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APPLICANT'S CHECKLIST FOR SPECIAL USE PERMIT & SITE PLAN REVIEW (MARIHUANA FACILITIES)

_____ 1. Review the following sections from the City of Laingsburg Zoning Ordinance ("Ordinance"): Article 6, Site Plan Review and Article 7, Special Land Use Review. Both describe the finer details of the application and review process.

_____ 2. Review Article 8, Special Land Uses and Specific Provisions (Excerpt, Marihuana Uses) to understand the requirements for each permitted marihuana use. **Any development request for a marihuana facility must be able to meet the Ordinance requirements for the requested use.**

- As an example, those seeking special land use approval for a marihuana retailer must demonstrate that the standards of "Section 838, Marihuana Retailer" can be met.

_____ 3. Review the Site Plan Review Checklist that is attached to ensure all information requested by staff is included with your application.

_____ 4. Complete both application forms for Special Use Permit and Site Plan Review.

_____ 5. **Prepare ten (10) identical packets** containing all of the required information.

_____ 6. Submit all previously listed information to the City of Laingsburg with a $250.00 Special Land Use Application Fee and $750 Site Plan Review Fee ($1,000 Total).

The City must have a complete packet approximately 3 weeks prior to the meeting in which your project is to be on the agenda in order to meet the 15- day Public Notice that is required in the newspaper and by mail to properties within 300 feet of the project.

If you are changing the use of a building and or need other permits such as: electrical, mechanical, plumbing, structural, signage or any other type please contact those agencies to secure the proper permits. Commercial buildings will require professionally sealed engineered drawing.

Include is the Memorandum and Pre-Application Questionnaire for your use in the even your site is approved for the Special Land Use.

Please complete the evaluation of our process to let us know what we are doing that is working well and what we could do to make it easier on future applicants.

The application, fee, and packets must be submitted to the City of Laingsburg (P.O. Box 178, 114 Woodhull St., Laingsburg, MI 48848) to be accepted as a complete application by the Zoning Administrator.

City of Laingsburg
Application for Site Plan Review

Applicant Use		Site Plan Checklist	Staff Use	
X	N/A		X	N/A
		A Site Plan shall consist of drawings and plans showing all proposed and necessary improvements at a scale not greater than one (1) inch equals twenty (20) feet, nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning Commission can readily interpret the plan. Large projects requiring presentation on separate sheets within the aforementioned range of scales shall be provided with appropriate match lines.		
		Location (vicinity map) and description of site; dimensions of the property and total acreage.		
		A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, community planner or land surveyor, unless waived by the Planning Commission.		
		The site plan shall reflect the scale used, north arrow, dates of plan, dates of revisions.		
		Legal description of site, property dimensions and lot area.		
		Detail the existing topography (contour interval of two (2) feet) and all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands. A clear indication of all natural features to remain and to be removed shall be provided.		
		Provide the location of existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.		
		Name of existing streets, on or adjacent to the site, and associated rights-of-way and/or easements.		
		Table showing zoning classification of the subject property, required yards and a project description to include such information as use, number of structures, units, anticipated gross square footage, anticipated usable floor area, employees by shift and other related information to assess compliance with this Ordinance.		
		Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.		
		Location and exterior dimensions of all proposed buildings and structures and their location to be referenced to property lines. Distances between buildings, building height in feet, number of stories, finished floor elevations and contact grade elevations shall also be shown.		
		Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.		
		Storm water management plan in compliance with municipal standards as established by the City.		
		Location and alignment of all proposed streets and drives and their rights-of-way (where applicable) are shown. The site plan shall also clearly indicate surface type and width with a typical cross section of same showing surface, base, and sub-base materials, dimensions, and slope. The location and typical details of curbing and turning lanes (where applicable) with details, including location, width, surface elevations and grades of all entries and exits and curve-radii shall be provided.		
		Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the Final Site Plan by the Planning Commission.		

		Location and dimensions of proposed parking lots and spaces, including number of spaces in each lot, orientation and angle, barrier free spaces, aisle ways, drainage pattern of parking lot, and typical cross-section showing surface, base, and sub-base materials.		
		Location, width, and surface of proposed sidewalks and pedestrian ways meeting municipal standards.		
		Location, use, size and proposed open space, conservation areas and recreation areas and maintenance provisions for such areas.		
		Location and type of proposed screens and fences, including height, typical elevation and vertical section of screens showing materials and dimensions.		
		Location of proposed outdoor trash container enclosures, including their size, typical elevation, description of trash hauler approach and vertical section of enclosure showing materials and dimensions.		
		Location, type, size, area, height, and sketch of proposed signs. Note that a separate permit is necessary for erection of sign.		
		For projects requiring a landscaping plan pursuant to Article 12, a completed landscaping plan shall accompany the site plan.		
		Location and dimensions of proposed retaining walls, including typical vertical sections.		
		Location, type, direction, and intensity of outside lighting.		

