



Development Review Guidebook

June 2021

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Preface

This guidebook provides a detailed overview of the Village of Lexington's major development approval processes. The intent is to assist residents, developers, and investors to understand the review and approval process from concept to completion for various types of projects (not including individual single family homes). While this guide is intended to be detailed, it is not intended to supplant the Village's Zoning Ordinance. Moreover, applicants should review the specific ordinances and work with the Village concerning development projects.

General Information

Pre-Application Coordination

Applicants are encouraged to seek initial and informal review of development plans. Prior to submitting an application, or site plan, an applicant may choose to submit a sketch plan or draft plan for review by the Planning Commission. The review shall be informal and advisory only and shall not constitute any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant and shall be scheduled as an item of business on the Planning Commission's agenda.

Contact Reference Guide

The Village of Lexington's website (www.villageoflexington.com) contains zoning maps, application forms, the Zoning Ordinance and Master Plan, and many other resources.

The Village of Lexington conducts its daily operations out of the Village Offices:

Village of Lexington
7227 Huron Ste. 100
Lexington, MI 48450

Telephone: (810) 359-8631 Hours: 8:00 AM – 4:00 PM
Monday through Friday

Interpreter Services

With advance notice of seven calendar days, the Village will provide interpreter services at public meetings, including language translation and signage for the hearing impaired. Call 810-359-8631.

La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 810-359-8631.

Contact Information and Reviews

To begin the land use permitting process, submit a fully completed application and the necessary number of copies to the Zoning Administrator, who will be your key contact throughout the process. Application fees are paid at the Village Office. The Zoning Administrator will initiate plan reviews by key staff and appropriate sources. Notifications and scheduling with the Planning Commission or ZBA will take place, and your site plan review should occur in about three weeks.

Below is a current list of village staff and other sources that may be useful to your project.

Department	Contact	Title	Phone	Email
Village Manager	Cynthia Cutright	Interim Village Manager	810-359-8631	manager@villageoflexington.com
Zoning Administrator	Dennis Klaas	Zoning Administrator	810-359-8631	zoning@villageoflexington.com
County Building Permits	Eric Essenmacher	Building Inspector	810-648-4664	
Public Works	Chris Heiden	Manager	810-359-5901	utilitymanager@villageoflexington.com
County Roads	Francis Hill	Foreman	810-648-2185	
MDOT			517-241-2400	
Police/Public Safety	Chief Sheldon	Chief of Police	810-359-8242 810-648-2000	lexpdchief@villageoflexington.com

Boards and Commissions

The Zoning Ordinance specifies the procedures for development applications. However, depending on the nature of the project, more than one authority may be required to review the proposal. Some groups are advisory and provide recommendations while others have final decision-making authority. A table of local boards and commissions, their primary roles and responsibilities, and their usual meeting schedule is provided below:

Board or Commission	Roles and Responsibilities	Meeting Schedule
Village Council	Governing body with authority over development incentives, ordinance amendments, development policies, etc. Approves rezoning and subdivision requests, the Village's Master Plan, and planned unit developments.	Fourth Monday of each month 7:00 pm
Planning Commission	Creates and updates the Master Plan, reviews rezoning requests and subdivisions, approves site plans and special use permits, and recommends decisions on planned unit developments to Village Council.	First Monday of each month 7:00 pm
Zoning Board of Appeals (ZBA)	Interprets and grants variances from provisions of the Zoning Ordinance; conducts hearings; and hears appeals regarding administrative decisions.	As needed

The table below demonstrates the role of the review authorities regarding the approval of the following applications.

	Zoning Administrator	Planning Commission	Village Council	ZBA
Site Plan	Recommendation	Decision	-	Appeal
Special Land Use	Recommendation	Decision	-	-
Rezoning	Recommendation	Recommendation	Decision	-
Planned Unit Development	Recommendation	Recommendation	Decision	-
Variance	Recommendation	-		Decision

[PLANNING & ZONING APPLICATION](#)

The timeline for reaching a decision for each development application depends on the schedule of the reviewing board and/or commission, public notice requirements, as well as the types of development review(s) required. Applications for requests that do not involve public hearings are due 21 days before scheduled meetings (site plan). For requests that require public hearings, applications are due 30 days before the scheduled meeting (special land use, PUD, rezoning, appeal, and variance).

Master Plan

The Village of Lexington Master Plan is the primary tool for making decisions that affect the future land use of the Village. It is a broad-based policy document for the physical, economic, and social development of the community as it relates to land use. Prospective developers should review the Master Plan to understand if their proposed project fulfills the goals of the plan. The Master Plan including the Future Land Use map is available for download using the following link:

[MASTER PLAN](#)

Zoning Ordinance & Map

The Zoning Ordinance regulates the use of land. In general, land use type, building size and location, parking area size and location, screening, landscaping, access, lighting, signage, and design standards are prescribed. The purpose of the Zoning Ordinance is to carry out the land use vision of the Master Plan by law. Consulting the Zoning Ordinance and Zoning Map should be the first step in the development/redevelopment of any property and may be the topic of initial discussions with the village. The Zoning Ordinance and Zoning Map are available for download using the following links:

[ZONING ORDINANCE](#)

[OFFICIAL ZONING MAP](#)

Notification Procedures

For those development review processes that require public hearings, notification requirements are outlined by the Michigan Zoning Enabling Act (PA 110 of 2008, as amended). A notice shall be published in a newspaper of general circulation and mailed or hand-delivered to all persons owning property and occupants of property within 300 feet of the boundary of the property proposed for which approval is requested at least 15 days before the hearing. The notice shall:

- Describe the nature of the request.
- Identify any property that is the subject of the request, including all street addresses contained upon the property, or other means of parcel identification.
- State when and where the request will be considered.
- Indicate when and where written comments will be received concerning this request.

