

CHAPTER 10 ADMINISTRATION

SECTION 10.01: ENFORCING OFFICIALS

1. An administrative official who shall be known as the Zoning Administrator shall be designated by the Townships' Boards and the City of Fremont's City Council to administer and enforce this Ordinance. Sheridan Charter Township, Dayton Township and the City of Fremont may each have a Zoning Administrator. This person may be assisted by other persons as may be directed by the Boards/Council. The Zoning Administrator may consult with building, legal, planning, engineering and other experts in coming to a determination or decision regarding administration and enforcement of this Ordinance.

When reference is made to the Zoning Administrator within this Zoning Ordinance, the intent is that each jurisdiction's Zoning Administrator may carry out the function or responsibility.

2. In the exercise of their duties, the enforcing officials shall have authority provided by law for the enforcement of ordinances, including, but not by way of limitation, the authority to issue and serve civil infraction citations and civil infraction violation notices, as provided by Public Act No. 12 of 1994 (MCL 600.8701 et seq., MSA 27A.8701 et seq.) and this Ordinance, and for those purposes shall have the right to enter private premises as provided by law.

SECTION 10.02: DUTIES, POWERS AND LIMITATIONS

1. The Zoning Administrator shall have the power to grant zoning compliance and shall advise the designated Building Code official of the respective jurisdiction of zoning compliance prior to issuance of building permits. The Zoning Administrator shall make inspections of buildings or premises necessary to carry out his/her respective duties in the enforcement of this Ordinance.

2. No administrative official or department shall be permitted to make changes or vary the terms of this Ordinance in carrying out their duties.
3. Plot Plan: All requests for zoning compliance for projects not falling under the Site Plan Review requirements as outlined in this Chapter shall be accompanied by plans and specifications including a copy of a plot plan, drawn to scale, showing, at a minimum, the following:
 - a. The actual shape, location, dimensions and required setbacks of the lot.
 - b. The shape, size, height and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
 - c. The existing and intended use of the lot and of all structures upon it.
 - d. Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of this Ordinance are being observed.
 - e. Well and septic field locations, if applicable.
4. Permits: The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance. The following shall apply in the approval of any zoning compliance under this Ordinance:
 - a. Zoning compliance shall not be granted for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all sections of this Ordinance.
 - b. No building or structure, or part thereof, shall be erected, altered, moved or repaired unless zoning compliance is approved and a building permit, if applicable, is issued by the designated Building Code official of the respective jurisdiction. The terms “altered” and “repaired” shall include any changes in structural parts; stairways; type of construction; type, class or kind of occupancy; light or ventilation; means of egress and ingress; or other changes affecting or regulated by the applicable Building Code, the housing law of the state, or this Ordinance, except for minor repairs or changes not involving any of the above features.

- c. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issues a zoning compliance permit.
- d. It shall be unlawful to commence expansion of, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings exceeding two hundred (200) square feet in floor area, until the Zoning Administrator has determined the plans, specifications and intended use of such structure does in all respects conform to the provisions of this Ordinance.
- e. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any expansion or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
- f. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
- g. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable local, County and State regulations. Violations of contracts, such as private agreements and covenants, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
- h. When the Zoning Administrator receives an application for a zoning compliance permit which requires Joint Planning Commission, Township Board/City Council or Joint Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
- i. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- j. Zoning permits shall be valid for a period of one year from date of approval. Extensions of up to one year may be granted by the Zoning Administrator when the proposed project will remain in compliance with the requirements of this Ordinance, as amended.

5. The Zoning Administrator is not allowed to grant exceptions to the actual meaning of any clause, order or regulation contained in the Ordinance to any person making application to expand, construct, move, alter or use either buildings, structures or land. The Zoning Administrator may not make changes to this Ordinance or vary the terms of this Ordinance in carrying out his/her duties.
6. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance.
7. The Zoning Administrator may accept a preliminary application and a fewer number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.
8. The Zoning Administrator shall keep records of all zoning inspections, applications, and permits issued, with a notation of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all plans, and records of any fees submitted with applications.
9. The Zoning Administrator will inspect all new construction or alterations after footings are placed and shall make such additional inspections as he/she deems necessary. The Zoning Administrator shall make periodic inspections of the Fremont Community to ascertain that the requirements of this Ordinance are being complied with. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his/her duties.

