

ARTICLE 86 - SPECIAL USE PERMITS

8601. Purpose:

The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses.

- A. In establishing Land Use Districts, as set forth in this Ordinance, it is recognized that there is need to provide a controllable and reasonable flexibility in the requirements for certain land uses, while allowing practical latitude for the investor; and, at the same time, maintain adequate provisions for the security of the health, safety, convenience, and general welfare of the inhabitants of Maple Grove Township. In order to accomplish such a dual objective, provision is hereby made to allow for issuance of Special Land Use Permits.
- B. Special Uses are those uses of land which are not essentially incompatible with the uses permitted in a Zoning District, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent land usages.
- C. The Standards for approval and requirements provided for under provisions of this Section shall be in addition to those required elsewhere in this Ordinance which are applicable to the Land Use under consideration.
- D. This Section hereby authorizes the Maple Grove Township Planning Commission, in its absolute discretion, to issue Special Land Use Permits, provided:
 1. The proposed use is one listed as a Special Land Use for that District in which said use is proposed to be located; and
 2. The Maple Grove Planning Commission is satisfied, before approving a Special Land Use Permit request that
 - a. the standards of the District in which the Special Land Use is to be located are fulfilled; and
 - b. that the Special Land Use, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by the Planning Commission, would be compatible with other uses expressly permitted within said district, with the natural environment and the capacities of public service and facilities affected by the land use; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability and that the standards required by the Planning Commission for the allowance of such Special Land Use, can and will, in its judgement, be met at all times by the Applicant. The burden of proof of facts which might establish a right to a Special Land Use under the foregoing standards shall be upon the Applicant.

8602. Required Information:

Information Required in Application:

- A. An application for Special Use Permit shall include:
 1. The applicant's name and address.
 2. A signed affidavit that the applicant is the owner, or has an ownership interest, or is acting on the owner's behalf.
 3. The address and legal description of the property.

4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8603.E of this Ordinance.
 5. A detailed site plan as specified in Section 9406 of this Ordinance.
 6. A complete description of the proposed development including: Areas of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, and related material as applicable.
 7. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
 8. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
 9. Evidence of having received or having an agreement for, or concurrent approval for, any other necessary permits required prior to a Construction Code Permit.
- B. In addition, the applicant may be required to furnish:
1. Elevations on all buildings, including accessory buildings.
 2. An environmental assessment.
 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
- C. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

8603. Special Land Use Procedure:

- A. All applications for Special Land Use Permits shall be filed with the Zoning Administrator, in quadruplicate, and shall include the documents, above set forth, together with the fee, in accordance with the Schedule of fees adopted by the Maple Grove Township Board, to cover the cost of processing the application. No part of the fee shall be refundable.
- B. If the application is complete and in the proper form, the Zoning Administrator shall notify the Planning Commission which shall schedule and hold a hearing upon the request.
- C. The Zoning Administrator shall notify the following persons of the application being considered, so that notice is sent not less than fifteen (15) days before the date the application will be considered and the notices sent to:
1. The applicant.
 2. The owner of the property, if different.
 3. The owners of all real property within three-hundred (300) feet of the boundary of the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 4. Occupants of any structures within three-hundred (300) feet of the boundary of the property for which the approval has been requested, regardless of whether the owner and property is located in Maple Grove Township or not. Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (1) 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

- of the structure who shall be requested to post the notice at the primary entrance to the structure.
5. The general public by publication in a newspaper which circulates in Maple Grove Township.
 6. The members of the Planning Commission.
- Except as provided in paragraph 5., the notice to other persons shall be mailed or personally delivered. If the name of the occupant of any property required to be given notice is not known, the term "occupant" may be used in making notification under this Section 8603.C.
- D. The notice required under Section 8603.C. shall include:
1. The nature of the Special Land Use Permit being requested.
 2. The property(ies) for which the request has been made.
 3. A listing of all existing street addresses (if any) within the property(ies) which is(are) the subject of the Special Land Use.
 4. The location where the application documents can be viewed and copies prior to the date the application will be considered.
 5. The date, time and location of the public hearing on the application.
 6. The address at which written comments should be directed prior to the Planning Commission's consideration of the Special Land Use Permit request.
 7. For members of the Planning Commission only, a complete copy of the Special Land Use Permit application and supporting documents in the record.
- E. Following such hearing, the Planning Commission shall either grant or deny a permit for such Special Land Use and shall reduce its decision to writing which includes a statement of findings and conclusions relative to the Special Land Use that specifies the basis for the decision and any conditions imposed. All conditions upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Zoning Administrator of the township. Any conditions upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- F. The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions imposed upon such use. Any use failing to comply with such conditions may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.
- G. The plot plan and specifications and all conditions imposed by the Planning Commission shall be recorded with the township and shall be incorporated as a part of the Special Land Use permit. Violations of any of these at any time shall cause revocation of said permit and said special land use shall cease to be a lawful use.
- H. Any property which is the subject of a Special Land Use Permit which has not been used for a period of Sixty (60) days (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such Special Land Use Permit was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special land use shall thereupon terminate.
- I. To insure compliance with the zoning ordinance and any conditions imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the

residents of the township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check, or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition which is conditioned upon the faithful completion of the project. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the Project will take more than Ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

[Annotation: The procedures prescribed in the Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

8604. Special Land Use - Specific Standards:

A. Communication Tower Facilities

1. Communication Tower Facilities may be permitted by special use permit pursuant to Section 8601 et seq. of this Ordinance provided said use:
 - a. Shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line or leased area boundary. The setback standard may be reduced by up to fifty percent (50%), if the construction plan, the tower, and its guying/anchoring system are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties.
 - b. All guy wires/cables and anchors shall meet the zoning setback standards of the district.
 - c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The following standards will be required for all Communication Tower Facilities:
 - a. Wireless Communication Facilities may be permitted if it is found that there is no reasonable opportunity for them to be built as a permitted use in compliance with Section 1072 of this Ordinance. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure.
 - b. The proposed height meets FCC and/or FAA regulations.
 - c. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.
 - d. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.
 - e. All new towers shall be constructed in such a manner so as to provide co-location of at least five additional antennae. Depending on tower height, additional co-located antennae may be required by the Commission. These antennae sites shall be made available at a fair market value on a need for basis to anyone wanting to mount commercial communication equipment. This commitment shall be reflected as a condition in the special use permit for the tower. No new construction will be approved, unless it can be demonstrated that space on existing towers is unavailable or unsuitable.
 - f. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 - g. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).