The following sections detail the types of land use applications and provide a comprehensive review of each. It should be recognized that this overview does not preempt or supersede any part of the Zoning Ordinance.

Site Plan Review

Site Plan review and approval of all development proposals is required to ensure that the Village of Lexington develops in an orderly fashion in accordance with the Master Plan. It is recommended that all potential projects (with the exception of individual single-family homes) consult with the Zoning Administrator regarding compliance with Section 3.4 of the Zoning Ordinance.

What is a Site Plan?

Most Michigan communities have some form of site plan review. The Michigan Zoning Enabling Act (PA 110 of 2006) defines the site plan as "the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity complies with local ordinances and state and federal statutes."

Benefits and Purpose of Site Plan Review (SPR)

The point of reviewing a site plan is to make sure the site functions well, is attractive, and is safe for the public. Poorly designed sites that are cramped, inconvenient, unsafe, and unattractive can hurt a business, negatively impact neighboring properties, and also make a site more difficult to sell, lease, or reuse. When reviewing a site plan, Planning Commission members visualize such things as: how vehicles and people will circulate on the site, how the rainwater will run off or puddle on the site, where utilities will connect, and how the development will impact its neighbors. In addition to making sure the site plan meets ordinance standards, the Zoning Administrator is available to assist the owner or developer and can often make suggestions that may help to better use the site, which can reduce costs, keep future development options open, and enhance the resale value of properties.

Applicability and Thresholds for Review

The Planning Commission is required to review any new (or existing use increasing by more than 10% or 500 sq. ft.) principal commercial, office, industrial, business, or institutional use or residential use having more than two dwellings. The Planning Commission also reviews all special land uses and Planned Unit Developments. The Zoning Administrator is able to approve expansion of an existing building or use if less than a 500 sq. ft. or 10% expansion. The Zoning Administrator also can approve an accessory building or structure, a single or two-family dwelling, or a change in use which results in the need for 5% more parking spaces. The ZA reviews every site plan and will forward comments and recommendations to the Planning Commission as appropriate. Final site plan approval is required before a building permit can be issued. (see 3.4.2)

Review Process

Prelim Step. Pre-Application Meeting.

See Village staff for a copy of this guide.

A meeting with the Planning Commission will be scheduled for you.

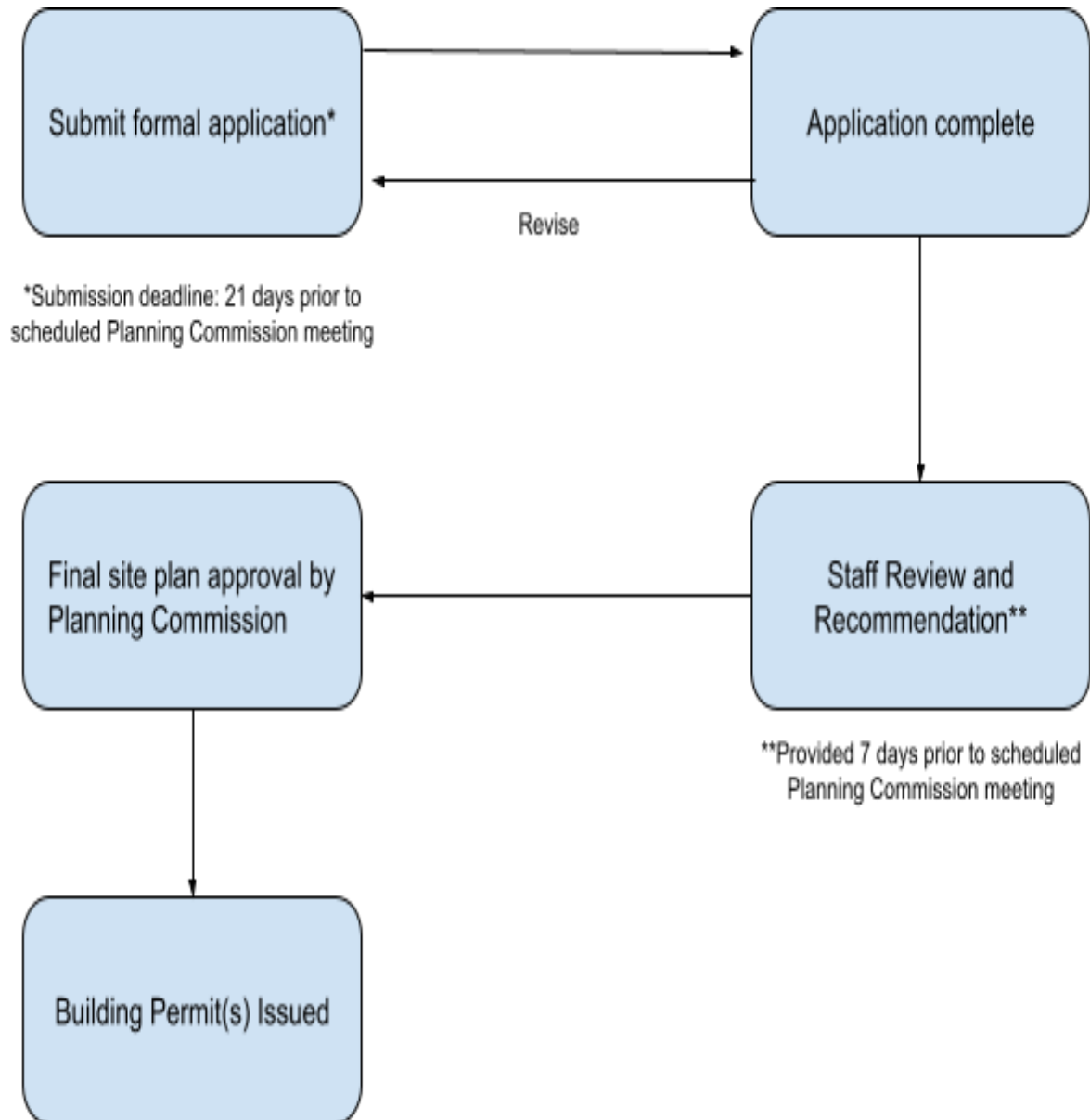
Call MDOT or the County to learn of access requirements.