Upon completion of any project for the construction, erection, alteration, repair or moving of any building, structure, or part thereof for which zoning compliance is required, the Zoning Administrator shall have the right to inspect the premises for zoning compliance.

10. Existing Buildings and Uses

- a. A zoning compliance review shall be required for a change of use or occupancy of existing buildings, structures, or parts thereof.
- b. A zoning compliance approval shall be obtained before there is any change of use or modification of an existing use of a building or land, or part thereof, if any additional parking is required for the new or modified use.

- If additional parking is required, it shall be provided. In addition, all requirements of this Ordinance for improving property that are reasonably related to providing the additional parking shall be made.
- Paving of the entire parking area, as otherwise provided by this Ordinance, shall not be required if the existing parking area is not paved and the number of the additional required parking spaces does not exceed the number of parking spaces existing on the property by more than twenty-five percent (25%).
- c. The Zoning Administrator may require Site Plan Review or Zoning Compliance Review for changes to existing buildings and uses in sufficient detail as may be required to show compliance with this Ordinance.
- d. Where not otherwise specified in this Ordinance, the Zoning Administrator shall have discretion to determine what requirements of this Ordinance shall apply to changes in existing uses and buildings.
- e. No use or structure shall be used or occupied until all on-site improvements required by the approved site plan and this Ordinance are constructed, installed, or placed on the property in accordance with said site plan and this Ordinance.

SECTION 10.03: VIOLATIONS AND ENFORCEMENT

1. A violation of this Ordinance constitutes a civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be subject to the remedies allowed in this Ordinance.
2. The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his/her attention and shall pro-actively monitor the Fremont community to ensure adherence to the regulations in the Zoning Ordinance. If a violation is found to exist, he/she shall provide written notice to the person responsible for such violation, indicating the nature of the violation and stating the action necessary to correct it. If said owner fails to act diligently to correct said violation within 14 days of notification, the Zoning Administrator shall deem the violation one that constitutes a civil infraction.

3. Any person violating any of the provisions of this Ordinance, who is served with a civil infraction citation, shall, upon determination or admission of responsibility, be subject to a civil fine as outlined in the current fee schedule as set by the FCJPC and approved by the Township Boards and the City Council.
4. For the purposes of this Section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which the person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. A separate offense shall be deemed committed upon each day during or when a violation of this Ordinance occurs or continues. The rights and remedies provided in this Ordinance are cumulative and in addition to any other remedies provided by law. After an offense has been corrected or there is a new property owner, proceedings may begin again to remedy any alleged offense.
5. Buildings erected, altered, razed or converted, or uses carried on in violation of any section of this Ordinance or in violation of any regulations made under the authority of the Zoning Enabling Act are hereby declared to be a nuisance per se. In addition to other remedies, the relevant jurisdiction may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction to restrain or prevent any noncompliance with or violation of any of the sections in this Ordinance or to correct, remedy or abate any noncompliance or violation.
6. Forbearance in enforcement of this Ordinance shall not be deemed to condone any violation thereof.

SECTION 10.04: STOP WORK ORDERS

1. Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
2. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

SECTION 10.05: FEES

Applications for an amendment to this Ordinance, site plan review, review of a Special Land Use, zoning compliance, request for a variance, or other action pursuant to the regulations set forth in this Ordinance shall be subject to and accompanied by a fee as established by resolution by the Township Boards and the City Council. In addition, the FCJPC may require, subject to approval of the Township Boards and the City Council, deposit for the costs of review of applications, in accordance with an escrow policy adopted by resolution. The assessment and payment of application fees does not affect the requirements for a performance guarantee.

SECTION 10.06: PERFORMANCE GUARANTEE

1. As a condition of approval of a Planned Unit Development, (PUD), Special Land Use, Site Plan Review, variance, or other approvals authorized by this Ordinance, the participating municipalities, the Joint Planning Commission, the Joint Zoning Board of Appeals or the Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed project.
2. The features or components, hereafter referred to as “improvements”, may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
3. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a zoning permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.

- b. The amount of the performance guarantee shall be not more than one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
- c. The required performance guarantee shall be payable to the jurisdiction in which the subject property is located and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the applicable jurisdiction.
- d. Upon receipt of the required performance guarantees, the Zoning Administrator shall issue a zoning permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable requirements of the municipality in which the property is located.
- e. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
- f. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
- g. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- h. The Zoning Administrator shall maintain a record of required performance guarantees.

