

**ARTICLE 19**  
**SPECIAL LAND USE REVIEW**

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**Sec. 19-01 Intent**

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Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. These provisions encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives. An approved special land use shall be considered a conforming use permitted in the district at the specific site where it is located. The review procedures and standards set forth herein are intended to accomplish the following purposes

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(a) Accommodate uses which are needed and beneficial to the Township but need to be carefully located due to their potential impacts.

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(b) Provide a consistent and uniform method for review.

(c) Provide a mechanism for public input.

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(d) Ensure full compliance with the standards contained in this Ordinance and other applicable federal, state, and local regulations.

(e) Regulate the use of land operations and site design based on the characteristics of a particular use.

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(f) Achieve efficient use of the land.

(g) Minimize impacts associated with a specific use within the environmental capacities of the impacted area.

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(h) Provide site design and operational standards to minimize any negative impact on adjoining or nearby properties.

- (i) Establish procedures for expansion or change in use of a special land use for both uses which have received special land use approval and those which existed prior to the adoption of special land use review procedures.

5    **Sec. 19-02 Special Land Use Application Procedure**

10    An application for a special land use shall be submitted in accordance with the following procedures, standards and requirements. A site plan must be submitted with the application for special land use. Approval of the proposed land use is required prior to the site plan approval by the Planning Commission.

- 15    (a) **Applicant Eligibility.** An application shall be submitted by the owner of an interest in land for which approval is sought, or by an agent designated by the owner. The applicant or agent shall be present at all scheduled review meetings or consideration of the proposal may be tabled by the reviewing body.

- 20    (b) **Required Information.** An application for a special land use permit shall include all of the following document and information:

- 25    (1) **Application Form.** A special land use application form supplied by the Township Planner which has been completed in full by the applicant.

- 30    (2) **Site Plan.** A full site plan in accordance with *Article 18*.

- 35    (3) A statement with regard to compliance with the standards for approval in *Section 19-03*.

- 40    (c) **Planning Commission Consideration.** After all required information has been received and review fees paid, the application shall be processed in accordance with the following procedures:

- 45       **Acceptance for Processing.** The application shall be placed on the agenda of a scheduled Planning Commission meeting and a public hearing scheduled.

- 50       (2) **Public Hearing.** Notice of the public hearing shall be in accordance with *Section 23-11*.

(3) **Planning Commission Review.** Following the public hearing, the special land use proposal and plan shall be reviewed by the Planning Commission, based upon the standards and requirements of this Article.

5 **Plan Revision.** If the Planning Commission determines that revisions are necessary to bring the proposed special land use application into compliance with applicable standards and regulations, the applicant shall submit a revised application and site plan. A second hearing is not required on a revised application that addresses concerns raised through the review process unless the Planning Commission determines that it is necessary.  
10 Following submission of revised application materials, the proposal shall be placed on the agenda of a scheduled meeting of the Planning Commission for review and possible action.

15 (d) **Planning Commission Determination.** The Planning Commission shall review the application, together with the public hearing input, and reports from the Township Planner, Township Engineer, Fire Officials, and other reviewing agencies. The Planning Commission shall then make a determination on the application, based on the requirements and standards of this Article. The Planning Commission may approve, approve with  
20 conditions, or deny a request as follows:

(1) **Approval.** Upon determination by the Planning Commission that the application for a special land use is in compliance with the standards and requirements of this article and other applicable laws, approval shall be  
25 granted.

(2) **Approval with Conditions.** With an approval of a special land use proposal, the Planning Commission may impose reasonable conditions to the extent authorized by Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. A listing of conditions shall be sent to the applicant by  
30 registered mail, return receipt requested. The applicant shall submit a revised site plan or other information that demonstrates compliance with the conditions for administrative approval by the Township Planner within sixty (60) days of the date of conditional approval and prior to issuance of  
35 a building permit or the submission shall be considered null and void. The Township Planner may submit the revised site plan to the Planning Commission for comments or approval.

5 (3) **Denial.** Upon determination that a special land use does not comply with standards and regulations set forth in this Ordinance, or requires excessive revisions in order to comply with the standards and regulations, the Planning Commission shall deny the application. Resubmittal of an application which was denied shall be considered a new application.

10 (e) **Recording of Planning Commission Action.** Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the grounds for the action taken, and any conditions imposed in conjunction with approval.

15 (f) **Effect of Approval.** Any special land use approval shall run with the land in perpetuity, unless the use is specifically determined to be temporary in nature or the use is discontinued. The special land use approval shall apply only to the land area contained within the parcel, lot, condominium unit, or other legally defined location for which the special land use approval was granted.

20 (g) **Building Permits.** Following final approval of the special land use, and site plan, the applicant shall submit engineering plans to the Township Engineer. The applicant shall also obtain all other applicable Township, County or State permits. The Building Department shall issue a building permit once all required approvals and permits are granted.

25 (h) **Expiration of an Approved Special Land Use.** If construction has not commenced within twelve (12) months of the date of final approval, the approval becomes null and void and a new application shall be required. Upon written request from the applicant, a twelve (12) month extension may be granted by the Planning Commission if they find that the approved application and site plan continue to represent conditions on and surrounding the site. A written request for an extension of time must be received by the Township prior to the special land use expiration date or a new application will be required.