B. Sexually Oriented Business

1. Purpose. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial and industrial zones of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.
2. Conditions. In order to obtain and retain a special use permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:
 - a. A special use permit must be acquired through the special use procedures as described in this Section;
 - b. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this Section shall not be located within 1,000 feet of two other such regulated uses as defined by this Section, nor within 300 feet of any residentially zoned district, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
 - c. The regulated uses, as defined by this Section, shall only operate between the hours of 8 a.m. and 10 p.m.;
 - d. There shall be a manager on the premises at all times;
 - e. No one under the age of 18 shall be allowed onto the premises by the on site manager of the regulated use;
 - f. If a transfer of ownership or control occurs the existing special use permit shall be considered void. A new permit shall be applied for in advance of the proposed transfer;
 - g. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building of the regulated use

[Annotation: This section added by amendment January 17, 2001.]

[Annotation: Part 3 of Section 8604.B. deleted by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

ARTICLE 88 - PLANNED UNIT DEVELOPMENT (P.U.D.)

8801. Purpose:

The purpose of this Section is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the township; and encourage the use, reuse and improvement of existing sites and buildings when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards for the site and surrounding area. This district is intended to accommodate developments with the mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purpose above.

8802. Permitted Uses:

- A. All residential uses; all business, service and professional offices; all light manufacturing; and all commercial uses or any combination of uses may be permitted in a planned unit development, and accessory uses allowed in land district regulations.
- B. Any PUD which includes uses which are not permitted or specially permitted in the underlying zoning district will require a zoning amendment in addition to the approval of an administrative permit under this Article.
- C. Any PUD which increases the density or size of any use or uses beyond what is permitted or specially permitted in the underlying zoning district will require a zoning amendment in addition to the approval of an administrative permit under this Article.

[Annotation: Parts B. and C. of this Section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

8803. PUD - Planned Unit Development Regulations and Standards for Approval:

The following provisions shall apply to all PUD zoning classifications:

- A. Ownership: The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

8804. Establishment, Amendment Procedure:

A PUD zoning classification shall be established, amended or removed pursuant to the Procedure set forth in the applicable sections of this Ordinance and the additional procedures set forth in this Section, provided, however, that a PUD zoning classification may be initiated only by a Petitioner.

8805. Standards for Approval:

Based upon the following standards, the Planning Commission, after its review, may deny or approve the proposed Planned Unit Development.

- A. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment. This beneficial effect for the Township (not the developer) shall be one which could not be achieved under any other single zoning classification.
- B. The uses proposed shall be consistent with the land use plans adopted by the township.

- C. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The Planning Commission may, if deemed appropriate, require for Planned Unit Developments, more or less open space than that required by this Zoning Ordinance.
- D. Off-Street Parking sufficient to meet the minimum required in any zoning district in which the Planned Unit Development will be located.
- E. Landscaping shall be provided so as to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- F. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and to the district shall be provided.
- G. Major natural, historical and architectural features of the district shall be preserved.

8806. Material To Be Submitted:

The applicant for any PUD zoning classification shall submit the following technical and/or graphic materials together with the application for a PUD classification approval.

- A. A PUD development plan --detailed site plan as specified in Section 9406 of this Ordinance, which also shows all uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, and total open space.
[Annotation: Changed by amendment, August 9, 1995, effective August 10, 1995 at 12:01am.]
- B. The PUD development plan shall indicate the entire contiguous holdings of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed, which plan shall exhibit any unusual problems of topography, utility services, land usage of land ownership; said plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or the land development regulations.
- C. The applicant shall present material as to the development's objectives and purposes to be served; proposed financing sources; economic feasibility, conformity to plans and policies of the township market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of an expected completion date of the various elements of the plan.
- D. All applications shall include photographs of all sides of all existing buildings. Any additional graphics or written materials requested by Planning Commission in visualizing and understanding the proposal shall be submitted.
- E. Construction and occupancy schedule.
- F. A legal description of the property.
- G. Descriptions of lands to be conveyed, dedicated, or reserved for parks, streets, school sites, and similar public and semi-public uses.

8807. PUD Procedure:

- A. All applications for Planned Unit Development Permits shall be filed with the Zoning Administrator in quadruplicate and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Planned Land Unit Development, together with a fee in accordance with the Schedule of fees adopted by the Maple Grove Township Board to cover the cost of processing the application. No part of the fee shall be refundable.
- B. The Planning Commission may, if it so desires, hold preapplication conferences before submission of a planned unit development request and submission of preliminary site plans before the public hearing(s).
- C. If the approval of the PUD will require a zoning amendment under Section 8802.B or 8802.C, the approval of such PUD shall follow the procedure prescribed in Section 9803 for amending this Ordinance. In all other cases the procedures prescribed in Section 8807D., E., and F. shall apply.