Applicant/ Owner Signature **Date**

ARTICLE 6

SITE PLAN REVIEW

SECTION 601 PURPOSE AND JURISDICTION
(AMENDED 2017)

A. It is the purpose of this Article to specify improvements requiring Site Plan review and approval under this Ordinance prior to commencement and implementation of said improvement, as well as to identify the standards and data requirements necessary in the preparation of a Site Plan to be submitted for review and approval. The intent of this Article and Site Plan review and approval process and procedure is to coordinate and apply the provisions of this Ordinance to develop the City in an orderly fashion to protect the public health, safety and welfare of the citizens, residents and businesses of the community.

B. Unless otherwise specifically addressed, the Planning Commission shall have the authority to review, approve, approve with conditions, or deny a preliminary and final Site Plan as required by this Ordinance.

C. Prior to issuance of a zoning permit, building permit or commencement of earth moving or construction for any of the following, Site Plan review and approval is required: (AMENDED 2019)

1. In residential districts, all non-residential uses or uses permitted by-right that are determined to have a greater impact to traffic, noise and dust than a single-family residence, such as, but not limited to churches, adult foster care, home based business, etc. Administrative site plan review and approval by the Zoning Administrator is required.

2. In the C-1, Central Business District, all uses described in Section 515 that are deemed, in fact or appearance, to contain important historical and/or natural features that uniquely identify with the City's sense of place, shall submit an application for administrative site plan review. The purpose of the administrative review ensures that the applicant maintain the essential character of historical and/or natural features as part of the process to develop and use land in the City. The Zoning Administrator shall utilize the administrative review in the development review process.

3. Proposed single-family residential development consisting of more than one (1) lot or parcel where road frontage and access is to be provided by a proposed shared drive, service road, private or public road shall require a site plan review and approval by the Zoning Administrator.

4. Multiple-family structure(s) consisting of three (3) or more units shall require administrative site plan review.

5. Any use, structure or addition in a non-residential zoning district shall require administrative site plan review.

6. All uses requiring conditional use review and approval. Pursuant to Section 702, the proposed use must receive final site plan review and approval by the Planning Commission.

7. A Manufactured Housing Community shall require administrative site plan review.

8. Development petitioned as a Planned Unit Development shall require a site plan reviewed and approved by the Planning Commission.

9. Change of use of property or structure whereas proposed permitted by-right use is more intensive than the existing or last known conforming or non-conforming use (e.g. greater parking space requirements, greater anticipated patronage, more employees, greater buffering requirements, etc.) can be reviewed and approved as an administrative site plan. Upon review of the site plan by the Zoning Administrator, if it is found that the increase in intensity of use may present parking, traffic, or conflicting land use or other issues, review and approval of the site plan may be required by the Planning Commission.

10. Following approval by the Board of Appeals, the expansion of a non-conforming use or structure may require site plan review and approval by the Planning Commission if the expansion is determined by Zoning Administrator to create a more intensive use of property. If a proposed use or structure is determined to be less or equally intensive in use or the expansion of structure inconsequential, a zoning permit may be required in lieu of a site plan.

11. All site condominium and condominium subdivisions developed pursuant to Public Act 59 of 1978, Condominium Act (MCL 559.101 et. Seq.) shall require review and approval of a site plan by the Planning Commission.

D. The Zoning Administrator shall not issue a zoning permit for commencement of a use for any of the above structures or uses until a Final Site Plan has been approved and is in effect. No grading, removal of vegetation, cut, fill or excavation, or installation of infrastructure shall be commenced until a Final Site Plan has been approved and is in effect, unless otherwise provided by this Ordinance.

SECTION 602 SITE PLAN REVIEW COORDINATION

Prior to approving a Site Plan submitted under this Article, the Zoning Administrator and/ or Planning Commission may obtain, where applicable, the review and recommendation of the Shiawassee County Drain Commissioner, Shiawassee County Health Department, Michigan

Department of Environmental Quality, and any other appropriate technical reviews as deemed appropriate by the Zoning Administrator and/or Planning Commission.

SECTION 603 SITE PLAN REVIEW APPLICATION
(AMENDED 2017)

A. An application for Administrative Site Plan or Final Site Plan may be filed with the City to commence the Site Plan review process.

   1. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a Final Site Plan where, in its opinion, the complexity and/or size of the proposed development so warrants. The Zoning Administrator shall also have the discretion to require that an administrative site plan be reviewed by the Planning Commission as a final site plan when the proposal presents parking, traffic or conflicting land use issues.

