

ARTICLE 22
SPECIAL USE REVIEW PROCEDURES

Section 22.01 Application

1. Uses identified as special uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
2. Upon recommendation by the Planning Commission, the Township Board shall have the authority to approve special use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special use included in the various provisions of this Ordinance.

Section 22.02 Data Required

1. Application for a special use permit shall be made to the Zoning Administrator by filing an official special use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board.
2. An application for a special use permit shall contain the following:
 - a. Applicant's name, address, and telephone number.
 - b. Address and tax identification number of the subject parcel.
 - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - d. Supporting statements, evidence, data, information and exhibits that address those standards and requirements for assessing special use permit applications outlined in Section 22.04.
 - e. A complete site plan containing all of the applicable data outlined in Article 21, Site Plan Review Procedures, if the applicant wishes for concurrent approval of a special use permit and site plan review.
 - f. If the applicant does not want concurrent approval of the special use permit and site plan and is only requesting approval of a special use permit, the following additional information is required:

- 1) A statement of purpose, objectives, and development program including:
 - a) Discussion of the rationale for employing the special use provisions rather than developing the project as a permitted use.
 - b) A description of the total project area.
 - c) Description of existing site characteristics.
 - d) Description of proposed character of the development.
 - e) Densities, areas and setbacks for various structures and uses.
 - f) Area and percent of developed and undeveloped open spaces.
 - g) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
 - h) Proposed project phasing and estimated timing schedule by phase to completion.
 - i) Statement of anticipated impact on natural features, public facilities and services such as, but not limited to, police and fire protection, roads, and schools.
- 2) A generalized development plan showing the layout of the proposed uses. The layout does not have to be a surveyed or engineered site plan.

Section 22.03 Public Hearing Requirements

(Amendment 104-05-06-07; Effective 01-29-07)

1. Upon receipt of a complete special use application, the Planning Commission shall hold a public hearing on the application. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township. *The Notice shall be published not less than 15 (fifteen) days before the date on which the application will be considered for approval.*
2. Notice of the Public Hearing also shall be sent by first class mail to the owners of the property for which special use approval is being considered. *Notice shall also be sent to all persons to whom real property is assessed within 300' (three-*

hundred-feet) of the property and to the occupants of all structures within 300' (three-hundred-feet) of the property regardless of whether the property is located or the occupant resides in the zoning jurisdiction, as that term is defined at MCL 125. 3102(w). If the name of an occupant is not known, the term "occupant" may be used in providing notice under this section. If a structure contains more than one occupancy unit then one occupant of each occupancy unit shall receive notice. The notice required under this Section must be given not less than 15 (fifteen) days before the date on which the application will be considered.

3. The public hearing notice shall:
 - a. Describe the nature of the special use request.
 - b. Adequately describe the property in question.
 - c. State the date, time, and place of the public hearing.
 - d. Indicate when and where written comments concerning the request will be received.
 - e. *The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.*

Section 22.04 Standards for Approval

1. The Planning Commission shall review the particular circumstances and facts related to each proposed special use application in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a. Will be harmonious with and in accordance with the general objectives of the Master Plan.
 - b. Will be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general vicinity and the natural environment so that the use will not change the essential character of that area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.

- e. Will be served adequately by essential public services and facilities, such as highways, roads, drainage structures, police and fire protection, and refuse disposal; or, the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately for such services.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
2. The Planning Commission may recommend approval, approve with conditions, or deny the special use application. The recommendation on a special use shall be incorporated in a statement containing conclusions reached relative to the proposed special use that specifies the basis for the decision and any conditions recommended.

In recommending approval of a special use application to the Township Board, the Planning Commission may recommend additional conditions and safeguards deemed necessary for the general welfare of the Township, for the protection of individual property rights, and to ensure that the purposes of this Ordinance are met.

Upon holding a public hearing and reviewing the special use request, the Planning Commission shall forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions that are recommended to be imposed.

Section 22.05 Township Board Action

(Amendment 104-05-10-02; Effective June 23, 2010)

The Township Board, upon receipt of the Planning Commission's finding and recommendation, may deny, approve, or approve with conditions the request for a special use approval at a public hearing. *The Township Board's decision shall state the findings and conclusions relative to the special land use and shall specify the basis for the decision and any conditions imposed upon the special use.* The Township Board shall base their decision on the Standards of Approval listed in Section 22.04 of this Ordinance.

If approved with conditions by the Township Board, the conditions imposed upon approval of the special use shall be recorded in the record of the approval action

and shall remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township Board shall maintain a record of all conditions that are changed. All records of proceedings regarding the special use application shall be kept and made available to the public.

After the applicant has received approval for the special use permit, the applicant may submit a site plan meeting the requirements listed in Article 21 to the Planning Commission, unless the application was concurrently reviewed with a site plan. After the Planning Commission has approved the site plan, the special use permit shall be issued by the Zoning Administrator. The Zoning Administrator shall forward a copy of the permit to the owner/applicant and Township Clerk.

Section 22.06 Expiration of Special Use Permit

A special use permit shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of the special use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Ordinance and constitute grounds for termination of a previously granted special use permit.

Section 22.07 Reapplication

No application for a special use permit which has been denied, wholly or in part, by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or changed conditions.

Section 22.08 Required Fees

Fees for the review of special use applications shall be established by resolution of the Township Board.