[Annotation: Part C. added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

- D. Upon receipt of a complete application in the proper form, the Planning Commission shall schedule and hold at least one (1) public hearing on the request. The Planning Commission shall notify the following persons of the application being considered, so that notice is sent not less than fifteen (15) days before the date the application will be considered and the notices sent to:
1. The applicant.
 2. The owner(s) of the property included in the PUD, if different.
 3. The owners of all real property within three-hundred (300) feet of the boundary of the property for which the PUD approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 4. Occupants of any structures within three-hundred (300) feet of the boundary of the property for which the PUD approval has been requested, regardless of whether the owner and property is located in Maple Grove Township or not. Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. 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 of the structure who shall be requested to post the notice at the primary entrance to the structure.
 5. The general public by publication in a newspaper which circulates in Maple Grove Township.
 6. The members of the Planning Commission.
- Except as provided in paragraph 5., the notice to other persons shall be mailed or personally delivered. If the name of the occupant of any property required to be given notice is not known, the term "occupant" may be used in making notification under this Section 8807.D.
- E. The notice required under Section 8807.D. shall include:
1. The nature of the PUD for which approval is being requested.
 2. The property(ies) for which the PUD request has been made.
 3. A listing of all existing street addresses (if any) within the property(ies) which is(are) subject of the PUD.
 4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
 5. The date, time and location of the public hearing on the application.
 6. The address at which written comments should be directed prior to the Planning Commission's consideration of the PUD request.
 7. For members of the Planning Commission only, a complete copy of the PUD Permit application and supporting documents in the record.
- F. Following such hearing(s), said Planning Commission shall meet for final consideration of its request and shall either grant or deny a permit for such Planned Unit Development and shall state its basis for its decision in the matter. The Planning Commission shall reduce its decision to writing which includes a statement of findings and conclusions relative to the PUD that specifies the basis for the decision and any conditions imposed. The decisions and all conditions upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Zoning Administrator of the township. Any conditions upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use

or activity; be consistent with the intent and purpose of its zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- G. Any Planned Unit Development failing to comply with the conditions of any permit, may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.
- H. The plot plan and specifications and all conditions imposed by the Planning Commission shall be recorded with the township and shall be incorporated as a part of the Planned Unit Development permit. Violations of any of these at any time shall cause revocation of said permit and said Planned Development shall cease to be a lawful use.

[Annotation: The procedures prescribed in this Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01 a.m.]

8808. Time for Completion of Development:

The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started within sixty (60) days of the establishment of the district and work must be continued in a reasonably diligent manner and completed within one (1) year of the establishment of the district. Said one (1) year period may be extended if applied for by the petition and granted by Planning Commission in writing following public notice and public hearings. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.

8809. Guarantee of Completion of Public Improvements:

To assure the completion of the public improvements in the PUD, the developer or his agent shall provide a financial guarantee of performance. This guarantee shall be equal to one hundred twenty (120%) per cent of the estimated construction cost of the public improvements in the PUD. Public improvements shall be taken to mean all improvements which under the plan are to be dedicated or conveyed to the township, or which are to become part of the township system or which the township may become responsible for including such costs as removal or restoration. The financial guarantee shall be filed in one of the following forms:

- A. Bond. The bond shall accrue to the township, be executed by the developer as principal and a corporate surety authorized to do business in Michigan and acceptable to the township as surety, be for a term specified by the Township Board, and shall be otherwise in a form acceptable to the township Attorney and in substance acceptable to the Township Board.
- B. Other. The Township Board may, without public hearing or notice, by resolution, agree to accept a cash deposit, certified check, negotiable bond or irrevocable bank letter of credit as security for the completion of such improvements, on such terms as the Township Board chooses to impose.

8810. Deviations from Approved PUD Site Plan:

- A. Minor changes to a previously approved PUD site plan may be approved by the Zoning Administrator without the necessity of a Planning Commission approval, provided that the proposed revision constitutes a minor alteration and does not alter the basic design or any specific conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall record all such changes on the original PUD site plan and shall advise the Planning Commission of all said minor revisions within fifteen (15) days of said administrative approval. Minor alterations or revisions under this action shall be limited to:
1. Addition or relocation of all fire escapes.
 2. Shifting of building heights and elevations, providing such shifting does not exceed ten (10%) per cent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
 3. Construction of additional or alteration of approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.

4. Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce the minimum landscape requirements.
 5. Relocation of refuse collection stations.
 6. Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further Provided that such rearrangement does not inhibit good traffic flow or circulation.
 7. Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten (10%) per cent of the total number of units.
 8. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
- B. A PUD final phase PUD site plan approval shall be assigned only after Planning Commission approval of the preliminary phase PUD development plan. Any deviation from the approved PUD site plan, except as authorized in Section 8810 of this ordinance, shall be considered a violation of this Ordinance and subject to the penalties stated in this Ordinance.

ARTICLE 94 - SITE PLAN

[Annotation: Entire Article added by amendment, adopted August 9, 1995; effective August 10, 1995 at 12:01am.]

9401. Purpose:

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Commission under the provisions of a Special Use Permit and provides for the option of site plan review by the administrator.

9402. Site Plan Review:

- A. Every application for a zoning permit shall include a site plan, drawn according to the specifications of this article. (A demand for appeal before the Appeals Board shall include a site plan drawn according to the specifications of this article.) The administrator shall review the site plan prior to issuing a zoning permit, or the administrator shall transmit the site plan to the Commission for their review.
- B. There shall be three levels of site plans, for different complexities of proposed land uses:
 1. A Basic Site Plan (Section 9404), for dwellings, additions to dwellings and construction of accessory structures to dwellings. These site plans shall only be subject to review by the Administrator.
 2. A Medium Site Plan (Section 9405), for any permitted use --which is not a dwelling, addition to a dwelling, construction of accessory structures to dwelling-- and for any matter before the Appeals Board which would not need a Detailed Site Plan. The Commission shall publish policy for when a Medium Site Plan --not drawn for purposes of an Appeal-- shall be required to be reviewed by the Commission and/or a committee of the Commission, or the Administrator.
 3. A Detailed Site Plan (Section 9406), for any Special Use, Planned Unit Development. These site plans shall only be subject to review by the Commission.
- C. Whenever possible site plan review by the administrator and Commission shall be coordinated and done simultaneously with other reviews by the administrator and Commission on the same application.