B. Any person with a legal interest in a property may apply for Site Plan review and approval. All site plans shall be submitted to the Zoning Administrator and must contain the following to be accepted for review by the Planning Commission:

   1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.

   2. Payment of review fees as adopted and published by the City Council.

   3. Ten (10) copies of the Site Plan drawing(s). Additional copies may be requested by the Zoning Administrator as necessary to submit to other agencies as set forth in Section 415.

   4. All items as required by Section 604. If information is noted as required under this Section and it is determined by the applicant to not be applicable, the applicant shall provide such determination in writing and provide explanation as to the applicability of the information.

C. Upon receipt of an application for Site Plan review and approval, the Zoning Administrator and/or their assigns shall review the application for completeness. Upon determination of a complete application, the Zoning Administrator shall place the application on the next available Planning Commission meeting agenda for review. The application must be submitted in advance of the desired Planning Commission

meeting, at a minimum, the application must be submitted to allow proper public notice pursuant to Section 306, herein.

D. Upon scheduling of a Site Plan for review and approval before the Planning Commission, the Clerk shall provide public notice under Section 306, herein.

E. By submittal of an application for Site Plan review and approval, the applicant grants permission to the Zoning Administrator and/or assigns and members of the Planning Commission the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

F. Where it is found, for either structure or property being petitioned for site plan review, that a violation of this Ordinance exists, the City reserves the right not to process petitions for review and approval of additional improvements until such time that the violation is corrected or action is taken by the Board of Appeals to bring the violation into compliance with the provisions of this Ordinance.

SECTION 604 ADMINISTRATIVE SITE PLAN
(AMENDED 2017)

A. An administrative site plan submitted for review and approval shall be considered by the Zoning Administrator for those proposed activities and uses that require additional review beyond that on a typical zoning permit. An administrative review application shall contain data required for a final site plan set forth in Section 605 insofar as reasonable given the proposed development. The Zoning Administrator shall determine information requirements not to exceed those set forth in Section 605. (AMENDMENT ADOPTED 2009)

1. Where the Planning Commission is named in the provisions of Section 605, the Zoning Administrator shall be assumed.

2. The Zoning Administrator may request additional information as necessary to perform an adequate review and make a responsible decision. Upon review of an application, the Zoning Administrator may also require that the matter be presented to the Planning Commission as a final site plan

3. An administrative site plan review shall have the full force and effect of a final site plan approved by the Planning Commission and therefore subject to the provisions of this Ordinance regarding approved final site plans.

SECTION 605 FINAL SITE PLAN
(AMENDED 2017)

A. A Final Site Plan submitted for review and approval shall contain in proper form all of the following data prior to its submission to the Planning Commission for review.

1. A Site Plan shall consist of drawings and plans showing all proposed and necessary improvements at a scale not greater than one (1) inch equals twenty (20) feet, nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning Commission can readily interpret the plan. Large projects requiring presentation on separate sheets within the aforementioned range of scales shall be provided with appropriate match lines.

2. Location (vicinity map) and description of site; dimensions and area.

3. Name, address, and phone number of the property owner; applicant's name, address, and phone number, and interest in property, owner's signed consent for preliminary site plan approval, if the applicant is not the owner. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, community planner or land surveyor, unless waived by the Planning Commission.

4. Scale, north arrow, dates of plan, dates of revisions.

5. Legal description of site, property dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.

6. Existing topography (contour interval of two (2) feet) and all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands. A clear indication of all natural features to remain and to be removed shall be provided. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of twelve (12) inches in diameter or larger and individual evergreen trees ten (10) feet in height or greater are to be accurately located on the plan.

7. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.

8. Owner, use, and zoning classification of adjacent properties and location and outline of buildings, drives, parking lots, other improvements on adjacent properties within fifty (50) feet of development site boundary.

9. Name of existing streets, on or adjacent to the site, and associated rights-of-way and/or easements.

10. Table showing zoning classification of the subject property, required yards and a project description to include such information as use, number of structures, units, anticipated gross square footage, anticipated usable floor area, employees by shift and other related information to assess compliance with this Ordinance.

11. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.

12. Location and exterior dimensions of all proposed buildings and structures and their location to be referenced to property lines or to a common base point. Distances between buildings, building height in feet, number of stories, finished floor elevations and contact grade elevations shall also be shown.

13. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.

14. Storm water management plan in compliance with municipal standards as established by the City.

15. Location and alignment of all proposed streets and drives and their rights-of-way (where applicable) are shown. The site plan shall also clearly indicate surface type and width with a typical cross section of same showing surface, base, and sub-base materials, dimensions, and slope. The location and typical details of curbing and turning lanes (where applicable) with details, including location, width, surface elevations and grades of all entries and exits and curve-radii shall be provided.

16. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the Final Site Plan by the Planning Commission.

17. Location and dimensions of proposed parking lots and spaces, including number of spaces in each lot, orientation and angle, barrier free spaces, aisle ways, drainage pattern of parking lot, and typical cross-section showing surface, base, and sub-base materials.

18. Location, width, and surface of proposed sidewalks and pedestrian ways meeting municipal standards.

19. Location, use, size and proposed open space, conservation areas and recreation areas and maintenance provisions for such areas.

20. Location and type of proposed screens and fences, including height, typical elevation and vertical section of screens showing materials and dimensions.

21. Location of proposed outdoor trash container enclosures, including their size, typical elevation, description of trash hauler approach and vertical section of enclosure showing materials and dimensions.

22. Location, type, size, area, height, and sketch of proposed signs. Note that a separate permit is necessary for erection of sign.

23. Landscaping plan in compliance with Article 12.

24. Location and dimensions of proposed retaining walls, including typical vertical sections.

25. Location, type, direction, and intensity of outside lighting.

26. Additional Requirements for Residential Developments.

    a. Density calculations by type of unit by bedroom counts.

    b. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units.

    c. Amount and location of recreation spaces, including proposed recreational facilities, community building and other accessory uses, such as swimming pools, clubhouses, etc.

    d. Typical building facades and elevations.

27. Additional Requirements for Non-Residential Developments.

    a. Total and usable floor area.

    b. Loading/unloading areas.

    c. Number of employees at peak usage.

    d. Typical building facades and elevations.

B. The Planning Commission shall study the Final Site Plan and shall approve, conditionally approve, table, or reject the Final Site Plan. The Planning Commission may specify reasonable conditions, changes, or modifications to the Final Site Plan as needed to maintain compliance with the Ordinance and to meet the Standards for Review outlined in Section 606.

C. Following Planning Commission approval or conditional approval of the Final Site Plan, a revised Final Site Plan including all necessary revisions as required or conditioned by the Planning Commission shall be provided to the Zoning Administrator for compliance review.

1. Upon determination of compliance of the Final Site Plan with the Planning Commission's approval or conditional approval, two (2) copies of the Final Site Plan, with any conditions contained within, shall be maintained as part of the City records for future compliance review and enforcement. One (1) copy shall be returned to the applicant.

2. Each copy shall be signed and dated with the date of approval by the Zoning Administrator to substantiate the identification of the approved Final Site Plan.

3. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the City records as a part of the Final Site Plan.

D. Approval of a Final Site Plan authorizes issuance of zoning and building permits, provided all other requirements for issuance of either permit have been met. In the case of uses without buildings or structures, approval of a Final Site Plan authorizes issuance of a zoning permit.

E. The approval of the Final Site Plan shall expire and be of no effect unless a use is commenced and/or a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the Final Site Plan. Approval of a Final Site Plan shall expire and be of no effect two hundred seventy (270) days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved Final Site Plan.

SECTION 606 STANDARDS FOR REVIEW
(AMENDED 2017)

A. In reviewing a Final Site Plan, the Planning Commission shall consider certain standards in its review and approval of the application. These standards as outlined below are provided with the same basic intent of the Ordinance as a whole in order to protect the public health, safety and welfare of the community.

1. That all required information has been provided.

2. That the proposed development conforms to all regulations of the Ordinance for the district in which it is located and to the Master Plan.

3. That the Site Plan, including all engineering drawings, meets specifications for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services as determined by the City or other agency with competent jurisdiction.

4. That the applicant may legally apply for the Site Plan review and approval.

5. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Vehicular movement and traffic patterns shall conform to applicable fire safety and emergency vehicle access requirements of the Authority providing such services.

6. That the proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area. If the Site Plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.

7. That natural resources will be preserved and that the development as proposed will not cause soil erosion or sedimentation. If the Site Plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.

8. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments. If the Site Plan is not found to meet the standard, the Planning Commission may discuss reasonable conditions that may be applied to meet the standard.

9. That the proposed development respects natural topography and minimizes the amount of cutting and filling required. Organic, wet, or other soils that are not suitable for development are to be left undisturbed, or engineered to be utilized in an acceptable manner meeting the intent of this Ordinance.

10. That the proposed development properly respects flood ways and flood plains on or in the vicinity of the subject property.

11. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area. Site Plans shall conform to the published storm water standards of the Shiawassee County Drain Commission and shall conform to the Shiawassee County Soil Erosion and Sedimentation Control Ordinance.

12. Loading, unloading areas and trash receptacles shall be adequately screened. Exterior lighting shall be arranged so that it is deflected away from adjacent

properties and so that it does not impede the vision of traffic along adjacent streets. The Site Plan shall provide reasonable privacy for all dwelling units located therein or adjacent to the proposed site.

13. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

SECTION 607 COMPLIANCE WITH AND AMENDMENT TO APPROVED SITE PLAN

A. Property subject to Site Plan approval shall be developed in strict compliance with the approved Final Site Plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform to the approved Final Site Plan, the owner shall be cited with a violation of the Ordinance under Section 307 and a cease and desist order petitioned from a Court of competent jurisdiction.

B. No changes shall be made to an approved Final Site Plan prior to, during or after construction except upon mutual agreement between the applicant and the City and by application to the Zoning Administrator according to the following procedures:

1. Minor changes to an approved Final Site Plan involving changes in the location of buildings and structures within five (5) feet of location identified on the Site Plan, adjustment of utility location, walkways, traffic ways, parking areas, and similar minor 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.

    a. The Zoning Administrator shall advise the Planning Commission in a written communication the rationale for permitting the minor change and file such written communication with the approved site plan.

    b. The Zoning Administrator may, at their discretion, require that a proposal under this Section be reviewed as a Site Plan by the Planning Commission. Such reasoning shall be adequately documented to the applicant.

2. Major changes or amendments to an approved Final Site Plan involving movement of building or structure more than five (5) feet, change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, an increase in the gross floor area or heights of buildings, a reduction in the open space, or similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted and reviewed.

SECTION 608 PERFORMANCE GUARANTEE

A. In approving a Final Site Plan the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the applicant and/or property owner to ensure compliance with an approved Final Site Plan. Such guarantee shall be deposited with the City Clerk prior to issuance of any zoning or building permits.

B. In fixing the amount of such performance guarantee, the Planning Commission shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the community. Items included under the performance guarantee include, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee, or some other form of surety, is required pursuant to State law.

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ARTICLE 7

SPECIAL LAND USE REVIEW

SECTION 701 INTENT AND PURPOSE

A. It is the intent of this Article to provide a set of procedures and standards for the review of specific uses of land or structures for the protection of the health, safety and general welfare of the inhabitants of the City of Laingsburg ("City") in the review and approval of certain specified types of land use activities that 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.

B. Use of land and/or structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Special Land Use approval.

C. By such a procedure, the Planning Commission and City Council shall have additional criteria in which to review the specific use as well as the opportunity to review the circumstance of the use in relation to surrounding properties and retain the ability to impose conditions and safeguards upon each use that are deemed necessary for the protection of the public welfare.

D. Uses requiring Special Land Use are specifically cited as such under the districts outlined in Article 5. Certain uses have additional provisions for their review and implementation outlined in Article 8 of this Ordinance.

1. These additional provisions were created in response to the particular and unique characteristics of the use to mitigate impact and protect the continued viability and personal enjoyment of adjacent properties and their use.

2. Some uses listed under the districts do not have additional provisions provided for in Article 8. These uses are still eligible for review as a Special Land Use and subject to provisions and conditions as provided under Article 7.

SECTION 702 SPECIAL LAND USE APPLICATION (SECTION 702.B.2, AMENDED 2017)

A. Any person with a legal interest in a property may apply for Special Land Use approval. An application and required information shall be submitted to the Zoning Administrator and must contain the following to be accepted for review by the Planning Commission and City Council:

1. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a

general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.

2. Payment of review fees as adopted and published by the City.

3. Ten (10) copies of a Final Site Plan drawing(s) showing information as required under Section 604. A narrative report shall accompany the Final Site Plan providing a description of the project, discussing the concept and feasibility of the project. Additional copies may be requested by the Zoning Administrator as necessary.

4. It shall be incumbent upon the applicant to also furnish adequate evidence in support of the proposed Special Land Use complying with the provisions of this Ordinance. It shall be the obligation of the applicant to furnish sufficient evidence, or proof, of present and future compliance with the provisions of the Ordinance.

B. Upon receipt of a petition for Special Land Use approval, which includes a Final Site Plan, the Zoning Administrator and/or their assigns shall review the application for completeness. An application that does not contain the information required by this Ordinance shall be returned to the applicant.

1. An application that contains the information required by this Ordinance shall be scheduled for a public hearing before the Planning Commission. The application must be submitted and marked complete with ample time to notify residents potentially affected by the proposal and to allow proper notification of a public hearing, pursuant to State law. The proposal will then be placed on the agenda and seen before the Planning Commission at the earliest available meeting date.