Step 1. Application.

The application process starts with the Zoning Administrator who coordinates with county departments and consultants for the review. Applications are due 21 days before the upcoming scheduled Planning Commission meeting.

- Step 2. Fees.**
Village staff accept the application and appropriate fee set by Council resolution. Applications must be signed by the owner of the property or their authorized agent. Applications for Planning Commission review require 10 copies of a complete site plan. Other materials such as a traffic study or environmental impact assessment could also be required by the Planning Commission during review.
- Step 3. Staff Review.**
The site plan is reviewed by relevant village and county departments, the Michigan Department of Transportation (if applicable), and planning consultants. Comments and recommendations are forwarded to the Planning Commission for their review no less than seven (7) days before the scheduled Planning Commission meeting. The Planning Commission will either: approve the site plan, approve the site plan with conditions, or deny the site plan. If conditional approval is given by the Planning Commission, they often will allow the Zoning Administrator to review the revised site plan and give final approval if all of the conditions that the Planning Commission placed on the site plan have been met.
- Step 4. Approval.**
Once the final site plan has been approved, the Zoning Administrator signs three copies. One copy becomes part of the Village's files, another copy is forwarded to the County Building Inspector so a building permit may be issued, and the final copy is retained by the applicant.
- Step 5. Permit and Construction Timeline**
Once the site plan receives final approval, construction must start within one year after the date of approval unless a 6-month extension is granted by the Planning Commission. An extension will only be granted if reasonable evidence is provided to show that there is a likelihood of construction starting within another year. If the original year goes by with no construction started (and having proceeded meaningfully toward completion) and no extension has been applied for, the site plan will be null and void.
- Step 6. Amendments.**
Amendments to an approved site plan may be allowed with Zoning Administrator approval as long as the changes are considered to be minor (as determined by the Zoning Administrator). An amendment not considered to be minor would need to be submitted to the Planning Commission for their review and approval. (3.4.6)

Site Plan Review



Submittal Requirements

Section 3.4 of the Zoning Ordinance addresses site plan review, Article 8 addresses signs, and Article 9 addresses off-street parking and loading. Copies of these sections or the full ordinance are available from the Village on their website or by going to the links below:

[ZONING ORDINANCE](#)

[OFFICIAL ZONING MAP](#)

To help sift through the technical language more quickly, below is a checklist of requirements.

Basic Information. Every site plan should have "the basics" so anyone reviewing it can understand where the site is and what is being proposed. The sooner the Planning Commission and Zoning Administrator get oriented, the quicker the review will be. The basics include such things as:

- | | |
|--|--|
| <input type="checkbox"/> Name, address, phone number of the applicant | <input type="checkbox"/> Location map of streets and land uses within ¼ mile (see 3.4.4.2) |
| <input type="checkbox"/> North arrow and scale | <input type="checkbox"/> Location map of streets and land uses within ¼ mile |
| <input type="checkbox"/> Date of preparation/revision | <input type="checkbox"/> Parking lots and driveway access points |
| <input type="checkbox"/> Names of adjacent streets | <input type="checkbox"/> Existing/proposed streets and curbcuts within 100 feet |
| <input type="checkbox"/> Lot lines with dimensions | <input type="checkbox"/> Name, address, and phone number of individual or firm who prepared the siteplan |
| <input type="checkbox"/> Existing/proposed utilities for the property | <input type="checkbox"/> Building setbacks from property lines and road right-of-way |
| <input type="checkbox"/> Existing and proposed building and man-made features including existing buildings or uses within 100 feet of the property | <input type="checkbox"/> Dwelling unit densities by type, if applicable |

District Requirements. Each zoning district has dimensional requirements. Requirements for each zoning district are listed in the district's regulations.

- ☐ Minimum lot size:
- ☐ Front Yard Setback:
- ☐ Side Yard Setback:
- ☐ Rear Yard Setback
- ☐ Minimum lot width
- ☐ Maximum building height
- ☐ Percentage of lot coverage

Development Data. SPR regulations enable the Village to ask for a variety of information to facilitate review. Each item is required unless specifically waived by the Planning Commission. It's best to talk to the Village ahead of time to help streamline the process. (as found in 3.4.4.2)

