

SECTION 5.2.5 -- STANDARD FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant according to the standards set forth in Section 5.3.5. The Planning Commission reserves the right to request additional information it deems necessary to complete the review of any submitted site plan. Any costs incurred for additional reviews are the responsibility of the applicant. (Amended, effective September 27, 1999 and December 30, 2000)

SECTION 5.2.6 - - APPROVAL OF THE SITE PLAN

Unless revisions have been requested, the Planning Commission shall approve, conditionally approve, or Deny a site plan within forty-five (45) days of receipt. The Clerk shall notify the applicant in writing of its Action within ten (10) days of the decisions, including any changes necessary to meet the standards Outlined in Section 5.2.5 and any performance guarantee required under Section 5.2.9. A zoning compliance Permit and a building permit shall not be issued until the site plan has been approved by the Planning Commission.

Upon the approval of a site plan the applicant shall file with the Clerk four (4) copies thereof, amended as Necessary. The Clerk shall within ten (10) days transmit to the Zoning Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance and that any performance guarantee has been received.

The applicant may appeal the decision of the Planning Commission or any of the conditions placed on the Proposed development by notifying the Zoning Board of Appeals in writing. Such appeal shall be made Within thirty (30) days of the Planning Commission's decision and shall specify what conditions are being Appealed. (Amended, effective March 6, 1995, and effective September 27, 1999, and effective January 4, 2016).

SECTION 5.2.7 -- EXPIRATION OF SITE PLAN APPROVAL

A site plan shall expire, and be of no effect, three hundred and sixty-five (365) days after the approval thereof unless actual construction/development, either through issuance of a building permit or construction of site improvements in accordance with a submitted and approved schedule (5.2.4.c (10)), has been commenced in accordance with the approved site plan. If construction and development is commenced within that period, the approval will be valid for five (5) years from the date of approval.

If, following the start of construction, work ceases for a period of one hundred eighty (180) days or more, site plan approval shall expire.

The Planning Commission shall be permitted to extend the period of effectiveness of a site plan approval once and not to exceed one hundred eighty (180) days upon good cause shown if such request is made prior to the expiration of the original site plan approval. Such extension may be granted by the Planning Commission after determination that there have been no zoning ordinance changes effective since the site

plan approval which would apply to the development. In the event of such ordinance changes, an extension may be granted by the Planning Commission only upon agreement by the applicant to comply with all such ordinance changes for any portions of the project on which construction has not been started, and submission of a site plan which has been modified accordingly. (Amended, effective March 1, 2004)

SECTION 5.2.8 -- FLEXIBLE LANDSCAPING

If, in the opinion of the Planning Commission, the characteristics of the site achieve the spirit and intent of this ordinance or the strict enforcement of landscaping standards would serve no purpose, the Planning Commission may recommend the rearrangement, reduction, or waiver of the requirements without the need for a variance from the Zoning Board of Appeals. (Effective February 15, 1996).

SECTION 5.2.9 -- PERFORMANCE GUARANTEES

To assure the orderly completion of a land development project, at the recommendation of the Village of Grass Lake Planning Commission, the builder or developer shall be required to post a Guarantee in the form of a Performance Bond or Cash Deposit.

- A. The Guarantee shall be provided after a final site plan is approved by the Planning Commission but prior to issuance of any building or utility permits for any building that is covered by the site plan. The guarantee shall cover Site Improvements shown on the approved site plan that will not be completed prior to the issuance of the Certificate of Occupancy. Site Improvements shall include, but are not limited to, sidewalks, grading, required landscaping, required visual screens or fencing, storm drainage facilities, exterior lighting, and utilities.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the Guarantee and such estimate shall be verified as to amount by the Village Engineer/Landscape Architect at the applicant's expense.
- C. If the applicant shall fail to provide any Site Improvement according to the approved plans within the time specified in the Guarantee, the Village shall be entitled to enter upon the site and complete the improvements. The Village may defray the cost thereof by the use of the deposited security, or may require performance by the bonding company. (Amended, effective January 4, 2016).
- D. If a cash deposit is used, the applicant will provide a projected work schedule and completion dates. the applicant and the Planning Commission shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work to be completed. The balance of the deposit will be rebated upon completion of the final inspection. (Amended, effective January 4, 2016).
- E. The Zoning Administrator shall refuse to sign a Certificate of Occupancy until compliance with the approved Final Site Plan is achieved or until adequate security, as defined in this section, is provided.
- F. When all of the required improvements have been completed, the Zoning Administrator shall inspect the property and submit a written report to the Planning Commission. If the improvements are deemed satisfactory, the Clerk will notify the owner/developer in writing, attaching a copy of the Zoning Administrator's report and returning the Performance Bond or any remaining cash Deposit. (Effective June 6, 1996, and amended, effective September 27, 1999, and January 4, 2016).

SECTION 5.3 -- CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of the Village of Grass Lake into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable

to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Village of Grass Lake. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 5.3.1 -- AUTHORITY TO GRANT PERMITS

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Village Council to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Village of Grass Lake may determine for all conditional uses specified in the various district provisions of the Ordinance.

SECTION 5.3.2 -- APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Village of Grass Lake Clerk by filing an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Village Council except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

SECTION 5.3.3 -- DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing, and a site plan in accordance with Section 5.2; and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

SECTION 5.3.4 -- PUBLIC NOTIFICATION

The Planning Commission shall hold a public hearing upon an application for a conditional use permit, notice of which shall be given in accordance with Section 6.8. (Amended, effective May 20, 2009.)

SECTION 5.3.5 -- REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.

2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public costs for public facilities and services.
6. The use shall comply with any applicable standards of Section 4.7.

SECTION 5.3.6 -- DETERMINATION AND IMPOSITION OF CONDITIONS

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Village Council that said Village Council should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Village Council, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Village of Grass Lake and the surrounding property, and to achieve the objectives of this Ordinance.

SECTION 5.3.7 -- APPROVAL, GRANT OR PERMIT

Upon holding a public hearing and the finding that the requirements of subsections 5.3.2 through 5.3.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Village Council. When the Village Council gives final approval, a conditional use permit shall be issued to the applicant. In any case, the Village Council shall specify the grounds for its decision, and any conditions imposed in a statement of conclusions. The Village Council shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission.

The Zoning Administrator shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Village Council.

SECTION 5.3.8 -- VOIDING OF CONDITIONAL USE PERMITS

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred and ten (210) days and completed within five hundred and seventy-five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to recommend to the Village Council that it terminate and cancel such conditional use permit.