2. Once an application is marked complete by the Zoning Administrator, the Clerk shall provide public notice for the public hearing at which the application for Special Land Use approval and a Final Site Plan will be heard. The Clerk shall provide public notice under Sections 306, herein. (2012)

3. By submittal of a petition for Special Land Use approval, the applicant grants permission to the Zoning Administrator and/or assigns, members of the Planning Commission and City Council the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

C. Until a petition for Special Land Use, including Final Site Plan approval as prescribed herein, has been approved and until proper zoning and building permits have been

granted pursuant to the Special Land Use approval, there shall be no excavation of land, construction of structure or infrastructure, or shall there be made any use of land related to the petition for the Special Land Use unless in accordance with the provisions set forth in Section 604.C.

SECTION 703 PROCEDURE FOR REVIEW AND DECISION

A. The Planning Commission shall conduct a public hearing regarding the petitioned Special Land Use. Following the public hearing, the Planning Commission shall review the petitioned Special Land Use and Final Site Plan and shall take one of the following actions:

1. Recommendation of Approval - Upon finding that the Final Site Plan meets the criteria and standards set forth in Sections 604 and 606, the provisions specific to the use being petitioned for as found in Article 8, and the Special Land Use meets the basis of determination provisions under Section 704.A, the Planning Commission shall recommend approval (with or without conditions) of the Special Land Use and Final Site Plan to the City Council.

    a. The Planning Commission shall make findings based on the particular facts of the petition and the analysis of conformance and compliance with the provisions of this Ordinance. These findings shall be embodied in a statement of conclusions formulating the basis for the decision.

    b. If conditions are determined to be necessary to the approval of the Special Land Use petition, the conditions shall be determined based upon the provisions of Section 704.C.

2. Tabling - Upon finding that the petition for Special Land Use approval does not meet the criteria and standards set forth in in Sections 604 and 606, the provisions specific to the use being petitioned for as found in Article 8, and the petition does not meet the basis of determination provisions under Section 704.A, but the petition could meet such criteria if revised, the Planning Commission may table action until requested revisions are submitted. If revisions are not submitted within three (3) months of the action to table by the Planning Commission, the petition shall automatically be null and void.

3. Recommendation of Denial - Upon finding that the petition for Special Land Use approval and Final Site Plan do not and cannot meet the criteria and standards set forth in Sections 604, 606, 704.A and specific provisions set forth in Article 8, the Planning Commission shall recommend denial of the petition to the City Council. In doing so, the Planning Commission shall define its rationale in a statement of conclusions formulating the basis for the decision.

B. Upon receiving a recommendation from the Planning Commission, the City Council shall review the petition for Special Land Use, including the Final Site Plan, and the recommended conditions and revisions forwarded by the Planning Commission. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Section 704.A, the City Council may accept or reject the recommendation of the Planning Commission and shall approve, deny, or table the petition for Special Land Use approval. The City Council may also refer the petition back to the Planning Commission for additional consideration.

C. If the petition for Special Land Use and the Final Site Plan is approved (with or without conditions) it must be approved pursuant to the provisions of Article 6 prior to commencement of use of land or structure for which the Special Land Use was approved. The Final Site Plan shall be in compliance with the provisions of the Special Land Use approval, including conditions, revisions and informational requirements.

SECTION 704 BASIS OF DETERMINATION AND CONDITIONS

A. The Planning Commission and City Council shall review the particular circumstances of a petition for Special Land Use approval in terms of the following standards, and shall grant its recommendation of approval or approval only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1. The proposed use, activities, processes, materials, equipment and conditions of operation will not be detrimental to the public welfare, persons or property by reason of excessive noise, fumes, dust, glare, traffic or objectionable odors.

2. Essential public facilities and services such as roads, fire and police protection, drainage facilities, refuse disposal, schools are adequate for the proposed use or are capable of being adequately provided for.

3. Requirements for additional public services and facilities that will be created by the proposed use will not be detrimental to the economic welfare of the community.

4. All standards set forth in this Ordinance will be complied with, including any standards set forth in this Ordinance for a particular use.

5. All administrative requirements pertaining to the issuance of a Special Land Use approval have or will be complied with.

6. The proposed use, activities, processes, materials and equipment and conditions of operations shall be consistent with the goals, objectives and policies of the Master Plan.

7. The proposed land use or activity is compatible with the adjacent uses of land and natural environment.

B. The Planning Commission has the ability to recommend conditions necessary to insure compliance with the preceding standards and other provisions of this Ordinance. Such conditions shall be enforced by the Zoning Administrator and shall be recorded in the record of the approval of the Special Land Use. The City Council shall have the ability to remove or add conditions without referral of the application back to the Planning Commission for additional review and recommendation.

C. Conditions to a Special Land Use approval shall adhere to the following standards and criteria:

1. Ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility requirements.

2. Promote and insure compatibility with adjacent uses of land and to protect through screening and buffering.

3. Protect and conserve natural resources and energy and to protect the environment and health, safety and welfare of the residents and future residents of the community.