Site Plan Review Requirements	
<i>Engineering and Utility Information</i>	
<input type="checkbox"/>	General topographical features including existing contours at intervals no greater than two (2) feet.
<input type="checkbox"/>	Existing/proposed topography of the site at minimum two (2) foot contour intervals and its relationship to adjoining land; proposed grading showing two (2) foot contour intervals.
<input type="checkbox"/>	Proposed method of providing storm drainage
<input type="checkbox"/>	Location, sizes, type of drainage , sanitary sewers, water services, storm sewers, detention/retention, and fire hydrants
<input type="checkbox"/>	Proposed method of providing sewer/water service and other public/private utilities
<input type="checkbox"/>	Easements.
<input type="checkbox"/>	Specific utility requirements for manufactured home developments (5.6.5.14)
<i>Parking, Access, and Circulation</i>	
<input type="checkbox"/>	Acreage allocated to each proposed use and gross area in the building, structures, parking, public/private streets/drives, and open space
<input type="checkbox"/>	Street rights-of-way , indicating proposed access routes, internal circulation, relationship to existing ROWs, and curb cuts within 100 ft. of the property
<input type="checkbox"/>	Written description of the computation for required parking. (9.4)
<input type="checkbox"/>	Proposed parking areas/drives . Parking areas to be designated by lines showing individual spaces, conforming with ordinance provisions. (9.4)
<input type="checkbox"/>	In all zoning districts, sidewalks are required on all sides of the property which abuts a public street. (5.28.2)
<input type="checkbox"/>	For non-residential districts or uses, except in the CBD district, parking areas need to either be on the same lot or within 300 feet of the building or for the use it is intended to serve. In the R-2 and R-3 districts, parking needs to be on the same lot as the use, (9.2.6)
<input type="checkbox"/>	Adequate numbers of parking spaces must be provided. Each lot in a manufactured home community needs to provide a minimum of two (2) off-street, paved parking spaces.
<input type="checkbox"/>	Parking requirements vary according to the proposed use. (9.4.1)
<input type="checkbox"/>	The minimum width for all parking spaces is nine (9) ft. The minimum length is 20 feet. (9.5.7)
<input type="checkbox"/>	Drives, streets, and other circulation routes need to be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. [9.5.4)

<input type="checkbox"/> Maneuvering lanes are required to be a minimum of 18 to 20 ft. in width for two-way traffic and 12 to 18 ft. in width for one-way (angled parking) traffic, depending on the parking pattern. (9.5.7)
<input type="checkbox"/> Parking areas must be paved with a durable and dustless surface . A site plan note acknowledging the requirement helps. (9.5) Parking areas should also be defined by curbing or curb stops. Curbing extends the life of pavement, can help direct stormwater, and prevents damage to landscaped areas and fences. [9.5.5)
<input type="checkbox"/> Any use involving the receipt or distribution of vehicles, materials, or merchandise must have a designated loading area for delivery trucks. Loading areas are required to be paved. (9.5.1) <input type="checkbox"/> The loading area dimensions are 10 feet by 50 feet. or at least 500 sq. ft. in size; minimum 14 ft. high, at least one loading space located off-street and in the rear or interior side yard. (9.6.1)
Stacking spaces for drive-thru facilities need to be provided - see specific requirements in Special Use standards in Section 9.7
<p style="text-align: center;"><i>Natural Features, Landscaping, Screening, Lighting, and Signs</i></p>
<input type="checkbox"/> Proposed buffer strips or screening. [6.2)
<input type="checkbox"/> Location, sizes, and types of fences, landscaping, buffer strips, and screening. (6.2 and 6.3)
<input type="checkbox"/> Location of any signs not attached to the building. (8.5.2)
<input type="checkbox"/> Location, sizes, and type of signs and on-site lighting. (Article 8 and sections 6.8.2 thru 6.8.8)
<input type="checkbox"/> Significant natural features/other natural characteristics on the property, such as open space, stands of trees, wetlands, brooks, ponds, floodplains, hills, and similar natural assets. (3.4.4 natural features a-e)
<input type="checkbox"/> Existing vegetation must be marked as either to be preserved or to be removed. (6.2.3.5) Proposed landscaping and vegetation must be shown on the site plan as well. Vegetation may only be removed or altered if deemed reasonably necessary to develop the site in accordance with ordinance requirements. (3.4.4.3 f and j)
<input type="checkbox"/> Any proposed use needs to be adequately buffered from other uses and from surrounding public and private property. The PLANNING COMMISSION may require that landscaping, buffers. or greenbelts be preserved or provided to ensure this. [6.2)
<input type="checkbox"/> Trash dumpsters , designated outdoor storage areas, and loading/unloading areas are all required to be screened with a solid, sight-obscuring fence or wall six ft. high. [6.2.9)
<input type="checkbox"/> Greenbelts are required within the front setback area in each zone, and also around any non-residential parking lot abutting a residential district, and within any parking lot, Greenbelts need to meet the standards. (6.2.4-5)
<input type="checkbox"/> All parking lots need to have adequate lighting which needs to be shielded to prevent light from spilling onto adjacent properties. [6.8)
<input type="checkbox"/> All proposed signage needs to meet the requirements of Article 8.

Tips and Hints

1. Of course, if all the information and details necessary are provided on the site plan as originally submitted, and if the plan meets all requirements, approval can be received very quickly. The Village likes to be able to say “yes!” on the first go-around with a site plan.
2. Remember, the site plan is a contract with the community and should not leave out information. Site plan notes assure the Village that you know what your responsibilities are and help a speedy approval. For example, less tree removal on your site saves you time, money and may reduce additional landscaping requirements. It also makes the site more attractive and helps stormwater runoff. If you have noted the trees on site, also note which ones are going “to be protected.”
3. Village Staff is here to help facilitate the development process; ask for help if you need it!

Performance Guarantees

As a condition of approval of a site plan review or special use, the Planning Commission can require a financial guarantee to assure the installation of features such as roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items. Any performance guarantee will need to be 125% of the cost of materials and installation for the required improvements plus engineering and contingency costs. A performance guarantee can be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village. The process and requirements for performance guarantees are explained in Section 3.7.

Outside Approvals

Sometimes developments are in a floodplain or may involve altering a wetland. These activities fall under state and/or federal law and often need state-level permits. Site Plan approval is often conditioned upon getting these other approvals. Copies of such approvals must be provided to the Village for the project file.