9403. Optional Sketch Plan Review:

Prior to submitting an application, or site plan, for a zoning permit an applicant may choose to submit a sketch plan for review by the administrator and/or Commission. The sketch plan shall be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed parcel, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

9404. Required Data for a Basic Site Plan:

The Basic Site Plan shall be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey, of the parcel. The following shall be shown on the Basic Site Plan:

- A. The property, identified by parcel lines and location and size.

- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale, north point
- D. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- E. The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings and square footage of floor space.
- F. The proposed driveway, if any.
- G. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)

9405. Required Data for a Medium Site Plan:

The site plan shall be drawn to scale and shall be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use.

- A. All the data required for a Basic Site Plan, spelled out in Section 9404 of this Ordinance.
- B. The parcel's legal description.
- C. Boundary dimensions of natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- D. Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines,
- E. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and snow storage areas.
- F. Any proposed alterations to the topography and other natural features shall be indicated.
- G. Any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A description of the proposed development.
- I. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. Required Data for a Detailed Site Plan:

A site plan which shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Commission, upon initial review of the site plan, may act to require any information specifically waived by the administrator to be submitted. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor or community planner (or, if acceptable to the Commission, owner or other qualified individual). Unless so waived, all site plans shall include the following information:

- A. All the data required for a Basic Site Plan, set forth in Section 9404 of this Ordinance and for a Medium Site Plan, spelled out in Section 9405 of this Ordinance.
- B. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.
- C. The location, proposed finished floor and grade line elevations.

- D. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.
- E. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site;
- F. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography.
- G. Generalized soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils.
- H. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407. Required data for a site plan involving special groundwater protection provisions:

- A. Applicability of this additional site plan content for groundwater protection: Facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which use or generate hazardous substances:
 - 1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less
 shall be subject to site plan review requirements.
- B. In addition to all the data required for a Basic Site Plan, set forth in Section 9404, Medium Site Plan set forth in Section 9405, or a Detailed Site Plan set forth in Section 9406, whichever is applicable; the following shall also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - 2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
 - 3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/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 be specified on the site plan.
 - 4. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries.
 - 5. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - 6. Submission of the "Hazardous Substances Reporting Form for Site Plan Review".
 - 7. Submission of the "State/County Environmental Permits Checklist".
 - 8. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of

the applicant or may be required at the option of the Commission or administrator, whichever is applicable.

9408. Submission of a Site Plan:

Three (3) copies of a site plan shall be submitted with a zoning permit application to the administrator. In the case where a committee of the Commission or the Commission is reviewing the site plan, eight (8) copies of the site plan shall be submitted to the administrator.

9409. Review for Completeness:

The Administrator shall review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding shall be done concurrently with similar required findings that a zoning application is complete.

- A. If the site plan is not found to be complete, the administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.
- B. If the site plan is found to be complete, the administrator shall:
 - 1. Only as applicable, forward copies of the site plan to the Township Engineer, County Road Commission, Township Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and
 - 2. Determine if the site plan is to be reviewed and acted upon by him, and then do so, or
 - 3. Determine if the site plan is to be reviewed and acted upon by the Appeals Board, and then forward the copies of the site plan to each member of the Appeals Board a week prior to their meeting, or
 - 4. Determine if the site plan is to be reviewed and acted upon by the Commission or a committee of the Commission, and then set up a site plan review meeting and forward the copies of the site plans to each member of the Commission (or a committee of the Commission) a week or more prior to the Commission's meeting.

9410. Standards for Site Plan Review:

The following standards shall be used by the Commission and administrator to review site plans:

- A. All applicable regulations of this Ordinance which apply generally to all districts, and all applicable regulations of this Ordinance which apply to the specific zoning district, to any conditions imposed with the granting of a Special Use Permit or variance, shall be shown on the site plan as being complied with.
- B. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground unless this requirement is specifically waived by the administrator, Commission or Appeals Board upon review of the site plan.
- C. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the Township and designed in compliance with any applicable federal and state statute, township and county ordinance.

9411. Approval and Compliance:

- A. In cases where the administrator reviews the site plan pursuant to section 9402; within seven (7) days of the site plan being found complete, as specified in section 9409, the Administrator shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- B. In cases where the Commission, or a committee of the Commission, reviews the site plan; within sixty (60) days of the site plan being found complete, as specified in section 9409, the Commission shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.

- C. The action shall be recorded in a record of the zoning application and shall be filed with the administrator. The administrator or Commission shall notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection. If the administrator or Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and administrator or Commission mutually agree, the time limit may be extended.

9412. Conditions of Site Plan Approval:

- A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.
- B. Reasonable conditions may include conditions necessary to:
 - 1. insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
 - 2. protect the natural environment and conserve natural resources and energy,
 - 3. insure compatibility with adjacent uses of land, and
 - 4. promote the use of land in a socially and economically desirable manner.
- C. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

9413. Security Requirement:

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the administrator or the Commission may require
 - 1. a cash deposit,
 - 2. certified check,
 - 3. irrevocable bank letter of credit or
 - 4. surety bond.in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

9414. File Copies:

At least two (2) copies of the site plan, all accompanying documents, record of approval, list of conditions, security shall be kept by the Township for its records.

9415. Zoning Permits:

No zoning permit or Michigan Construction Code building permit, issued pursuant to P.A. 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 *et. seq.*, shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9416. Amendment of Site Plan:

An application may be considered to amend an existing site plan, and shall be handled in the same manner as the initial site plan review prescribed by Section 9401 *et. seq.* of this Ordinance. By mutual agreement between the Township and applicant, minor nonsubstantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for work authorized by the Special Use Permit.

ARTICLE 96 - APPEALS BOARD

9601. Appeal:

Appeal of a decision by the Planning Commission on any application for a Special Land Use Permit may be taken to the Maple Grove Township Board of Appeals by any elected township official or the owner of property for which approval is being considered and the owners and occupants of all property within three hundred (300) feet of the boundary of the property for which approval is being considered. Any appeal shall be taken in the manner provided in Section 9602 of this Ordinance.