35 (i) **Revocation of an Approved Special Land Use.** The Planning Commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original

approval. The applicant shall be provided an opportunity to present information and to answer questions. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied prior to the hearing.

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(j) **Performance Guarantee.** The Planning Commission may require that a performance guarantee be deposited with the Township of an amount sufficient to insure full completion of physical improvements per **Section 23-08**. Site improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, roads, lighting, and sidewalks.

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(Ord. #248, 1/22/10), (Ord. #234, 12/28/06)

15 **Sec. 19-03 Standards for Approval**

A special land use proposal shall be approved by resolution that the proposed use will comply with all applicable requirements of this Ordinance including site plan review criteria set forth in **Article 18**, standards for specific uses listed in the district, and all of the following standards

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(a) **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with existing or planned uses on surrounding land. The design of the site shall minimize the impact of site activity on neighboring properties. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected benefit to the community. The following types of impacts shall be considered:

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(1) Use activities, processes, materials, equipment, or conditions of operation.

(2) Vehicular circulation and parking areas.

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(3) Outdoor activity, visible storage and work areas and mechanical equipment.

(4) Hours of operation.

(5) Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

5 (6) Impacts on adjacent property values.

(7) The relative ease by which the impacts above will be mitigated.

10 (b) **Use of Adjacent Property.** The proposed land use shall not substantially interfere with the use and enjoyment of adjacent property.

15 (c) **Isolation of Existing Uses.** The location of the proposed land use shall not result in a small residential area being substantially surrounded by nonresidential development. Also, the location of the proposed land use shall not result in a small nonresidential area being substantially surrounded by otherwise incompatible uses.

20 (d) **Impact on Public Health, Safety, and Welfare.** The proposed land use shall not include any activities, processes, materials, equipment, or conditions of operation that may threaten public health, safety, and welfare. The physical layout of the site shall be designed in a manner that is not detrimental to public health, safety, and welfare. In determining whether this requirement is met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

25 (e) **Enhancement of Surrounding Environment.** The proposed land use shall complement and enhance the surrounding environment, and shall not unreasonably interfere with nor discourage the appropriate future development and use of adjacent land and buildings nor unreasonably affect their value. In determining whether this requirement is met, consideration shall be given to:

30 (1) The provision of landscaping and other on-site amenities. Provision of additional landscaping over and above the specific requirements in this Ordinance may be required as a condition of approval of special land use approval.

35 (2) The bulk, placement, and materials to be used in the construction of proposed structures as they relate to surrounding land uses.

(f) **Compatibility with the Master Plan.** The proposed special land use shall be consistent with and in accordance with the general principles and objectives of the adopted Township Master Plan and shall promote the intent and purpose of this Ordinance and the district in which it is located.

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(g) **Compliance with Applicable Regulations.** The proposed special land use shall be designed, constructed, operated and maintained to meet all applicable Federal, State, and local Ordinances.

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(h) **Public Services.** The proposed special land use shall be located where it can be adequately served by and not exceed the capacity of existing essential public facilities and services, including, but not necessarily limited to utilities, public roads, and public safety services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the permitted use after special approval is available for occupancy.

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(i) **Impacts of Traffic.** The location and design of the proposed special land use site shall minimize the negative impact of traffic generated by the proposed use on the road system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, road and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require mitigation to maintain the pre-existing traffic operations. Route and operational restrictions (such as hours, cleaning of dust or debris) may be established for construction traffic to minimize negative impacts. The Township may require submittal of a traffic impact study to ensure compliance with this standard. The traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional.

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(j) **Impact on the Overall Environment.** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.

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**Sec. 19-04 Special Land Use Amendments or Expansions**

- 5 (a) **Major Amendments.** Any person or agency shall notify the Township  
Planner of any change in an existing special land use. Any major amendment  
to an approved special land use shall require submittal of a new application  
for special land use and follow the review procedures contained in this  
10 Article. Amendments to the site plan shall bring the site into compliance with  
all zoning Ordinance requirements determined to be reasonable by the  
Planning Commission in proportion with the extent of the change at the site  
and in consideration with the physical constraints of the site. The Township  
Planner shall determine whether the proposed amendment constitutes a minor  
or major amendment, based on the requirements below:
- 15 (1) **Increase in Building.** Changes increasing the building's usable floor area  
by more than twenty-five percent (25%) since the originally approved  
building.
- 20 (2) **Increase in Parking.** Parking lots are expanded by more than twenty-five  
percent (25%) since the originally approved lot.
- 25 (3) **Existing Special Land Uses:** Any expansion of a special land use that  
predates the special land use requirements of this Ordinance and has not  
previously received a special land use permit.
- (b) **Minor Amendment.** Minor amendment to an approved special land use does  
not require submittal of a new application for a special land use.
- 30 (c) **Change in Use.** Change to another special land use shall require submittal of  
a new application for special land use and follow the review procedures  
contained in this Article.
- 35 (d) **Required Site Plan.** Any changes, whether it is deemed minor and major,  
shall require submittal of a site plan in accordance with *Article 18*.
- (e) **Multiple Uses.** For a use or building which involves more than one (1)  
activity classified as a special land use, a separate special land use permit shall  
be required for each use requiring special land use review on a lot.