4. Promote the use of land in a socially and economically desirable manner and to protect the social and economic well-being of those who will use the land or activity, residents and property owners immediately adjacent to the proposed land use or activity, and the community as a whole.

5. Be related to the valid exercise of the police power, and to the proposed use or activity.

6. Meet the intent and purpose of this Ordinance and provisions outlined herein; be related to standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with the standards outlined as the basis for determination.

SECTION 705 PERFORMANCE GUARANTEE

A. In reviewing a petition for Special Land Use, the Planning Commission may recommend and the City Council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the applicant and/or

property owner to insure compliance with an approved Special Land Use, including conditions ultimately approved. Such guarantee shall be deposited with the City Clerk prior to issuance of any zoning or building permits.

B. In fixing the amount of such performance guarantee, the City Council shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the community. Items included under the performance guarantee include, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee, or some other form of surety, is required pursuant to State law.

SECTION 706 SPECIAL LAND USE EFFECTIVE DATE AND EXPIRATION (AMENDED 2012)

A. The approved Special Land Use shall become effective upon determination of compliance with the Final Site Plan as set forth under Section 605.C.

1. Land subject to a Special Land Use approval may not be used or occupied for petitioned purposes until after a zoning permit for same has been issued pursuant to this Ordinance.

2. No zoning or building permit shall be issued until compliance with the City Council's approval of the Special Land Use has been substantiated on the Final Site Plan.

B. A Special Land Use shall be valid for as long as the use, permitted development and conditions continue in accordance with the recorded terms stated therein.

1. For property under an approved Special Land Use, substantial construction, as opposed to site preparation activities, on the proposed site must commence within twelve (12) months of the effective date of the Special Land Use. If the permit holder fails to commence construction within twelve (12) months of the effective date, the approval shall expire and shall be of no further force and effect. If the special land use is for use of land or of an existing building with no modification necessary, the permit holder must commence the use within twelve (12) months of the effective date.

2. The Zoning Administrator shall notify in writing the petitioner, owner of property and/or use that an approval is subject to expiration. The City Council shall assess, at the request of the owner of property affected by the Special Land Use, if an extension is warranted due to unusual circumstances that are beyond the control of the applicant and make recommendation to the City Council.

C. A Special Land Use shall be valid for as long as the use, permitted development and conditions continue in accordance with the recorded terms stated therein.

1. For property under an approved Special Land Use, substantial construction, as opposed to site preparation activities, on the proposed site must commence within twelve (12) months of the effective date of the Special Land Use. If the permit holder fails to commence construction within twelve (12) months of the effective date, the approval shall expire and shall be of no further force and effect. If the special land use is for use of land or of an existing building with no modification necessary, the permit holder must commence the use within twelve (12) months of the effective date.

2. The Zoning Administrator shall notify in writing the petitioner, owner of property and/or use that an approval is subject to expiration. The City Council shall assess, at the request of the owner of property affected by the Special Land Use, if an extension is warranted due to unusual circumstances that are beyond the control of the applicant and make recommendation to the City Council.

SECTION 707 COMPLIANCE WITH SPECIAL LAND USE

A. It shall be the duty and obligation of the party responsible for the Special Land Use to at all times be in compliance with the use requirements of this Ordinance and the stipulations of the Special Land Use approval under which their particular use is governed.

B. The development, of which the Site Plan and use are governed by the Special Land Use approval, is subject to inspection by the Zoning Administrator or their assigns, to verify compliance with the approval and this Ordinance.

C. Failure to maintain compliance shall constitute a violation of this Ordinance and be subject to the penalties and remedies provided in Section 307 and the continuance thereof is hereby declared to be a nuisance per se.

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Discover ☆ Enjoy ☆ Celebrate!

Special Use Land Permit Application $250

Name of Applicant: _____ (Owner/Tenant/Other)

Address:

Telephone: _____

Description of Property:

Address: _____

Legal Description:

_____

_____

_____

Presently Zoned: _____

Details of Request:

_____

_____

_____

_____

_____

Supporting Materials: Site Plan ( ) Other ( )

Applicants Signature: _____ Date: _____

Action taken by Planning Commission: Approved ( ) Denied ( )

Remarks: _____

Action taken by City Council: Approved ( ) Denied ( )

Remarks: _____

Date: _____ City Clerk Signature: _____

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City of Laingsburg
Site Plan Review Application $750.00 Fee

Office Use Only:

Fee Deposited____ Escrow Required____ Amount _____
Site Plan Review____ Special Land Use/Site Plan Review ____ Completed Zoning Permit Filed____

Submittal Requirements: Written Statements Received____ 10 Copies of site plan review ____
Date Filed _____ Case # _____ Proposed Meeting Date_____
Planning Commission Date _____ Action _____

All applications must be received at least three (3) weeks in advance of the next regularly scheduled Planning Commission meeting.