SECTION 10.07: CERTIFICATE OF OCCUPANCY

General Requirements

1. A certificate of occupancy shall be obtained before any person occupies, uses or causes to be occupied or used, any land, building or part thereof where:
 - a. A building permit is required.
 - b. A site plan is required for the improvement of land.
 - c. A new use of a different zoning classification is commenced, such as changing a nonconforming use to a conforming use.
2. Unless zoning compliance, building permit(s) and/or a certificate of occupancy is otherwise required by this Section, a change of occupancy or use of any land, building or part thereof may be made without obtaining a certificate of occupancy.

SECTION 10.08: APPLICATION AND REVIEW

Overview, Intent and Purpose

1. The purpose of these requirements is to establish an orderly review process for proposed site development projects and to ensure that land developed within the Fremont Community is consistent with regulations in this Chapter.
 - a. It is the intent of this Chapter to provide a clear and comprehensive development review process that is fair and equitable to all interests including applicants, affected neighbors and the Fremont Community.
 - b. It is also the intent of this Chapter to ensure that land, parcels, and lots are appropriately developed so that their use and operation complies with all applicable requirements of this Ordinance.

- c. It is also the intent to ensure that compliance is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety and general welfare of existing, prospective or future owners, users, surrounding and adjoining properties, and the public.
 - d. This Chapter is intended to ensure that developments provide adequate and efficient facilities and/or infrastructure, and land, rights-of-way and easements, so as not to burden the fiscal resources of the Fremont Community. These provisions include the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces and other provisions required for the public good of the Fremont Community.
2. The purpose of the review process defined in this Chapter is to ensure compliance with the Master Plan and the specific provisions of this Ordinance. Rather than attempt to establish any one style or manner of development, the intent of the requirements of this Ordinance and the applicable review procedures is to highlight only the most important site and building development issues. The intent of the provisions of this Ordinance is to recognize that design details not included in this Ordinance are best left to the inventive discretion of individual architects, land planners and owners. Nevertheless, acceptance and implementation of the broader design themes of the Master Plan and this Ordinance are vital to the success of the Fremont Community, and their use will better ensure the active support and assistance of the residents and business owners of the Community through the process of project review and implementation.

3. The following review procedures shall have the following meanings:

Review Procedures	Description
Administrative Approvals	The proposed development complies with all aspects of the Zoning Ordinance, requiring no administrative departures or variances from the Joint Zoning Board of Appeals.
Administrative Departures	An administrative departure is a permitted deviation from the requirements of the Zoning District approved by the Zoning Administrator. Only those administrative departures that are listed within each Zoning District may be considered.
Site Plan Review/Deviations	Site Plan Review applications are those that are subject to site plan review by the Joint Planning Commission in accordance with the applicable provisions of this Chapter. Site Plan Review is required for deviations.
Special Land Uses	Special Land Uses are those uses listed within each Zoning District that require approval by the Joint Planning Commission in accordance with the provisions of this Ordinance.
Joint Zoning Board of Appeals (JZBA)	The Joint ZBA is authorized to decide on variance requests, appeals from administrative actions and on requests for interpretation of this Ordinance’s text or zoning map. Other duties may also be assigned to the Joint ZBA by this Ordinance.
Zoning Ordinance and Map Amendments	A change to the text of this Ordinance, or a change in Zoning District designation on the Official Zoning Map.

4. Uses

A. Within each zoning district of this Ordinance uses are divided into two categories, Uses by Right and Special Land Uses. Each district has a list of uses that are placed in one of these categories.

B. Similar Uses or Uses Not Addressed

- Purpose: Since every type of potential use cannot be anticipated in this Ordinance, this Chapter provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those uses that are listed. Similarly, there are various uses that include the phrase “and similar uses”.
- In those situations where a use is not specifically addressed or can be reasonably interpreted as being essentially the same in character to a use listed in the District, or is noted as a “similar use”, the Zoning Administrator may request that the Joint Zoning Board of Appeals determine that the use is similar to the uses permitted in the District, either as a Use by Right or as a Special Land Use.
- The Joint Zoning Board of Appeals shall base the decision on a finding that the proposed use satisfies all of the following:
 - Is not specifically listed in any other District
 - Is generally consistent with the intent of the District and this Ordinance
 - Will not impair the present or potential use of other properties within the same District in the vicinity
 - Generally has no greater potential impact on surrounding properties than those listed in the District, in terms of aesthetics, traffic generated, noise, potential nuisances and other impacts related to health, safety and welfare
 - Will not adversely affect the Master Plan
- The Joint Zoning Board of Appeals’ determination shall be in writing and a copy shall be sent to the applicant.
- The proposed use shall comply with all conditions as well as the review and approval requirements and district regulations that apply to the similar use.

