

Special Uses: Land uses which have unique characteristics that are potentially discordant with other uses in a district. Special uses are subject to review and approval by the Evangeline Township Planning Commission.

Examples of Uses subject to Special Use Permit:

Cottage Industry, nursing homes, assisted living facilities, convalescent homes, rest homes, public buildings, public schools, private schools, and other local supporting service uses, places of worship, campgrounds, kennels, sawmills, other mills, riding stables, event centers, veterinary clinic, hospital, and commercial uses.

Article VI Site Plan Review

Section 6.01 – Plot Plan

All applications for Zoning Permits, which do not require a site plan, shall be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

- A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size that the Zoning Administrator deems adequate to make a judgment that the application meets the requirements of this Ordinance. When necessary, a survey may be required by the Zoning Administrator. Sealed plans are required for any residential building over 3500 square feet and all non-residential buildings.
- B. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to determine the height of the proposed structures.
- C. The location and configuration of the lot access and driveway, drawn to scale.
- D. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- E. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 6.02 – Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

- A. **Pre-application Conference:** An applicant may request to be placed on the agenda of a meeting of the Planning Commission to review and discuss a proposed site plan prior to a formal site plan application being filed. At this pre-application conference the Planning Commission may conduct a conceptual review of the proposed project and may modify the site plan requirements of this section as provided herein. The Planning Commission may waive specific site plan data requirements contained in Section 6.02.C if it finds that the requirement being waived is not applicable to the proposed development. In addition, the Planning Commission may require additional data not specified in Section 6.02.C if it finds that such additional information is necessary to determine whether the proposed development satisfies the standards for site plan approval contained in Section 6.02.D. In no case shall any representations made by the Planning Commission at the pre-

application conference be construed as an endorsement or approval of the proposed site plan. (effective April 21, 2010)

B. Circumstances Requiring a Site Plan: Site plans are required for the following uses:

1. Except as provided herein, all new uses, including single-family and two-family dwellings located on a waterfront lot. Except as provided herein, single-family and two-family dwellings located on a non-waterfront lot shall not require site plan review. (adopted February 1, 2011)
2. Except as provided herein, expansion or renovation of an existing use, including single-family and two-family dwellings located on a waterfront lot. Except as provided herein, the expansion or renovation of single-family and two-family dwellings located on a non-waterfront lot shall not require site plan review. (adopted February 1, 2011)
3. Changes of use for an existing structure or lot.
4. **Any use requiring a special use permit.**
5. Construction on Steep Slopes
6. Any use requiring off-street parking, for five (5) or more vehicles, as stated in the off-street parking schedule of this Ordinance.
7. Any parcel(s) developed pursuant to P.A. 59 of 1978, the Condominium Act, as amended.
8. Other uses as required by this Ordinance.
9. A preexisting conforming single-family or two-family dwelling located on a waterfront lot may obtain a zoning permit for an addition without site plan review provided all of the following criteria are met without a variance:
 - a. The proposed construction is less than two hundred (200) square feet.
 - b. The proposed construction is upland from the waterfront edge of the existing construction.
 - c. A greenbelt meeting the specifications of Section 3.06.B is already in place.
 - d. Both the existing and proposed construction meet all standards for height, setback, and impervious surface coverage for the zoning district.
 - e. The structure has not previously obtained a zoning permit under the provision of this subsection. (effective: June 14, 2012)

C. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Planning Commission or Zoning Administrator. The Planning Commission or Zoning Administrator can waive any or all of the below site plan requirements when it finds those requirements are not applicable to the proposed development.

1. The name and address of the property owner.
2. A vicinity map showing the site location in relation to the surrounding area, which also identifies the current land uses of the site and adjacent properties.
3. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
4. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
5. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, docks, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
6. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.

7. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, areas with slopes of twelve (12%) percent or greater, mature specimen trees, wooded areas, scenic view sheds or any other unusual environmental features.
8. The location and identification of all existing structures, lighting, signs, ingress and egress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
9. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the proposed new district must be shown.
10. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
11. The location, size and slope of all surface and subsurface drainage facilities.
12. Summary tables, cross-sections and/or floor plans shall be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
13. The topography of the existing and finished site shall be shown by contours where the existing slope on any part of the site is twelve percent (12%) or greater, and all areas located within five hundred feet (500') of a body of water shall be shown at contour intervals of two (2') feet or less.
14. Generalized soil analysis data, which may include data prepared by the Charlevoix Conservation District regarding the soils and their adaptability to the proposed use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
15. All site plans shall comply with part 91 of Public Act 451 of 1994 as amended, and any applicable local Soil Erosion Sedimentation and/or Stormwater Runoff Control Ordinances, with documentation of approval to be provided by the applicant.
16. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
17. Impact Statement
The statement shall address the following, as applicable, regarding the type of use:
 - a. A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related characteristics, as applicable.
 - b. 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 ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
 - c. 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.