Project Name: _____

Applicant: _____

Primary Contact Person: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

Brief Description of Use: _____

Applicant's Signature: _____

Property Owner: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

Owner's Signature: _____

Property Address: _____

Current Zoning: _____ Current Land Use: _____

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Tax Identification Number and Legal Description (attaché separate sheet is necessary)

_____
_____
_____
_____

For Residential Uses:

Type of Dwelling Units _____

Total Number of Units _____ Estimated Population _____

All Other Uses:

Estimated Number of Employees _____ Parking Spaces _____

Hours of Operation _____

Architect/Planner _____

Address _____ City/State/Zip _____

Phone _____ Fax _____ Email _____

Engineer _____

Address _____ City/State/Zip _____

Phone _____ Fax _____ Email _____

Submittal Requirements

1. A brief, written project description, which includes the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided and other related pertinent information as applicable.
2. Written statement relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and other existing utilities); the natural environment of the site and adjoining land.
3. A statement from the applicant identifying all federal state and local permits required, if any, and their status.
4. A project completion schedule.

5. Ten (10) copies of a professional quality drawing at a scale of 1"=10' except where written guidelines within the zoning ordinance differ, that details the following information:

   Please use this list as a guide only – Please refer to Section 605 for Final Site Plan review (attached) to address each item required, if you believe an item is not required for your specific project, list the item and explain why it is not applicable.

   - The name of the development or project.
   - The name, address and seal of the person/s who have prepared the drawing.
   - Property dimensions and a legal description for the parcel/s.
   - The proposed square footage of the building or structure if applicable.
   - The existing acreage or size of the parcel.
   - The zoning and existing land use of the adjacent parcels (including across the street)
   - The location of drives, structures, and other pertinent built features (including across the street).
   - The existing natural features, such as woodlots and any bodies of water, wetlands or wooded areas and topography (at two-foot intervals). Indicate any natural features to remain and/or to be removed.
   - Existing man-made features, including signs, structures, and roads. Indicate which features are to remain or be removed.
   - Location of all existing or proposed utilities, including natural gas, cable, electric, telephone, fire hydrants; and the location and design of water supply, storm water management facilities and waste water systems.
   - Location of exterior drains, dry wells, catch basins, retention and/or detention area, sumps, and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.
   - Proposed streets, driveway, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including the driveway curb returns. The width of streets, driveways, and sidewalks, the total number of parking spaces and dimensions of the typical individual parking space and associated aisles and all existing or proposed public right-of-way and private easements.
   - Location of all structures, buildings and uses, whether primary or accessory uses or structures, including flagpoles, light poles, bulk heads, docks, storage sheds, trash receptacles and signs, and the method of screening where applicable.

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Site Plan Review Evaluation

Thank you for investing in Laingsburg with your project. We are always looking to make development processes clear and predictable for developers. In an effort to improve our procedures and processes, we welcome your input on our site plan review process. This survey will help city personnel in learning from your experience about the efficiency and effectiveness of our existing site plan review process and updating it as needed.

1. Please indicate the categories that best describe you.

☐Resident Owner ☐Contractor ☐Commercial Property

☐Business Owner ☐Developer ☐
Other_____

2. Were you able to find information regarding our processes and planning requirements on our website?

☐Yes ☐Somewhat ☐No

3. Did you have a clear understanding of the materials needed for the site plan review?

☐Yes ☐Somewhat ☐No

4. Did you have a clear understanding of the timeline and processes of the site plan review?

☐Yes ☐Somewhat ☐No

5. How was the pace of the site plan review process?

☐Too fast/difficult to keep up ☐Quick and efficient ☐Medium or average

☐Slower than most ☐No action: required constant intervention to make progress

6. Did you feel that the Planning Commission understood your concerns, addressed relevant items, and was thorough?

☐Yes ☐Somewhat ☐No

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Please explain:

_____

_____

_____

_____

7. Do you feel that city staff was responsive to your questions, comments, and concerns?

☐Yes ☐Somewhat ☐No

Please explain:

_____

_____

_____

_____

8. Did you find the site plan review to be a fair and judicious process compared to other municipalities in which you have worked?

☐Yes ☐Somewhat ☐No

Please explain:

_____

_____

_____

_____

9. What can we do to improve the planning page of the city website?

_____

_____

_____

_____

_____

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10. Please share with us any additional comments and/or suggestions.

_____

_____

_____

_____

Thank you for your feedback!

Please return completed evaluation to Paula Willoughby.
EMAIL: Treasurer@laingsburg.us
MAILING or IN PERSON:
Laingsburg City Hall
114 N. Woodhull
P.O. Box 178
Laingsburg, MI 48848