- Uses determined to be similar to a permitted use or Special Land Use shall be recorded by the Zoning Administrator and periodically presented to the Joint Planning Commission for consideration for incorporation into the text of the Ordinance.

5. Review Determination

A. Pre-application Development Review

- a. An applicant is strongly encouraged to request a pre-application development review meeting with the Zoning Administrator for the purpose of determining the approval type and process that will be followed. The pre-application development review meeting is non-binding and informal review of the proposal intended to provide information to the applicant on the procedures and policies of the Fremont Community and does not confer upon the applicant any development approvals or other rights.
- b. The pre-application development review shall be used to advise the applicant of the development review method to be used and applicable regulations and policies and may be used to suggest development alternatives, as appropriate.
- c. If a pre-application development review meeting is requested, the review determination shall be provided either at the review meeting or within a reasonable time following the meeting.
- d. The Zoning Administrator may, at his or her discretion, require an applicant to follow the pre-application review process, if he/she believes that the application is of sufficient complexity to require careful initial review.

B. Final Review Determination

- a. If a pre-application development review is not requested, the Zoning Administrator shall review all applications for development within the Fremont Community and make a determination as to the review requirements that must be met. The review determination shall be communicated to the applicant within a reasonable time after the Zoning Administrator has completed the determination.

- b. An applicant for review determination shall include, at a minimum, a preliminary or final site plan (whichever is sufficient to make a determination), and a description of any request(s) for administrative departures, either listed in writing and/or clearly noted on the preliminary or final site plan, as applicable. The Zoning Administrator may require additional information or detail as may be needed.
- c. Prior to making a final review determination, the Zoning Administrator may submit the application to other applicable departments or agencies for input and recommendations.

C. Application Requirements

- 1. Following the review determination a development application may be filed with the Zoning Administrator and, at a minimum, shall consist of the following:
 - a. An application form, completed in full by the applicant, including a detailed description of the proposed development project and use
 - b. Payment of a fee approved by resolution of the Township Boards and the City's Council
 - c. A description of any request(s) for administrative departures, either listed in a written narrative and/or clearly noted on the preliminary or final site plan, as applicable
 - d. Preliminary or final site plans meeting the requirements of this section. For rezoning, a site plan is not required. Copies of a scaled map showing the location of the entire property to be rezoned shall be submitted.
 - e. A statement describing the application's compliance with the development requirements of the district and the applicable standards and requirements for the project under consideration (Special Land Use, Site Plan Review, etc.).
- 2. Applications for Special Land Uses and Site Plan Review shall be submitted and reviewed concurrently. The procedures, standards and specifications for each shall be followed as specified in this Chapter and other applicable Chapters of this Ordinance. In all cases, a Special Land Use permit and Final Site Plan Review approval shall be required prior to the submission and application for a building permit.

D. Administrative Approvals

1. Intent and Applicability: An administrative approval is intended to provide an incentive to applicants who develop their projects in full compliance with all of the requirements of this Ordinance, without deviations or variances, and are not required to receive Site Plan Review or Special Land Use approval.

2. Administrative Approval Procedure

- a. Administrative approvals shall be made by the Zoning Administrator. Prior to a final approval the Zoning Administrator shall consult with other governmental staff/departments as deemed necessary.
- b. An administrative approval shall be completed within thirty (30) days of submission of a completed application, unless a longer period is agreed to by the applicant in writing or unless extended by the Zoning Administrator for good cause.
- c. Permits shall not be applied for or submitted for any building or site activity until the administrative approval is completed.
- d. Administrative approval decisions of the Zoning Administrator may be appealed to the Joint Zoning Board of Appeals.
- e. The Zoning Administrator shall have the option of submitting any plan for a Site Plan Review even if deemed eligible for administrative approval if he/she deems the scale or effect of the project is significant enough to warrant that review.