Special Land Use

In each zoning district, special land uses are identified. Special land uses are those that may have operational characteristics that could negatively affect adjacent properties or the community as a whole, if not planned and designed properly. Treated differently than permitted, the Planning Commission may use discretionary review standards in addition to site plan review requirements.

No special land use shall commence until a Special Land Use permit is issued in accordance with the Zoning Ordinance. All special land use requests must be accompanied by a preliminary Site Plan (3.3.2)

Process

Prelim Step. Pre-Application Meeting.

Potential applicants may meet with the Planning Commission before submission of a Site Plan application to discuss required information and review procedures as outlined in 3.3.2 of the Zoning Ordinance.

Step 1. Application.

The application process starts with the Zoning Administrator who coordinates with the county, village departments, and consultants for the review. Applications are due 30 days before the upcoming scheduled Planning Commission meeting.

Step 2. Fees.

Village staff accept the application and appropriate fee set by Council resolution. Applications must be signed by the owner of the property, or their authorized agent. Applications for Planning Commission review require 10 copies of a complete site plan. Other materials such as a traffic study or environmental impact assessment could also be required by the Planning Commission during review.

Step 3. Site Plan Requirement.

Applications for a special land use permit shall also be accompanied by a preliminary site plan. (3.3.2)

Step 4. Additional Information.

The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to traffic analysis, environmental impact statement, and economic analysis justifying the need for a proposed use or uses, impact on public utilities and services, effect on the public school system.

Step 5. Notice of Public Hearing.

Upon receipt of a complete application, a public hearing shall be noticed by staff at least 15 days prior according to the notification procedures outlined on page four of this guidebook.

Step 6. Staff Review.

The Zoning Administrator (and other reviewers as appropriate) will provide a review and recommendation seven (7) days before the scheduled Planning Commission meeting based upon the required standards and finding outlined in 3.3.3. This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Step 7. Public Hearing and Planning Commission Recommendations.

Upon hearing the staff review and conducting a public hearing, the Planning Commission will approve, approve with conditions, or deny the Special Land Use request. The Planning Commission may postpone action on the application if it is determined that additional information is needed from the applicant that would help address the standards and findings. Approval is issued if the applicant conforms to all applicable policies and regulations. Approval with conditions is issued to make certain the application complies with policies and regulations.

Step 8. Permit.

After the Planning Commission grants a Special Land Use, an application for a building permit may be completed and submitted to the County.

In cases where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically terminate.

