance guarantee shall be sufficient to ensure faithful completion of the improvements associated with a project for which site plan approval is sought, as determined by the Zoning Administrator.
2. The Zoning Administrator or designee 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.

**L. 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 preserves and conserves natural, cultural, historical, and architectural site features, including architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows, hedgerows, woodlands, and significant individual trees, to the extent feasible.
4. **Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.
5. **Vehicular 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.
6. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.
7. **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.

8. **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.
9. **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.
10. **Impact upon public services.** The impact upon public services (including utilities, streets, police and fire protection, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.
11. **Drainage and soil erosion.** Adjoining land and uses, public rights-of-way, and the capacity of the public storm drainage system will not be adversely impacted by stormwater runoff and sedimentation.
12. **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.

**M. Required Information for Site Plans**

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

Minimum Site Plan Information	Required
<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.	<input type="checkbox"/>
Address, legal description, and tax identification number of the parcel, with the gross and net land area.	<input type="checkbox"/>
A statement describing the proposed use, including the floor area to be occupied, proposed activities, number of units, and other information necessary to verify compliance with the use standards of this Ordinance.	<input type="checkbox"/>
<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.	<input type="checkbox"/>
Location map with north-arrow.	<input type="checkbox"/>
Size and dimensions of proposed structures, including gross and usable floor area, number of stories, and overall height.	<input type="checkbox"/>

Minimum Site Plan Information	Required
Existing and proposed use(s) and existing zoning of surrounding parcels (including across road rights-of-way).	<input type="checkbox"/>
Calculations for parking, residential density or other Ordinance requirements.	<input type="checkbox"/>
<b>EXISTING CONDITIONS</b>	
The location and nature of any streams, drains, regulated wetlands, floodplains, ponds, marshes or unstable soils; existing surface water drainage flow directions; and topography at a minimum of two (2) foot contour levels.	<input type="checkbox"/>
The dimensions of all lot and property lines and relationship to abutting properties.	<input type="checkbox"/>
The location and height of all existing structures, driveways, fences, walls, signs, and other site features on and within 100 feet of the subject property; with notes regarding their preservation or alteration.	<input type="checkbox"/>
Size and location of existing fire hydrants, utilities, and public utility connections.	<input type="checkbox"/>
<b>SITE PLAN DETAILS</b>	
Location, dimensions, setback distances, and use(s) of all proposed improvements.	<input type="checkbox"/>
Identification of areas involved in each separate phase, if applicable.	<input type="checkbox"/>
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	<input type="checkbox"/>
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	<input type="checkbox"/>
Outdoor sales, display or storage locations and method of screening, if applicable.	<input type="checkbox"/>
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.	<input type="checkbox"/>
<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.	<input type="checkbox"/>
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	<input type="checkbox"/>
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location of loading areas.	<input type="checkbox"/>
<b>SCREENING AND LANDSCAPING</b>	
Landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.	<input type="checkbox"/>
Planting list for proposed landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.	<input type="checkbox"/>

Minimum Site Plan Information	Required
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.	<input type="checkbox"/>
Proposed fences, walls or other screening devices, including typical cross-section, materials, and height above grade.	<input type="checkbox"/>
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.	<input type="checkbox"/>
<b>UTILITIES, DRAINAGE, AND ENVIRONMENTAL INFORMATION</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.	<input type="checkbox"/>
Size and location of proposed fire hydrants, utilities, and connections to public sewer or water supply systems.	<input type="checkbox"/>
<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 City's Master Plan.	<input type="checkbox"/>

## Section 12.02 Special Uses.

### A. Purpose.

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent land, uses, and residents; and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the City;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being permitted without special approval 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 submitted to the City shall include the following information:
  - a. Names, addresses and telephone numbers for the applicant and property owner and proof of ownership.
  - b. A signed statement that the applicant is the owner of the subject parcel or is acting as the owner's representative. If the property is leased by the applicant, the owner's signed and dated authorization for the application shall be provided.
  - c. Address, location, and tax identification number of the parcel.
  - d. A detailed description of the proposed use.
  - e. A certified survey drawing of the subject parcel, and a complete site plan per Section 12.01 (Site Plan Review).

- f. Appropriate review fees, as determined by City Council.
- g. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, including Section 12.02H (Standards for Special Use Approval).
- h. Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

**C. Special Use Review Procedure.**

Special use applications shall be 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 City officials and staff for review and comment. The Zoning Administrator may also submit the application materials to designated City 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 City 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 12.02H (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 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; address and tax identification number of the parcel; and the grounds for the Planning Commission's action. The Zoning Administrator shall keep one (1) copy of the written record on file in the City, 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 City 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. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. 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.
2. **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.
3. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
4. **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 utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.
5. **Traffic impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
6. **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 or other adverse impacts.

7. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
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 or designee 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 City and Village Zoning Act (P.A. 207 of 1921, as amended), and the following:

#### A. Public Notice.

Notice of the public hearing shall be posted by the City Clerk at the place the hearing will be held; published in a newspaper of general circulation in the City; and sent by mail or personal delivery to the applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and all occupants of structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.

1. **Timing of notice publication and mailing.** The City Clerk shall publish and mail the notice in accordance with the following deadlines:
  - a. **Amendments to this Ordinance or Official Zoning Map.** The notice shall be published once and given by mail not less than 15 days before the hearing date.
  - b. **All other public hearings.** The notice shall be published once and given by mail not less than five (5) and not more than 15 days before the hearing date.
2. **Other required notifications.** In the case of amendments to this Ordinance or Official Zoning Map, the City Clerk shall also mail the notice not less than 15 days before the hearing date to each electric, gas, pipeline, telephone public utility company, and each railroad operating within the affected district that has previously registered with the City for that purpose.
3. **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.
4. **Discretionary notice.** The City may, at its discretion, post this notice at other public-accessible locations, including but not limited to City Hall, community bulletin boards, and the Internet. The City Council may also establish a policy to

consistently send this notice by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

**B. Pre-Hearing Examination.**

Upon reasonable request, any person may examine the application and all other documents on file with the City 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 City Council 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. Notice shall be provided of the adjourned hearing date, time, and place per Section 12.03A (Public Notice).

**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 City Council 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 City and Village Zoning Act (P.A. 207 of 1921, as amended), and the following:

### A. Initiation of Amendment.

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

### B. Application.

An amendment to this Ordinance (except those initiated by the City Council, Planning Commission or Zoning Administrator) shall be initiated by submission of a complete and accurate application to the City, along with the required fee established by City Council. 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 City officials for review and comment. The Zoning Administrator may also submit the application materials to designated City 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 and recommendation.** 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 City Council.

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 City residents or burdening the City or Sanilac 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 City 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 City Council.
4. **City Council action.** The City Clerk shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the City Council for consideration and final action.

- a. The City Council may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration. If the City Council requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.
- b. The City Council may, at its discretion, hold additional public hearings on the proposed amendment, provided that notice of the hearing shall be published once in a newspaper of general circulation in the City not less than five (5) and not more than 15 days before the hearing date.

**D. Re-Application.**

Whenever an application for an amendment to this Ordinance has been rejected by the City Council, a new application for the same amendment shall not be accepted by the City 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.