E. Administrative Departures

1. Intent and Applicability: Administrative departures are provided to permit development of individual properties within form-based districts that generally fall within the intent of the regulations and requirements of the District and where a practical difficulty is not present, but due to site characteristics or other related conditions, the project calls for a certain degree of flexibility. Only those administrative departures that are specifically noted within the individual zoning districts may be requested and approved.

2. Requests for administrative departures shall be submitted with the administrative review application or the pre-application development review meeting request, as applicable. Proposed administrative departures shall either be separately listed in a written document and/or clearly noted on the submitted plan.
3. Review Procedure: The Zoning Administrator shall consider the following in reviewing requests for administrative departures:
 - a. Whether the requested departure preserves the purpose and intent of the District.
 - b. Whether the requested departure is necessitated by a condition related to the site, rather than simply as a means to reduce costs or a matter of general convenience.
 - c. Whether the requested departure is consistent with the specific requirements and conditions listed in the administrative departures of each District, as applicable.
4. Administrative departures shall be reviewed and approved or denied in writing by the Zoning Administrator, along with the reasons for the decision and a copy provided to the applicant prior to approval of the administrative review, Site Plan Review, Special Land Use or other approval required by this Ordinance.
5. Decisions by the Zoning Administrator on administrative departures may be appealed to the Joint Zoning Board of Appeals.

F. Site Plan Review

Intent and Applicability

- a. In order to promote the purpose of this Ordinance and ensure compliance with the intent as well as the letter of the regulations, it is deemed prudent and necessary to exercise site planning measures which will encourage orderly development and minimize undesirable effects on surrounding properties and upon transportation systems, utilities and other public facilities. The purpose of these controls is to protect the public health, safety and general welfare of the community.

- b. Site plan review is required as provided in this Chapter.
- c. A change in occupancy that does not result in a change of use, or a change in the intensity of the use, exterior alterations, changes in parking lot layout or expansion of parking lots, or any other change resulting in different requirements applying to the new use that were not applicable to the prior use, shall not require Site Plan Review.

G. Site Plan Requirement

In accordance with the provisions of this Section, the Joint Planning Commission shall be furnished a site plan of the proposed development prior to the creation of a use or the erection/expansion of a building whenever one or more of the conditions cited below apply:

- a. Deviations to form-based district requirements. Any proposed development within a form-based district that does not qualify for an administrative approval, with or without administrative departures, shall require Site Plan Review.
 - o Site Plan Review cannot be used to permit a building or site requirement that is less restrictive than the requirements of this Ordinance, as listed in the form-based district regulations. Such requests shall be considered as variances and may only be approved by the Joint Zoning Board of Appeals.
 - o A deviation from requirements not listed as variances, unless permitted as an administrative departure, shall be reviewed under the requirements of this Chapter.
 - o The Commission shall not have the authority to change any part of the site plan that meets development requirements of the district or has been approved as an administrative departure.
- b. Expansions of existing buildings of more than twenty-five percent (25%) of the gross floor area of the main building(s) or forty-thousand (40,000) square feet, whichever is greater, unless the expansion is approved administratively.
- c. Special Land Uses and Planned Unit Developments (PUDs) in all applicable districts.

- d. Permitted Uses in Traditional Zoning Districts, with the exception of one or two-family dwellings.
- e. Site condominiums in all zoning districts.
- f. Parking lots and parking lot expansions, unless the lot or expansion is approved administratively.

H. Site Plan Application Requirements

- a. All site plans shall be accompanied by the items required in the Site Plan Submittal Requirements as outlined in Appendix 3. The Zoning Administrator may waive individual submittal requirements if the requirement is not necessary or is not applicable.
- a. In addition to the 24" X 36" plan sets required by this Chapter, whenever possible, the plan set shall also be submitted in an electronic format or software configuration determined by the jurisdiction.