9602. Township Board of Appeals:

- A. There is hereby established the Maple Grove Township Board of Appeals as provided for by Act 181, Public Acts of 1943, as amended, of the State of Michigan. The membership qualifications, terms of office, duties and responsibilities of the Maple Grove Township Board of Appeals shall at all times be in conformance with the statutes in such case made and provided.
- B. A Township Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the Ordinance. The Board of Appeals shall consist of five (5) members; one (1) member shall be a member of the Township Planning Commission. An elected officer of the township shall not serve as chairperson of said Board and an employee or contractor of the Township Board may not serve as a member or an employee of said Board of Appeals. One (1) member may be a member of the Township Board.
- C. The term of each member shall be three (3) years, except as provided by statute, and until a successor has been appointed and qualified, which successor must be appointed not more than one (1) month after the expiration of the preceding term. Staggered terms shall be effected by the first two (2) appointed members serving for two (2) years and the remaining for three (3) years.
- D. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

[Annotation: Part D. of this Section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9603. Duties of the Maple Grove Township Board of Appeals:

- A. The Maple Grove Township Board of Appeals shall have such powers and shall perform such duties as provided by Statute and as may be set forth in this Ordinance including:
 - 1. The power to hear and decide questions that arise in the administration and interpretation of this Ordinance.
 - 2. The power to hear and decide questions that arise in the interpretation of zoning maps,
 - 3. The authority to grant variances from the strict requirements of this Ordinance, consistent with the standards prescribed in Section 9604.J of this Ordinance.
 - 4. The power to adopt rules governing its procedures sitting as the Board of Appeals.
- B. Procedures shall be established by the Board of Appeals whereby systematic review of all Variances granted is made to ascertain the compliance or default and procedures whereby Revocation of Variance Notices will be made.
- C. Dates and times of regularly scheduled meetings shall be determined by the Board of Appeals and published and posted.
- D. The Board of Appeals shall keep detailed Records and follow procedures as adopted per paragraphs (A)(4) or (B), above, or as may be required in Section 9604.

[Annotation: This section revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9604. Appeals:

- A. Appeals to Appeals Board. A demand for a zoning appeal is received by the Zoning Administrator. Appeals can be filed by:
 - 1. Any aggrieved person (including any Applicant); or
 - 2. An officer, department, board, or bureau of the state or local unit of government.
- B. The Appeals Board shall have the authority to:
 - 1. Grant requests for variances under the standards prescribed in 9604.J.
 - 2. Hear appeals concerning:
 - a. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - b. All administrative orders, requirements, decision or determination made the Zoning Administrator or other official or body charged with enforcement of this Ordinance.
 - c. All decisions of the Zoning Administrator.
 - d. All decisions concerning site plan review.
 - e. All decisions of the Planning Commission concerning the approval (with or without conditions) or denial of a Special Land Use Permit or PUD Permit.
- C. Upon receipt of a request for variance or demand for appeal, the Zoning Administrator will review the request or demand for appeal to ensure it is complete and the appropriate fee is paid.
 - 1. If the request for variance or demand for appeal is not complete, the Zoning Administrator shall return the request for variance or demand for appeal to the party filing the demand with a letter that specifies the additional material required.
 - 2. If the request for variance or demand for appeal is complete the Zoning Administrator and the Chairperson of the Board of Appeal shall establish a date to hold the hearing on the request for variance or appeal.
- D. The filing of an appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator or other body from which the appeal is taken certifies to the Board of Appeals that, by reason of facts stated in the certification, a stay would cause imminent peril of life or property, in which case proceedings may only be stayed by a restraining order issued by the Board of Appeals or the 19th Circuit Court.
- E. The notice of hearing regarding the appeal or variance request shall be published in a newspaper of general circulation within Maple Grove Township and shall be sent to the person requesting a variance or demanding an appeal not less than fifteen (15) days before the date of the hearing on such appeal. In the case of a request for variance, or where the subject of the appeal involves a specific parcel, notice of the hearing will also be sent not less than fifteen (15) days before the date of the hearing to:
 - 1. The owner(s) of the property affected by the decision or action that is the subject of the appeal or variance request, if different.
 - 2. The owners of all real property within three-hundred (300) feet of the boundary of the property involved in the decision or action that is the subject of the appeal or variance request, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 - 3. Occupants of any structures within three-hundred (300) feet of the boundary of the property involved in the decision or action that is the subject of the appeal or variance request regardless of whether the owner and property is located in Maple Grove Township or not. Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (1) 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 of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice to specific persons shall be mailed or personally delivered. If the name of the occupant of any property required to be given notice is not known, the term "occupant" may be used in making notification under this Section 9604.E.

- F. The notice required under Section 9604.E. shall include:
1. The nature of the appeal or variance being requested.,
 2. The property(ies) for which the appeal or variance request has been made.
 3. A listing of all existing street addresses (if any) within the property(ies) which is(are) subject of the appeal or variance request.
 4. The location where the demand for appeal or variance request can be viewed and copies prior to the date the request or appeal will be considered.
 5. The date, time and location of the hearing before the Board of Appeals.
 6. The address at which written comments should be directed prior to the hearing.
 7. For members of the Board of Appeals, a copy of the demand for appeal or variance, the entire record on the case, the staff report, and the supporting documents in the record.
- G. The Zoning Board of Appeals may require the applicant, for any variance to submit such surveys, plans, or other information in addition to such information already contained in the record as is necessary for the Zoning Board of Appeals to investigate thoroughly the matters before it.
- H. The Board of Appeals shall hold a hearing on each request for variance or demand for appeal.
1. Representation at Hearing. Any party or parties may appear in person or by agent or attorney at the hearing.
 2. Following the hearing on any request for variance or any appeal, the Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed and may issue or direct the issuance of a permit. A majority vote of the membership of the Board of Appeals is necessary to grant a dimensional variance and rule on any appeal. The decision of the Board of Appeals shall be in writing and reflect the reasons for the decision.
 3. Record of Hearing. At a minimum the record of decision shall include:
 - a. A formal determination of the facts.
 - b. The conclusions derived from the facts and reasons for the decision.
 - c. The decision.
 4. Within eight (8) days of the decision, the record of the decision shall be certified and a copy delivered by first class mail to the person requesting the variance or demanding the appeal, the Zoning Administrator, and other parties.
- I. Any person having an interest affected by the decision of the Board of Appeals shall have a right to appeal the decision to the 19th Circuit Court within thirty (30) days after the Board Appeals certifies its decision in writing or approves the minutes of its decision, as provided by law.
- J. Standards for Variance Decisions by the Board of Appeals. The Board of Appeals shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:
1. A dimensional variance may be granted by the Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water or topography and is not due to the applicant's personal or economic difficulty.