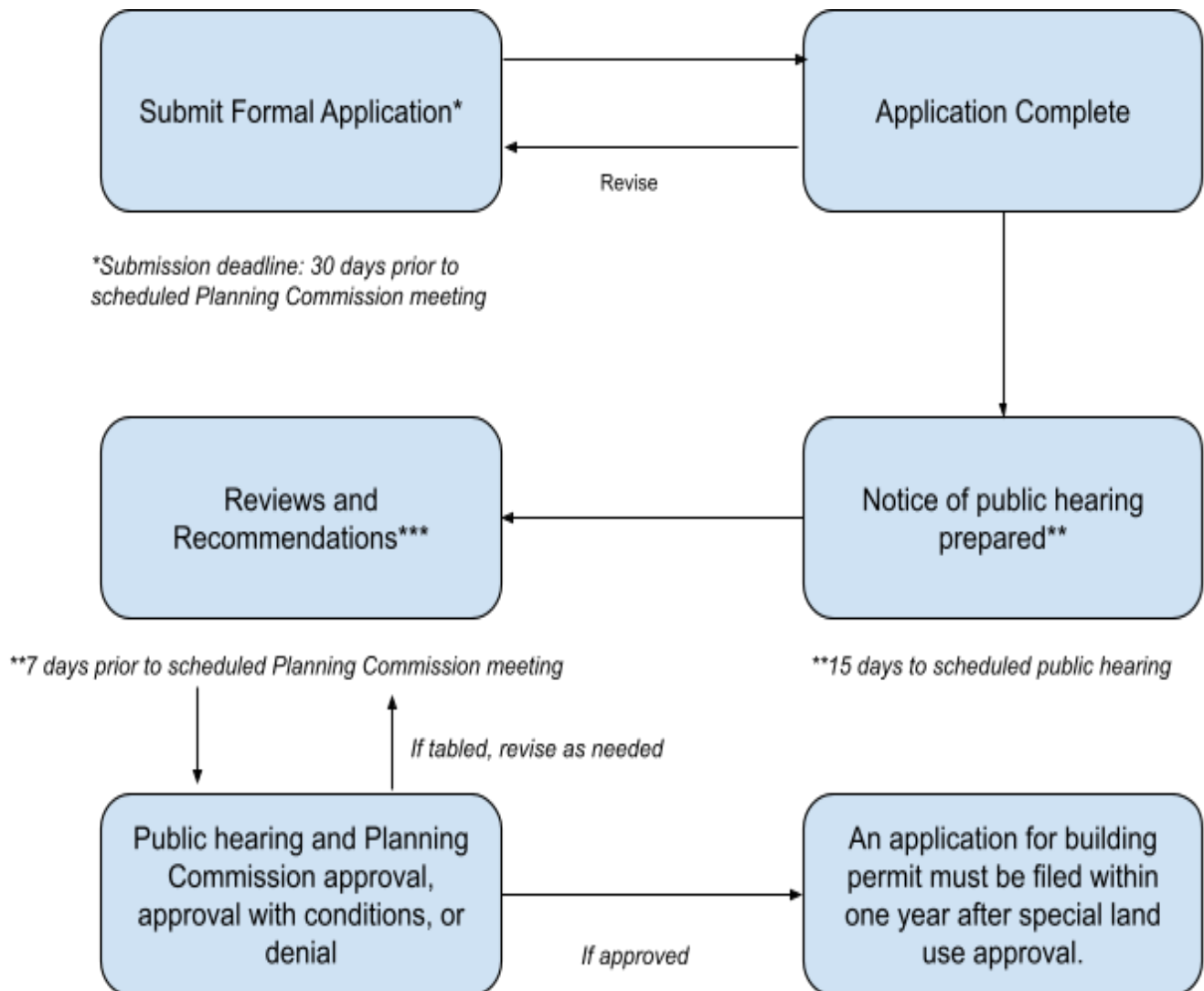
Special Land Use Review Criteria

3.3.3. Basis of Determinations

The Planning Commission shall review the proposed special land use in terms of the standards states within this Ordinance and shall establish that such use and the proposed location:

1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
3. Will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
4. Will be an improvement in relation to property in the immediate vicinity and to the Village as a whole.
5. Will be served adequately by essential public services and facilities or
6. that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
7. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Village.
8. Will be consistent with the intent and purposes of this Ordinance in general, and [Section 3.4.4.\(3\)](#), Standards for Review of site plans in particular.

Special Land Use



Rezoning

Zoning divides land into categories according to desired character and permitted use and sets regulations for each unique district. When a property owner wants to use land in a way that is not permitted by the zoning of the property, the owner must request to rezone the property to a classification that permits the desired use. A rezoning is a legislative process that will amend the zoning map. The Village Council (with recommendation from the Planning Commission) has the authority to approve or deny rezoning requests.

The Village Council may make its own motion or shall upon petition signed by the owner(s) of a property proposed for rezoning, prepare an ordinance amending or changing the district boundaries or the district regulations.

Review Process

Prelim Step. Pre-Application Meeting.

Potential applicants may meet with the Planning Commission before submitting a Site Plan application to discuss required information and review procedures as outlined in 3.10 of the Zoning Ordinance.

Step 1. Application.

The applicant shall submit the required information at least 30 days before the upcoming scheduled Planning Commission meeting. The information required varies depending on the type of amendment (map or text) proposed. Review fees shall be enclosed as part of the complete rezoning application.

Step 2. Notice of Public Hearing.

Upon receipt of a complete application, a public hearing shall be noticed by staff at least 15 days prior according to the notification procedures outlined on page seven of this guidebook.

Step 3. Staff Review.

The Zoning Administrator and other reviewers (as appropriate) will provide a review and recommendation regarding the rezoning request at least seven (7) days before the scheduled hearing.

This review and recommendation will be presented before the public hearing being conducted at the Planning Commission meeting.

Step 4. Public Hearing and Planning Commission Recommendation.

Upon hearing staff's review and conducting a public hearing, the Planning Commission will make a recommendation to the Council to approve, deny, or postpone the rezoning request.

Step 5. Council Review.

Upon receiving a recommendation from the Planning Commission, the Village Council will consider the Planning Commission's recommendation. The Village Council will take action to approve, deny, or postpone the rezoning request.

Step 6. Village Council Approval.

Once the Village Council approves the amendment to the Zoning Ordinance, a Notice of Amendment must be published within fifteen (15) days in a newspaper of general circulation within the municipality.

Step 7. Effective Date

A Zoning Ordinance amendment/modification shall take effect no less than seven (7) days after publication unless a referendum petition is filed within the thirty-day period after the publication is found to be adequate.