I. Preliminary Site Plan Review

- a. If desired by the applicant, a preliminary site plan review may precede the final site plan review, in accordance with the procedures of this Chapter. The purpose of this procedure is to allow discussion between the applicant and the Joint Planning Commission to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- b. If a preliminary site plan review is elected, eighteen (18) copies of a preliminary site plan meeting the requirements outlined in Appendix 3 shall be submitted for review by the Joint Planning Commission.
- c. The Joint Planning Commission shall review the preliminary site plan and make recommendations to the applicant that will cause the plan to be in conformance with the requirements of this Ordinance and the review standards of this Chapter. The Joint Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

J. Final Site Plan Review

- a. Twenty-two (22) copies of a final site plan prepared by a registered professional competent in these matters may be submitted for review without first receiving approval of a preliminary site plan. However, a site plan will be required for those projects meeting the requirements of Site Plan Review.
- b. The Joint Planning Commission shall review the final site plan and approve, approve with conditions, or deny the plan, using the standards for site plan approval of this Chapter.

K. Authority and Limitations

1. Site Plan Review decisions of the Joint Planning Commission may be appealed to the Joint Zoning Board of Appeals.
2. Standards for site plan approvals: Site plan approvals shall be granted only if the site plan meets the requirements of this Ordinance and the following standards, as applicable:
 - a. General Site Design Characteristics
 - All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings.
 - The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
 - The site shall be designed to conform to all provisions of this Ordinance, except deviations in form-based districts that are determined to meet the standards for site plan approval and the considerations of this Chapter dealing with deviations in form-based districts.
 - Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance relative to and proportionate to the extent of redevelopment, as determined by the approving authority.
 - All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access.
 - Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public/private streets and walkways.

- Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on nearby streets, adversely impact abutting properties, or adversely impact the natural evening sky.

b. Environmental Standards

- The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, minimizing alteration to the natural drainage courses and minimizing the amount of cutting, filling and grading.
- Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.
- Buildings and structures will be placed to preserve environmentally sensitive areas.
- Landscaping buffers and/or greenbelts may be required to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- Sites which include storage of hazardous materials or waste, fuels, salt or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These sites shall be designed to meet all applicable state and federal regulations.

c. Vehicular and Pedestrian Circulation

- The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon.
- Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site.
- The width of streets and drives shall be appropriate for the existing and anticipated volume of traffic.
- The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- Off-street parking and loading areas shall be provided where required with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.

- Safe, convenient, non-congested and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
- The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned so as to operate in the safest and most efficient manner possible.

d. Storm Water and Erosion Controls

- Storm water management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.
- Storm water management facilities shall be designed, constructed and maintained to prevent flooding and protect water resources and may be incorporated into the open space portions of a development site.
- Areas of natural drainage such as swales, wetlands or ponds shall be protected and preserved insofar as practical in their natural habitat to preserve drainage patterns and to maintain the natural characteristics of the land.
- Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water.
- Provisions shall be made to prevent erosion and the formation of dust during and after construction. Efforts should be made to reduce/minimize the amount of impervious surfaces, such as using infiltration basins, trenches or dry wells, grassed (vegetated) waterways or swales, or rain gardens, in yards or parking lots.
- Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

e. Public Services

The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the participating municipalities, separate jurisdictions or other public agencies including, but not limited to, fire and police protection, storm water management, sanitary sewage removal and treatment, traffic control and administrative services.

f. Deviations to Form-based District Regulations

The general purposes and spirit of this Ordinance and the Comprehensive Plan of the Fremont Community shall be maintained.

Deviations in form-based districts: The Joint Planning Commission shall consider the following when reviewing a site plan in a form-based district that includes deviations:

- Deviations shall be permitted when the applicant can demonstrate that the resulting design is superior in terms of compatibility with surrounding structures and is more aesthetically pleasing than would occur if the development conformed to form-based architectural requirements.
- The Joint Planning Commission may also consider deviations where the applicant can show that conformance with the form-based requirements is impractical due to existing building layouts on the site or on adjacent sites, where the deviation has no exterior effect, or where the deviation is necessary to meet other laws or regulations.
- The deviation shall be the least necessary to achieve the results in either of the two paragraphs above.
- Cost, convenience or franchise/corporate designs shall not, by themselves, be reasons for granting a deviation.
- The Joint Planning Commission may grant a lesser deviation than requested.
- The Joint Planning Commission may attach conditions to the approval of a deviation, if necessary to meet the requirements of this Section and to uphold the intent of this Ordinance.

g. Amendments

The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan. Documentation outlining conditions necessitating the changes shall be provided. Changes to the approved site plan shall be reviewed in accordance with the requirements of this Section.