- b. That the need for the requested variance is not the result of actions of, or conditions created by, the applicant, the current property owner or previous owners of the property.
- c. That strict compliance governing area, setback, frontage, height, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render compliance with those dimensional requirements unnecessarily burdensome.
- d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- e. That the requested variance will not cause an adverse impact on surrounding property values, or the use and enjoyment of property in the neighborhood or district.

[Annotation: The standards for granting variances in this sub-section added by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

[Annotation: The Board of Appeals procedures revised by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9605. Variance and Appeal Fees:

The Township Board is hereby authorized to establish by resolution, fees for application for appeals or application for a variance to the Zoning Board of Appeals to be paid to the township with such application or appeals to help defray the cost to the township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board in the discretion of said Board.

ARTICLE 98 -AMENDMENT VALIDITY PENALTIES

9801. Violations and Penalties:

- A. It shall be the responsibility of all architects, contractors, sub-contract builders, and other persons having charge of the erecting, altering, changing, moving, or remodeling of any building or structure, including tents and mobile homes, before commencing or undertaking any such work, to ascertain that proper Land Use and Building, razing, moving, or other required permits have been granted therefor and that such work does not conflict with and is not in violation of the provisions of this Ordinance.
- B. Uses of land, dwellings, buildings, or structures, including tents and trailers used, erected, altered, razed, or converted in violation of this Ordinance or regulations adopted under the authority of the Township Rural Zoning Act, as amended, of the State of Michigan, are hereby declared to be a "Nuisance. Per Se". The Maple Grove Township Board, the Maple Grove Township Planning Commission, the Maple Grove Township Board of Appeals, the Maple Grove Township Zoning Administrator, or the Maple Grove Township Attorney, or owners of Real Estate within Maple Grove Township, may institute the necessary legal proceedings to effect compliance with the provisions and terms of this Ordinance.
- C. Enforcement.
1. Nuisance Per Se. Any building or structure which is erected, reconstructed, altered, converted, maintained, or used or any use of land or premises which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance *per se*.
 2. Authorized Local Official. The Township Zoning Administrator is hereby designated as the authorized local official to issue municipal civil infraction citations.
 3. Violations: Civil Infractions. Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated voluntary association who violates any provision of this Ordinance shall be guilty of a civil infraction. Violation of this Ordinance and its penalties shall be judicially enforced through the 85th Judicial District Court. Enforcement for violations of this Ordinance shall be as follows:
 - a. Unless immediate action is necessary upon the determination by the Township Zoning Administrator that there is a danger to the public health, safety, or welfare, the person violating this Ordinance shall be served personally or through first class mail with a notice of violation requiring that the violation be corrected within thirty (30) days of the notice;
 - b. Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Ordinance shall be issued a citation requiring their appearance in the 85th Judicial District Court. A person who violates this Ordinance shall be guilty of a civil infraction and shall be fined not less than \$250.00 nor more than \$500.00 plus costs.
[Annotation: The minimum fine increased from \$150.00 by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]
 - c. A person who violates this Ordinance shall be guilty of a civil infraction and when having been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction proceeding within one (1) year immediately preceding the issuance of the second citation, shall be fined not less than \$300.00 nor more than \$500.00 plus costs.

- d. A person who violates this Ordinance shall be guilty of a civil infraction and when having been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, shall be fined \$500.00 plus costs.
- 4. **Violations: Civil Action.** The Township Board, the Township Zoning Administrator, the Board of Appeals, the Attorney for the Township, or any owner or owners of real estate within the Land Use District in which such building, structure or land is situated, may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any building or structure or use, which has been erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance.
- 5. **Cumulative Remedies.** The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a civil infraction proceeding shall not bar a civil action seeking equitable relief beyond the jurisdiction of the 85th Judicial District Court under subsection D, hereof, arising from the same violation.

[Annotation: Paragraph C amended May 8, 2000.]
 [Annotation: Paragraph D repeated May 8, 2000.]

9802. Amendments and Supplements:

- A. **Initiating Amendments; Fee.**
 - 1. The Township Board may, from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations established in this Ordinance whenever the public necessity or convenience or the general welfare require such amendment.
 - 2. Amendments may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.
 - 3. Fees. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall, at the time of requesting an amendment, pay a filing fee in the amount set from time to time by resolution of the Township Board.
 - 4. Request for Zoning Amendment: Any request for adoption of a zoning amendment initiated by one or more property owners shall include the following information:
 - a. The name and address of the applicant and of the owner(s) (if different) of the land(s) proposed to be re-zoned (if applicable).
 - b. The street address(es) or other common description of the land(s) proposed to be re-zoned (if applicable).
 - c. Legal description(s) of the land(s) proposed to be re-zoned (if applicable).
 - d. A description of the amendment proposed:
 - (1) Present zoning classification of the land(s) proposed to be re-zoned and the requested zoning classification of the land(s) proposed to be re-zoned; or
 - (2) The present text of the specific Section(s) of the Ordinance proposed to be amended and the requested text amendment(s) to the specific Section(s) of the Ordinance.
- B. **Amendment Procedure.**
 - 1. The procedure for making amendments to this Ordinance shall be in the manner prescribed by Public Act 110 of 2006.
 - 2. The Planning Commission shall consider each proposal for amendment in terms of the factors authorized by the Michigan Zoning Enabling Act, including but not limited to