D. Site Plan Review Standards: In the process of reviewing the Site Plan, the Township Planning Commission shall consider:

1. The location and design of driveways and entrance features with respect to vehicular and pedestrian traffic. Access location and rights to the proposed development must be confirmed prior to final action on a plan, including permits from the Charlevoix County Road Commission or Michigan Department of Transportation, and/or proof of the right to access a property in the form of a deed or easement stating such access is acceptable.

2. The arrangement of uses on the property, including the orientation of buildings, parking areas, and open spaces, and the visual exposure of waste storage facilities, loading docks and service doors so as to promote public safety, protect land values, and carry out the spirit and intent of the Zoning Ordinance.
3. The traffic circulation plan and off-street parking with respect to public safety, on-site uses and adjacent properties.
4. Buffers, screens, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of site plan approval.
5. Methods proposed to prevent or minimize damage to sensitive or critical environmental areas. If the area is in a State regulated wetland, permits to build in those areas will be needed prior to final action on a site plan.
6. Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and other related services. The Planning Commission may require Fire Department and Northwest Michigan Community Health Agency approval of the plan prior to final Planning Commission approval.

E. Submittal and Approval Procedures:

1. Nine (9) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered. Upon filing of an application with the Township, the Zoning Administrator shall review the application to determine if all of the required information has been provided. Once the application is deemed administratively complete, then and only then shall it be forwarded to the Planning Commission for review. If an application is not complete, the Zoning Administrator shall send a letter to the applicant detailing the deficiencies. The Zoning Administrator shall cause the submittal to be placed on the Planning Commission's meeting agenda within forty-five (45) days from the date a complete application has been filed with the Township.
2. The Zoning Administrator shall forward one (1) copy of the application and site plan to local, county and state agencies for review at his or her discretion.
3. The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:
 - a. The sewage disposal and water systems shall meet the applicable health and sanitary codes and ordinances.
 - b. The location and nature of the use shall not be in conflict with any principal permitted use of the district or neighborhood.
 - c. The use shall not create any significant traffic problem or hazard.
 - d. The arrangement of public roads or streets for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
 - e. All private roads shall be developed in accordance with the Evangeline Township Private Road Ordinance. All public roads shall be developed in accordance with the Charlevoix County Road Commission specifications.
 - f. The use shall not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage.
 - g. The use shall not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.

- h. The site plan is consistent with and meets the requirements of the Evangeline Township Land Use Plan.
 - i. The site plan shall conform to all applicable requirements of Township, County, State and Federal statutes.
4. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting, including but not limited to the applicant receiving all applicable permits and filing a copy of each with the Zoning Administrator prior to issuance of the Zoning Permit. No development or earth moving shall occur on the property pursuant to the approved site plan, prior to zoning permit issuance.
 5. A Certified Boundary Survey shall be recorded with the Register of Deeds within 60 days of the issuance of a Certificate of Occupancy, or at the request of the Zoning Administrator, and the Zoning Administrator shall be notified of the Liber and Page number.

F. Site Plan Amendments: Amendments to an approved site plan shall be permitted only under the following circumstances:

1. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the development or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes related to items 1 through 5 above, required or requested by the Township, the County, or other State or Federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
2. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare and submit a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
3. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection A above shall be processed in the same manner as the original site plan application.

G. Approved Site Plan Validity:

1. An approved Site Plan or site plan amendment shall be valid for issuance of a zoning permit up to 365 days from the date the Planning Commission approved or conditionally approved the plan.
2. Failure to initiate substantial construction of an approved site plan within 365 days of the approval shall result in the revocation of the site plan approval and associated zoning permit.
3. Thirty days prior to the expiration of the approved site plan an applicant may apply for a one (1) year extension. A maximum of a single one (1) year extension may be granted. The applicant shall provide explanation of the situation and reasons why the extension should be granted.

4. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Charlevoix County Department of Building Safety shall also be notified to withhold or revoke any building permit until a new site plan is approved.
5. Any subsequent re-submittal shall be processed as a new request and new fees shall be required.

H. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to **Section 10.03** of this Ordinance.

I. Performance Guarantee Required: The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to **Section 10.06** of this Ordinance.

J. Reapplication: No application for approval of a site plan which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, unless a rehearing is granted pursuant to **Section 10.04** of this Ordinance.