- Minor Amendments: Minor amendments may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specific conditions imposed as part of the original approval.
- Minor amendments shall include the following:
 - Change in building size, up to ten percent (10%) in total floor area
 - Movement of buildings or other structures by not more than ten (10) feet
 - Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size
 - Changes in building materials to a comparable or higher quality
 - Changes in floor plans that do not alter the character of the use
 - Changes required by outside agencies such as the County, State or Federal departments
- A proposed amendment not determined by the Zoning Administrator to be minor shall be submitted as a new application and reviewed in accordance with the requirements of this Chapter.
- Notwithstanding the above, in form-based districts, any change that results in a deviation shall not be considered a minor amendment.

h. Expiration

A project approved under this section shall receive necessary permits and be under construction within twelve (12) months after approval. The Joint Planning Commission may grant a one (1) year extension, provided that the applicant can show that delays are not of their own making or due to unavoidable circumstances and that the project can be completed within the extended period.

SECTION 10.09: ZONING ORDINANCE AND MAP AMENDMENTS

1. An amendment to the Zoning Ordinance text and map may be initiated by:
 - a. A participating municipalities' Board or Council (Staff may act at the behest of the Board/Council)
 - b. The Joint Planning Commission
 - c. Petition by an owner or person having a legal interest in property in the Joint Planning Area requesting a text amendment to the Zoning Ordinance. However, the Joint Planning Commission has the discretion to reject such a petition without having a public hearing on the request.

2. Application – Zoning Ordinance and Map Amendments

All applications for amendments to this Ordinance (except applications or petitions made by the Joint Planning Commission itself or by a participating municipalities' Board or Council) shall be in writing, signed and filed with each participating municipalities' Clerk with a copy to each participating municipality's Zoning Administrator. The following shall be required as part of any application:

- a. An application form signed by the petitioner certifying the accuracy of the required information.
- b. A fee or fees, as specified in the adopted fee schedule or otherwise.
- c. For zoning ordinance text amendments, a copy of the existing ordinance language and the proposed change(s)
- d. For Zoning Map amendments (rezonings):
 - Written proof of ownership of the property or documentation of a substantial legal interest therein, such as an executed purchase agreement or other similar document. However, the Joint Planning Commission shall have the

right to reject such a petition if the legal interest in the property involved of the applicant is not sufficient or substantial in the Joint Planning Commission's opinion.

- A plot plan or survey containing all of the following information:
 - Legal description of the property proposed for change, including street addresses, tax identification number and total acreage;
 - Scale, north arrow, date of submission, and dates of all revisions;
 - A location map indicating major roads and section numbers;
 - Zoning classification of the subject parcel and any abutting parcels;
 - Subject property lines; and
 - Locations and dimensions of all existing or proposed public and private road rights-of-way or private access easements.

- A detailed statement of how the proposed amendment complies with the applicable criteria of this section.

- Any additional reasonable information required by the Joint Planning Commission or the Township Boards or City Council to assist in its/their review.

- The Zoning Administrator may require the applicant to provide a specified number of copies of all required application materials.

3. Public Hearing

- a. Upon examination and approval of the application as to form, the Clerk of the participating municipality that received the application shall forthwith transmit the application to the Joint Planning Commission, which shall process the petition according to the provisions set out in this Chapter. Any amendment to the Zoning Ordinance shall first be referred to the Joint Planning Commission.

- b. The Joint Planning Commission shall review the proposed amendment and hold a public hearing in accordance with the requirements of the Zoning Act. An affidavit of mailing shall be maintained.
- c. After the public hearing the Joint Planning Commission shall make its recommendation to the each participating municipality, accompanied by a summary of the comments submitted at the public hearing.

4. Township Boards/City Council Action

- a. The participating Township Boards and the City Council shall not hold separate public hearings on text or map amendment applications, but has delegated the public hearing function to the Joint Planning Commission pursuant to the Michigan Joint Municipal Planning Act. However, where the Zoning Act requires that the Township Board and City Council hold a public hearing, those bodies shall so comply.
- b. Each participating Township Board and City Council shall either approve or deny the Ordinance amendment application after reviewing the Joint Planning Commission's recommendations. The Boards and Council shall state the reason(s) for its action in the minutes. If a proposed rezoning or text amendment is not approved by the legislative body of all participating municipalities, the rezoning or text amendment shall be deemed not enacted or adopted. Any Zoning Ordinance amendment shall be deemed to be effective if passed/enacted, upon the expiration of ten (10) days after the notice of adoption specified in Subsection C below appears in the newspaper.
- c. Following adoption of a Zoning Ordinance amendment by the legislative body of each participating municipality, the Zoning Ordinance Amendment shall be filed with the clerk of each governmental unit, and a notice of Ordinance adoption shall be published in a newspaper of general circulation in the jurisdictional area of the Zoning Ordinance within 15 days after adoption by the last of the three participating municipalities. The participating municipalities shall use one unified newspaper notice.
- d. Except as otherwise provided under section 402 of the Zoning Act, a Zoning Ordinance amendment shall take effect upon the expiration of ten (10) days after publication or at such later date after publication as may be specified by all of the legislative bodies or charters.