- compliance with the current Township adopted plans, the particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend additions or modification to the amendments as originally proposed.
3. When a request for amendment (including a PUD which is handled as an amendment) is initiated and has been initially reviewed by the Planning Commission, the Zoning Administrator shall cause notification of the request and a public hearing to be given in accordance with Section 9802.B.4 and the Michigan Zoning Enabling Act.
 4. Notice Requirements for Text Amendment to Zoning Ordinance:
 - a. Not less than fifteen (15) days before the date set for the public hearing set by the Planning Commission to consider the proposal for amendment of this Ordinance, the Planning Commission shall:
 - (1) Publish notice of the hearing in a newspaper of general circulation in Maple Grove Township.
 - (2) Mail notice of the public hearing, by regular first class mail to each electric/pipeline public utility company, telecommunication service provider and railroad operating within the Township, and manager of each airport within the Township, which has registered with the Township Clerk's for the purpose of receiving notice of public hearings regarding zoning matters.
 - (3) Mail notice of the public hearing, by regular first class mail, to the clerk and chief elected officials or manager of any township, village or county government having property within one (1) mile of the property where the text change will have effect.
 - b. Post notice of the public hearing at the Maple Grove Township Hall at least eighteen (18) hours before the scheduled time of the public hearing if the public hearing is not set for the Planning Commission's regular meeting date.
 - c. The form of notice published, mailed and/or posted under Section 9802.B.4. shall:
 - (1) Describe the nature of the proposed text amendment and that the final outcome of the amendment may be different from that which is being requested.
 - (2) State the time and place for the hearing at which the proposed text amendment will be considered.
 - (3) Indicate the time and place written comments on the proposed text amendment will be received.
 - (4) State the times and places copies of the proposed text amendment may be examined.
 - (5) For members of the Planning Commission only, a copy of the request for the zoning amendment, the draft of the zoning amendments, and supporting documents in the record.
 - d. The affidavits of publication, mailing and posting for all notices shall be filed with the Township Clerk and copies of the same maintained by the Planning Commission.
 5. Notice Requirements for Amendment to Re-Zone Property:
 - a. Not less than fifteen (15) days before the date set for the public hearing set by the Planning Commission to consider the proposal for amendment of this Ordinance, the Planning Commission shall:
 - (1) Publish notice of the hearing in a newspaper of general circulation in Maple Grove Township.

- (2) Mail notice of the public hearing, by regular first class mail, to each of the following:
 - (I) The applicant requesting the re-zoning
 - (II) The owner(s) of the property(ies) to which the re-zoning applies, if different.
 - (III) If the re-zoning is for less than eleven (11) adjacent properties: The owners of all real property within three-hundred (300) feet of the property(ies) for which the re-zoning has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Maple Grove Township or not.
 - (IV) If the re-zoning is for less than eleven (11) adjacent properties: The occupants of any structures within three-hundred (300) feet of the property(ies) for which the re-zoning has been requested, regardless of whether the owner and property is located in Maple Grove Township or not. Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (1) 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 of the structure who shall be requested to post the notice at the primary entrance to the structure.
- (3) Mail notice of the public hearing, by regular first class mail to each electric/pipeline public utility company, telecommunication service provider and railroad operating within the Township, and manager of each airport within the Township, which has registered with the Township Clerk's for the purpose of receiving notice of public hearings regarding zoning matters.
- (4) Mail notice of the public hearing, by regular first class mail, to the clerk and chief elected officials or manager of any township, village or county government having property within one (1) mile of the property where the text change will have effect.
- b. Post notice of the public hearing at the Maple Grove Township Hall at least eighteen (18) hours before the scheduled time of the public hearing if the public hearing is not set for the Planning Commission's regular meeting date.
- c. Form of notice published, mailed and/or posted under Section 9802.B.4. shall:
 - (1) Describe the nature of the proposed zoning amendment (re-zoning) and that the final outcome of the amendment may be different from that which is being requested.
 - (2) State the time and place for the hearing at which the proposed amendment (re-zoning) will be considered.
 - (3) Indicate the time and place written comments on the proposed amendment (re-zoning) will be received.
 - (4) State the times and places copies of the proposed amendment (re-zoning) may be examined.

- (5) For members of the Planning Commission only, a copy of the request for the zoning amendment (re-zoning), the draft of the zoning amendments, and supporting documents in the record.
- d. The affidavits of publication, mailing and posting for all notices shall be filed with the Township Clerk and copies of the same maintained by the Planning Commission.
- 6. Any person receiving notice pursuant to Section 9802.B.4. or B.5. may choose to submit material to the Planning Commission. Such submission shall be delivered to the Planning Commission at or before the hearing on the zoning amendment. Such submissions shall be considered comments and advice to the Planning Commission.
- 7. [CONDITIONAL RE-ZONING – RESERVED]
- 8. Hearing and Findings.
 - a. The Planning Commission shall hold a public hearing to receive input on the proposed zoning amendment.
 - b. Following the hearing, the Planning Commission shall consider each proposal for amendment to the Ordinance (including a re-zoning). The Planning Commission may recommend any additions or modifications to the original amendment proposed. The Planning Commission will review each proposed for amendment to determine if:
 - (1) It is consistent with the Township Master Plan upon which this Ordinance is based.
 - (2) Whether all of the uses allowed under the proposed re-zoning would be compatible with other zones and uses in the surrounding area.
 - (3) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested re-zoning.
 - (4) Whether the uses allowed under the proposed re-zoning would be equally or better suited to the area than uses allowed under the current zoning of the land; and
 - (5) Any other relevant standards set forth in the Michigan Zoning Enabling Act.
- 9. Submit Recommendation to County Planning Commission: After the Planning Commission holds its public hearing and makes its findings, as described in Section 9802. B.8., the Planning Commission shall submit to the County Planning Commission the:
 - a. The text of the proposed amendment to the Zoning Ordinance; and
 - b. Any proposed amendment to the zoning map(s);for advisory review and recommendation.
- 10. Submit Recommendation to Township Board. After the Planning Commission holds its public hearing and makes its findings, as described in Section 9802. B.8., and after receipt of any recommendations from the County Planning Commission (or after the expiration of thirty (30) days following the County Planning Commission's receipt of the Planning Commission's recommendation, if no comments or recommendations from the County Planning Commission are received), the Planning Commission shall submit to the Township Board the following:
 - a. A summary of the comments received at, or prior to, the public hearing.
 - b. The text of the proposed amendment to the Zoning Ordinance;
 - c. Any amendment to the zoning map(s); and
 - d. Any recommendations from the County Planning Commission.
- 11. Action by Township Board: After receiving the Planning Commission's recommendation for any amendment to the Zoning Ordinance or zoning map(s), the Township Board shall, at a regular or special meeting called for that purpose, consider the recommendations

