

**ARTICLE 18**  
**REVIEW AND APPROVAL OF SPECIAL CONDITION USES**

**SECTION 18.00 APPLICATION**

This Article is intended to provide regulations for Special Condition Uses as authorized under the Township Zoning Act (MCL 125.286b). Special Condition Uses are those that may be appropriate in some but not all, locations within a particular zoning district. Special Condition Uses are recognized as possessing characteristics of such a 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. Development Standards for Special Condition Uses are detailed in Article 16, Site Development Requirements. The standards of this Article are intended to accomplish the following:

1. Establish general review standards for uses identified as Special Condition Uses to be used in addition to the use specific standards provided in Article 16;
2. Set forth a procedure for public input on decisions involving more intensive land uses;
3. Provide a mechanism to examine the impact of the use on the Township overall, and adjacent properties in particular.

The Township Board of Trustees, as provided herein, shall have the authority to approve Special Condition Use permits, subject to such conditions of design, operation and appropriate and reasonable safeguards as the Township may require for any Special Condition Use included in the various provisions of this Zoning Ordinance. The Planning Commission, as provided herein, shall hold a public hearing, review the application and make a recommendation to the Township Board of the appropriateness of the special use permit.

**SECTION 18.01 DATA REQUIRED**

Application for any Special Condition Use permit as provided under the provision of this Ordinance shall be made to the Township Clerk by filing an official Special Condition Use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such shall be reimbursable to the applicant. An application for a Special Condition Use permit shall contain the following:

1. Applicant's name, address and telephone number.
2. Address and tax description number of the subject parcel.

3. Signature or the legal owner and the applicant (including basis of representation).
4. A certified survey drawing of the subject parcel.
5. A complete site plan containing all of the applicable data outlined in Article 17, Site Plan Review.
6. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing Special Condition Use permit applications outlined in Section 18.03, below. The Planning Commission may require a traffic impact assessment or traffic impact study prepared in accordance with Section 15.21 if deemed necessary to adequately evaluate the appropriateness of a use at a given location.

### **SECTION 18.02 PUBLIC HEARING REQUIREMENTS**

Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Said notice shall be sent by first class mail to the owners of the property for which special condition approval is being considered, to the owners of record of all real property, to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question, and to public utilities. The notice shall:

1. Describe the nature of the Special Condition Use request.
2. Adequately describe the property in question.
3. State the date, time and place of the public hearing.
4. Indicate when and where written comments concerning the request will be received.

### **SECTION 18.03 STANDARDS FOR APPROVAL**

1. After a review and recommendation by the Planning Commission, the Township Board shall review the particular circumstances and facts applicable to each proposed Special Condition Use 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 Future Land Use Plan.

- b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such 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 service and facilities, such as highways, street, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed 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, material, 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.
  - h. Will be consistent with the intent and purposes of this Ordinance.
  - i. Will be compatible with the natural environment.
2. The Township Board may approve, deny, or approve with special conditions a request for Special Condition Use Approval. The decision on a Special Condition Use shall be incorporated in a statement containing the conclusions relative to the Special Condition Use under consideration, which specifies the basis for the decision, and any conditions recommended. If the facts regarding the Special Condition Use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met, the Township Board shall not approve the Special Condition Use.

#### **SECTION 18.04 CONDITIONS OF APPROVAL**

- 1. Prior to granting a Special Condition Use permit, the Township Board may impose such reasonable conditions or limitations upon the use as it deems necessary to protect the best interest of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.
- 2. The findings of the Township Board shall include a record of those conditions, which are recommended to be imposed. Any decision on such a request shall state the findings of

fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Conditions shall ensure compliance with the standards in this zoning ordinance, other township ordinances and applicable state or federal regulations. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

3. A Special Condition Use permit shall be issued by the Township Board of Trustees upon approval. The Clerk shall forward a copy of the permit to the owner/applicant and Building Inspector. The Building Inspector shall not issue a building permit until he has received a copy of the Special Condition Use Permit approved by the Township Board.

### **SECTION 18.05 VALIDITY OF PERMIT**

1. Any Special Condition Use permit granted under this Zoning Ordinance 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 said Special Condition 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.
2. An approved Special Condition Use which ceases to continually operate for a one (1) year period shall be considered abandoned, and the permit shall become null and void.
3. A Special Condition Permit including any conditions shall run with the property described in the application and not to the owner of such property. Upon sale of the property the permit must be transferred if the Special Condition Use is to continue.
4. A violation of any requirements, conditions, or safeguards imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted Special Condition Use permit in accordance with Section 18.07 below.

### **SECTION 18.06 AMENDMENTS, EXPANSIONS, RESUBMITTALS**

1. Any proposed amendment to the approved site plan of a Special Condition Use shall require the approval of the Planning Commission.
2. The expansion of, change in activities, reuse or redevelopment of any approved Special Condition Use shall comply with the application, review and public hearing procedures contained in this Article. Multiple Special Condition Uses on one site shall require separate Special Condition Use permits.

3. An application for a Special Condition Use which has been denied wholly or in part shall not be resubmitted for a period of one (1) year from the date of denial, except where new evidence or proof of changed conditions relating to all of the findings noted by the Planning Commission are presented. A resubmitted application shall be considered a new application.

## **SECTION 18.07 REVOCATION OF PERMIT**

A Special Condition Use Permit may be revoked if the permit holder fails to abide by its terms and conditions. The revocation procedure shall proceed as follows:

1. The permit holder shall be notified by the Township in writing of any violations to Township codes or provisions of the approved Special Condition permit;
2. The permit holder shall have thirty (30) days to correct all deficiencies to the satisfaction of the Township Board, or its designated administrators;
3. If after thirty (30) days any deficiencies remain, the Township Board shall conduct a public hearing following the same notification procedures in Section 18.02. Following the public hearing, the Township Board may then revoke the Special Condition Use Permit, or if the conditions warrant, allow a specified amount of additional time for the use to be brought into compliance.
4. A repeat violation shall be grounds for immediate revocation of the Special Condition Use by the Township Board following a public hearing.
5. The Building Inspector has the authority to issue a cease and desist order, until such time as a public hearing can be conducted, upon finding that the violation constitutes a serious threat to public health, safety, and welfare.