5. Review Considerations

- A. For changes to the text of the Zoning Ordinance the Joint Planning Commission shall, and the participating Township Boards and Council may, consider at a minimum the following:
 - a. Whether the amendment is consistent with the intent and purpose of the Ordinance and the Joint Master Plan.
 - b. Whether the change is the result of an error or omission in the original text.
 - c. The potential effects on areas that are most likely to be directly affected by the change.
 - d. Any changes or enhancements in physical or economic conditions or development practices that justify the proposed change.
 - e. Whether the change might result in the creation of significant nonconformities on properties in the Joint Planning Area.
- B. For changes to the boundaries of a Zoning District (rezoning) of the Zoning Ordinance/Map (or a new Zoning District designation), the Joint Planning Commission shall, and the participating Township Boards and City Council may consider at a minimum the following:
 - a. Whether the proposed amendment meets the intent and purpose of the Zoning Ordinance
 - b. If the proposed amendment complies with the adopted Future Land Use map and/or furthers the goals of the Fremont Community as defined in the Master Plan.
 - c. Whether the proposed zoning is consistent with the zoning classification(s) of the surrounding land.
 - d. Whether all of the requirements in the proposed zoning classification can be accommodated on the parcel.

- e. If the site's physical, geological, hydrological and other environmental features are compatible with the full range of uses in the proposed zoning district.
- f. Whether the capacity of infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Fremont Community and the surrounding area.
- g. Any changes that have occurred regarding the property at issue or nearby lands that would justify the proposed rezoning.

6. Notice of Adoption

Upon adoption of the Joint Zoning Ordinance or subsequent amendments, notice of adoption shall be published in accordance with the requirements of the Zoning Act.

7. Resubmission

- a. Following the final action of each Board and Council on a text amendment application or request for a zoning map amendment by anyone other than the Joint Planning Commission or a participating municipality, no further applications shall be considered for any part or all of the same property for twelve (12) months from the date of the final legislative action, except as provided below.
- b. The time limit imposed by subsection A above, may be waived by a majority vote of each participating Board/Council when it is deemed necessary to facilitate the proper development of the Fremont community, and when each Board/Council finds that there has been a substantial change in circumstances since the time of the original vote on the proposed Zoning Ordinance amendment.

SECTION 10.10: FINAL VOTES BY TOWNSHIP BOARDS AND CITY COUNCIL

If the disposition of a Joint Planning Commission matter requires a final vote of all of the participating municipalities' legislative bodies (Township Boards and City Council), the following shall apply:

1. All Joint Planning Commission matters requiring legislative body approval must be approved by all of the legislative bodies of all participating municipalities. If such a matter is not approved by all of the legislative bodies of all participating municipalities, it shall be deemed to be a rejection or denial of the rezoning or Zoning Ordinance amendment request. The legislative body having jurisdiction over the location where the rezoning is proposed or where the text amendment application is filed, is the legislative body that will first vote on the matter. If the first legislative body to consider the matter rejects or denies the rezoning or Zoning Ordinance amendment request, then it is not necessary for the other participating legislative bodies to vote on the issue.
2. Substantive Changes: The legislative bodies may approve or deny a recommendation on a matter referred to them by the Joint Planning Commission. However, if a legislative body amends, modifies or alters the matter as presented or imposes new or additional conditions beyond that which was recommended by the Joint Planning Commission, then those changes must be approved by all the other legislative bodies.

Clerical Errors: The legislative bodies may clarify or correct a clerical error on a matter referred to them by the Joint Planning Commission without further approval by other the participating municipalities.

3. The minutes of the legislative body shall reflect the reason(s) for any denial by the legislative bodies.