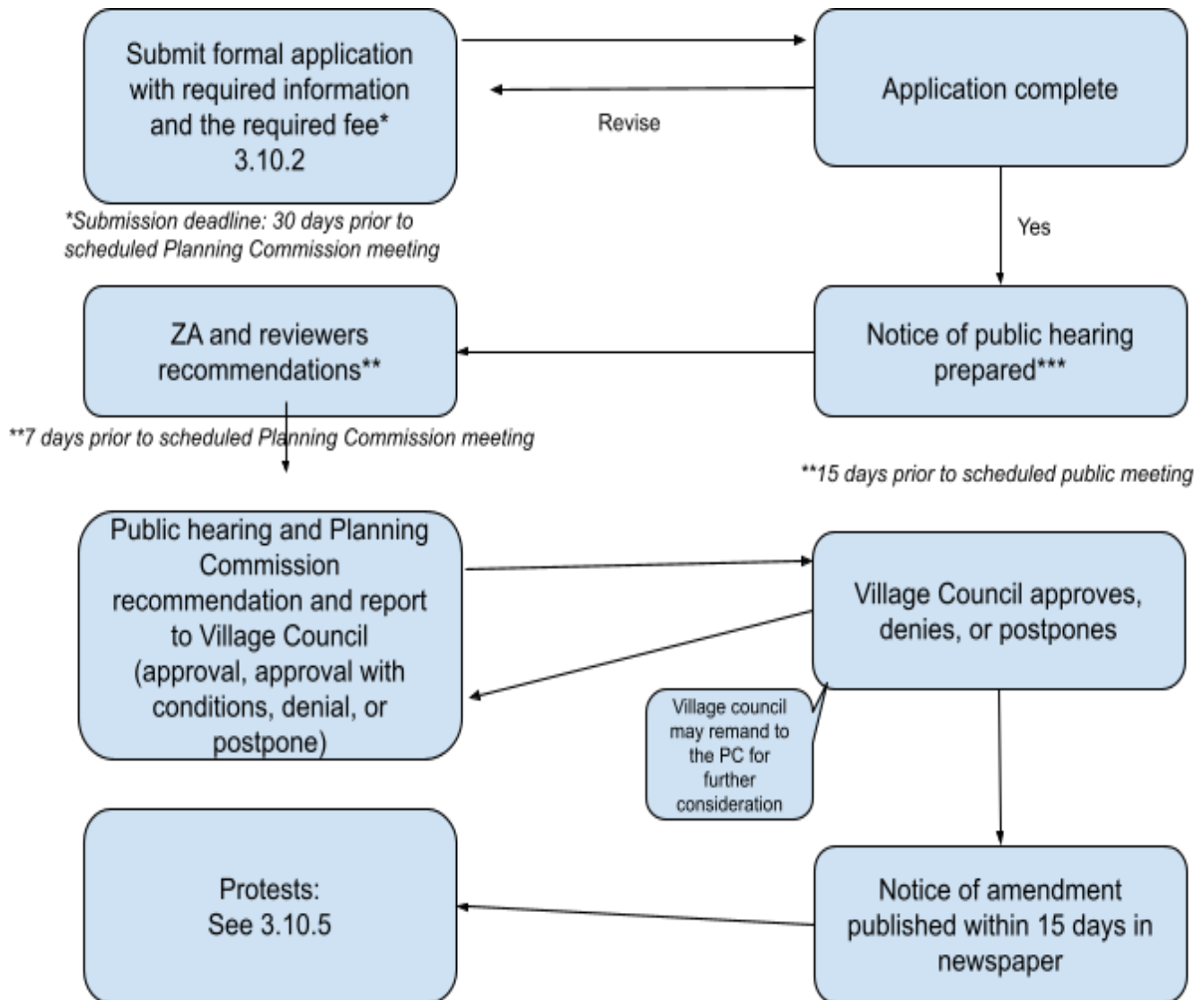
Rezoning Review Criteria

The Planning Commission and the Council will consider at a minimum the following factors in reviewing an ordinance for the rezoning of land, whether with or without an offer of conditions:

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Master Plan;
2. Whether all of the uses allowed under the proposed rezoning 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 rezoning; and
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(see 3.10.4 items 1-8)

Rezoning



Planned Unit Development (PUD)

Planned Unit Development (PUD) is a zoning tool to allow flexibility in development regulations by encouraging the use of land in accordance with its character and adaptability; conserving natural resources and energy; preserving historic resources; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the community; and bringing about greater compatibility of design and use.

Review Process

Step 1. Pre-Application Meeting.

Potential applicants shall meet with the Planning Commission before submission of a PUD application to discuss required information and review procedures as outlined in Section 7.3 of the Zoning Ordinance.

Step 2. Preliminary PUD Plan Submittal.

Applicants shall submit an application for Preliminary PUD Plan review to the Zoning Administrator. Deadline for submittal is 21 days before the upcoming scheduled Planning Commission meeting. The information required for Preliminary PUD review is listed in Sections 3.4.3.2 and 7.3.2

Step 3. Preliminary PUD Plan Review.

Upon receipt of a complete application, the Zoning Administrator and other parties and agencies (as applicable) will provide a review and recommendation of the Preliminary PUD Plan. Preliminary PUD Plan review shall be completed seven (7) days before the upcoming scheduled Planning Commission meeting.

Step 4. Final PUD Application Submittal.

Following Preliminary plan review, the applicant shall submit a Final PUD Plan to the Zoning Administrator accompanied by an application for rezoning. Deadline for submittal is 30 days before the upcoming scheduled Planning Commission meeting. The information required for Final Site Plan review is listed in Section 3.4.4 and 7.3.3.1 a-f.

Step 5. Staff Review.

The Zoning Administrator (and other staff as appropriate) will provide a review and recommendation based upon the required standards and findings. (3.4.4.3 and 7.4) This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Step 6. Public Hearing and Planning Commission Recommendation.

Upon hearing the staffs' review and conducting a public hearing, the Planning Commission will make a recommendation to Council to approve, approve with conditions, or deny the Final PUD Plan. The Planning Commission may postpone action on the application if it is determined that additional information is needed from the applicant that would help address the standards and findings.

Step 7. Village Council Action.