submitted by the Planning Commission and will vote upon the adoption of the proposed amendment(s). The Township Board may, on its own initiative, elect to hold an additional public hearing regarding any proposed amendment(s) and shall be required to hold such a public hearing upon request of any property owner requesting the same by certified mail to the Township Clerk. Notice of any such public hearing shall be given in the manner as required by Section 9802.B.4 or B.5, as appropriate. If no additional public hearing is requested or required, the Township Board shall either:

- a. Disapprove the proposed amendment, with no further action by the Planning Commission;
 - b. Approve the proposed text, in ordinance form, with or without permissible amendments;
 - c. Refer proposed change(s) or departure(s) from the proposed text of the amendment back to the Planning Commission for further consideration.
12. Referral Back to Planning Commission: In the event the Township Board refers any changes or alterations to the text or substance of the amendments recommended by the Planning Commission back to the Planning Commission, the Planning Commission shall have thirty (30) days after receipt of the proposed change or departure to consider the Township Board's recommendations and send its second report to the Township Board. Upon receiving the second report from the Planning Commission, the Township Board may adopt, adopt with modifications, or not adopt the proposed amendment.
13. Any vote by the Township Board to adopt any amendments shall be by roll call vote of the majority of the members of the Township Board.

[Annotation: This revised to conform to Public Act 110 of 2006 by amendment adopted September 10, 2007, effective October 4, 2007 at 12:01am.]

9803. Separability:

If any clause, sentence, sub-sentence, paragraph, section, or part of this Ordinance be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

9804. Conflicting Provisions:

All Ordinances, or parts thereof, conflicting with the Provisions of this Ordinance are hereby repealed insofar as same affect this Ordinance.

9805. Effective Date:

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of public peace, health, safety, and general welfare, and are hereby ordered to take immediate effect and be in force from and after the 14th day of September, 1983, in accordance with the statutes in such case made and provided, and this Ordinance is hereby ordered to be published in the manner provided by law.

ADOPTION HISTORY:

Reviewed by the Manistee County Planning Commission August 13, 1983.

Submitted to the Maple Grove Township Board on the 13th day of September, 1983, by the Maple Grove Township Planning Commission.

Approved by the Maple Grove Township Board on the 13th day of September, 1983.

AMENDMENT HISTORY:

Amendment to add Temporary Dwellings as a special use to each zoning district and to add section 9.3(7):
Public hearing held by the Maple Grove Township Planning Commission 7 p.m. July 15, 1986.
Reviewed by the Manistee County Planning Commission: August 20, 1986.
Adopted by the Maple Grove Township Board September, 12, 1986.

Amendment to add "Granny Housing" by adding a new section 3.12:
Public hearing held by the Maple Grove Township Planning Commission May 10, 1991.
Reviewed by the Manistee County Planning Commission: February 1991
Adopted by the Maple Grove Township Board March 1992; effective March 28, 1991.

Amendment to add Site Plan provisions and hazardous groundwater protection provisions:
Public hearing held by the Maple Grove Township Planning Commission: December 7, 1994.
Reviewed by the Manistee County Planning Commission: May 17, 1995.
Adopted by the Maple Grove Township Board August 9, 1995; effective August 10, 1995 12:01am.

Amendment to add Wellhead Protection Overlay Zone:
Public hearing held by the Maple Grove Township Planning Commission: June 4, 1997.
Reviewed by the Manistee County Planning Commission: November 19, 1997.
Adopted by the Maple Grove Township Board December 17, 1997; effective January 8, 1998 12:01am.

Amendment to change Trailer language, add Mobile Home language, and add Civil Infraction language:
Public hearing held by the Maple Grove Township Planning Commission:
Reviewed by the Manistee County Planning Commission: March 23, 2000.
Adopted by the Maple Grove Township Board _____; effective May 8, 2000 12:01 a.m.

Amendment to add Communication Tower language and Sexually Oriented Businesses language:
Public hearing held by the Maple Grove Township Planning Commission: October 18, 2000.
Reviewed by the Manistee County Planning Commission: 30 days elapsed without review
Adopted by the Maple Grove Township Board January 8, 2001; effective January 17, 2001 12:01 a.m.

Amendment to add Accessory Buildings and Structures language:
Public hearing held by the Maple Grove Township Planning Commission: October 2, 2002.
Reviewed by the Manistee County Planning Commission: September 26, 2002.
Adopted by the Maple Grove Township Board December 9, 2002; effective December 22, 2002 12:01 a.m.

Amendment to, among other things, revise minimum required standards for zoning districts and to revise procedures for Special Use Permits, Planned Unit Developments, Board of Appeals and Amendments to conform to Public Act 110 of 2006:

Public hearing held by the Maple Grove Township Planning Commission: August 1, 2007.
Reviewed by the Manistee County Planning Commission: August 30, 2007.

Adopted by the Maple Grove Township Board September 10, 2007; effective October 4, 2007 12:01 a.m.

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