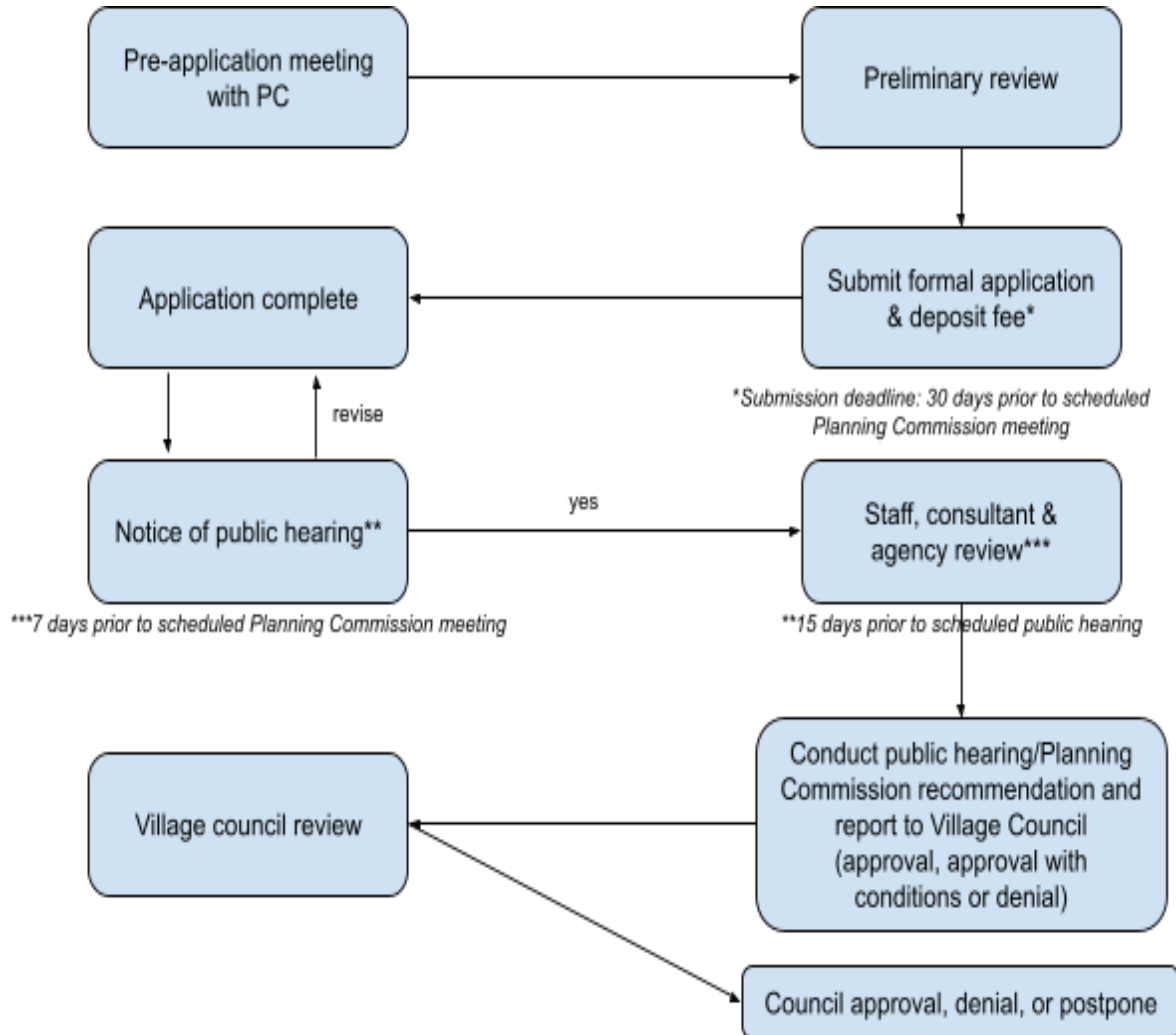
Village Council Action. Upon receiving a recommendation from the Planning Commission, the Village Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards outlined in [Sections 7.1](#) and [7.2](#), the Village Council shall approve, table or deny the Final Plan.

Before approval of a Final Plan, the Village Council shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Agreement shall be prepared by the Village Attorney, approved by the Village Council,

Step 8. Villager Council Approval.

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall conform with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Sanilac County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.

Planned Unit Development



Zoning Variances

The Zoning Board of Appeals (ZBA) is the quasi-judicial appointed body that can permit variances from the Zoning Ordinance. The most common variances are dimensional such as lot area and width, building height, bulk regulations, setbacks, and off-street parking and loading requirements. Additionally, the Village allows the ZBA to hear and decide upon variances in the use of land which is not otherwise permitted in the zoning district in which the property is placed.

Review Process

Prelim Step. Pre-Application Meeting.

Potential applicants may meet with the Zoning Administrator before submitting a Site Plan application to discuss required information and review procedures as outlined in Section 11.6 of the Zoning Ordinance.

Step 1. Application Submittal.

Applicants shall submit an application for a variance or appeal request to the Zoning Administrator. Deadline for submission is 30 days before the upcoming scheduled Planning Commission meeting. All required information and fees shall be enclosed as part of a complete variance or appeal application.

Step 2. Notice of Public Hearing.

Upon receipt of a complete application, a public hearing shall be noticed by staff at least 15 days prior according to the notification procedures outlined on page seven of this guidebook.

Step 3. Staff Review.

The Zoning Administrator (and reviewers as appropriate) will provide a review and recommendation based upon the required standards and findings. This review and recommendation will be presented during the public hearing being conducted at the Zoning Board of Appeals meeting.

Step 4. Public Hearing and Zoning Board of Appeals Decision.

Upon hearing staff's review and conducting the public hearing, the ZBA shall approve, approve with conditions, or deny the variance request.

Specific Information for Variances

In granting a variance, the board may grant a lesser variance or specific, in writing, conditions regarding the location, character, landscaping, or other treatment that will, in the board's judgment, be reasonably necessary to the furtherance of the intent of the Zoning Ordinance and the protection of the public interest. The breach of any condition shall automatically invalidate the permit granted.

Each variance granted under the provisions of the Zoning Ordinance becomes null and void after one (1) year from the date of granting unless the construction, occupancy, or other actions authorized by such variance or permit has commenced.

Review Standards for Non-Use Variances

The applicant must present evidence to show that if the zoning ordinance is applied strictly; practical difficulties will result to the applicant and:

- a. That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
- b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
- c. That the plight of the landowner is due to the unique circumstances of the property; and
- d. That the alleged hardship has not been created by any person presently having an interest in the property.

Review Standards for Use Variances

Use variance. The applicant must present evidence to show that if the zoning ordinance is applied strictly, unnecessary hardship to the applicant will result and that all four of the following requirements are met:

- a. That the property could not be reasonably used for the purposes permitted in that zone;
- b. That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
- c. That the use requested by the variance would not alter the essential character of the area; and
- d. That the alleged hardship has not been created by any person presently having an interest in the property.

Variances

