

ARTICLE 6

SPECIAL LAND USE PROCEDURES AND STANDARDS

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SECTION 6.01 INTENT

This Article is intended to provide regulations for Special Land Uses, which may be compatible with permitted uses in a zoning district, under specific location and site criteria. This Article provides standards for the Planning Commission and the Township Board to determine the appropriateness of a given special land use covering factors such as compatibility with adjacent zoning and land uses, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Establishment or major expansion of any special land use requires a special land use permit under this Article.

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SECTION 6.02 SUBMITTAL PROCEDURES

A. **Applicant.** An applicant shall be the owner of the land or an agent of the owner of the land for which the special land use approval is sought. The applicant shall have affirmative authorization in writing from the owner(s) of the property.

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B. **Pre-Application.** The applicant is required to schedule a pre-application meeting with the Zoning Administrator to discuss the project, submittal requirements and the review process. The applicant shall provide sufficient information prior to the meeting to allow the Zoning Administrator to identify other staff, consultants or interested parties whose early input would be beneficial to the review process. The intent of the pre-application meeting is to provide the applicant with direction and to help identify any issues or resources. No approvals will result from the pre-application meeting. Comments or suggestions of staff and consultants are for the applicant’s consideration and are not binding.

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C. **Application.** If applicable, which shall be determined at the pre-application meeting, a site plan review application shall be applied for concurrently with the submittal of the special land use application. The site plan review application will be reviewed by the Planning Commission once the special land use is approved. All application forms shall be supplied by the Township.

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The applicant shall submit the following to the Zoning Administrator:

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1. Completed application, application checklist and payment of required fees.

2. Written description of the proposed project or use.
3. A completed site plan or sketch plan, determined by the Zoning Administrator at the pre-application meeting. The submitted plan shall include the required information in Table 5.2, Site Plan and Sketch Plan Submittal Requirements.
4. Any additional information necessary for the Township to complete the review. Additional information the Zoning Administrator or Planning Commission finds necessary and may include but is not limited to: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities and traffic.

SECTION 6.03 REVIEW PROCEDURES

- A. **Technical Review.** The special land use application shall be reviewed by township staff and consultants for completeness and compliance with the appropriate sections of this Ordinance. Technical reviews shall be submitted to the Planning Commission.
- B. **Planning Commission Review and Public Hearing.** The Zoning Administrator shall forward all special land use applications to the Planning Commission, Township Planning Consultants, Engineers or other consultants for review and recommendation. The Planning Commission shall schedule the application for public hearing on the next available agenda with proper notice as stated in Section 3.10, Public Hearing Notice.
- C. **Planning Commission Consideration.** At the public hearing, the Planning Commission subcommittee, staff and consultants will report findings to the Planning Commission and the public. The Planning Commission shall then make a determination on the proposed special land use based on the standards and requirements of this Ordinance.

The Planning Commission may table, recommend approval, recommend approval subject to conditions, or recommend denial of a proposed special land use to the Township Board as follows:

1. **Table.** The application may be tabled if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review or if the Planning Commission determines more time is needed to fully evaluate the special land use request. The application will be tentatively rescheduled for a future meeting date.
2. **Recommend Approval.** The Planning Commission may recommend approval of the special land use to the Township Board if it is determined to be in compliance with the standards and requirements of Section 6.03.H, Standards for Special Land

Use, this Ordinance, and any specific standards set forth in Article 10, Supplemental Use Regulations that are applicable to the use.

5 3. **Recommend Conditional Approval.** The Planning Commission may recommend
 approval to the Township Board of the proposed special land use subject to
 conditions. The proposed special land use may require additional conditions,
 provisions or limitations necessary for the protection of the public health, safety
 and welfare. The conditions stated as part of the approval of the special land use
 shall be a continuing obligation of the owner of the land. The conditions that the
 10 Planning Commission imposes shall provide for adequate public services and
 facilities to accommodate increased loads caused by the proposed land use or activity,
 protection of the natural environment, conservation of natural resources and energy
 and to ensure compatibility with adjacent uses of land.

15 4. **Recommend Denial.** The Planning Commission shall recommend denial of an
 application to the Township Board if, the special land use does not comply with
 the standards and requirements of this Ordinance or any provisions specific to the
 Zoning District that the proposed use is permitted by right.

20 D. **Township Board Review and Public Hearing.** The Zoning Administrator shall forward
 all special land use applications and the Planning Commission’s recommendations to the
 Township Board. The Township Board shall schedule the application for public hearing
 on the next available agenda with proper notice as stated in Section 3.10, Public Hearing
 Notice.

25 E. **Township Board Consideration.** At the public hearing, the Township Board will review
 all of the findings presented to them prior to the meeting, the Planning Commission’s
 recommendation and any public comments at the meeting. The Township Board shall
 then make a determination on the proposed special land use.

30 The Township Board may table, approve, approve subject to conditions, or deny a
 proposed special land use as follows:

35 1. **Table.** The application may be tabled if it is determined to be incomplete, if the
 applicant has not fully responded to the deficiencies identified in the review or if
 the Township Board determines more time is needed to fully evaluate the special
 land use request. The application will be tentatively rescheduled for a future
 meeting date.

40 2. **Approval.** The special land use may be approved if it is determined to be in
 compliance with the standards and requirements of Section 6.03.H, Standards for
 Special Land Use, this Ordinance, and any specific standards set forth in Article
 10, Supplemental Use Regulations that are applicable to the use.

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3. **Conditional Approval.** The Township Board may approve the proposed special land use subject to conditions. The proposed special land use may require additional conditions, provisions or limitations necessary for the protection of the public health, safety and welfare. The conditions stated as part of the approval of the special land use shall be a continuing obligation of the owner of the land. The conditions that the Township Board imposes shall provide for adequate public services and facilities to accommodate increased loads caused by the proposed land use or activity, protection of the natural environment, conservation of natural resources and energy and to ensure compatibility with adjacent uses of land.
4. **Denial.** The Township Board shall deny an application if the special land use does not comply with the standards and requirements of this Ordinance or any provisions specific to the Zoning District that the proposed use is permitted by right.
- D. **Appeals.** Any person aggrieved by a decision of the Township Board in denial of a special land use shall have the right to appeal to the Zoning Board of Appeals at a formal public hearing with proper notice as stated in 3.10, Public Hearing Notice.
- E. **Record.** Each action taken with reference to a special land use review shall be duly recorded in the minutes of the Planning Commission's and Township Board's meetings. The findings supporting the Commission's and Board's actions shall be recorded in the minutes. After the minutes have been approved, one (1) copy of the site plan, the final approved minutes, two (2) copies of the special use permit shall be transmitted to the applicant. In addition, the property owner will be required to sign two (2) copies of the special land use permit to be recorded at the Oakland County Register of Deeds at the expense of the applicant. One (1) signed original with a liber and page number stamped by the Register of Deeds must be retained by the Clerk.
- F. **Expiration.** The special land use permit expiration will follow the procedures under
- G. **New Application.** An application for the same denied special use on the same parcel will only be considered one (1) year after the date of the denial and will be considered a new application, and shall be required to reinitiate the full review process. If new evidence or conditions have sufficiently changed then, the Planning Commission may consider a new application for the same site within less than a year from the previous denial.
- H. **Standards for Special Land Use.** The Township Board shall approve the proposed special land use if it is determined to be in compliance with the standards and requirements of this Ordinance.

Special Land Use Procedures and Standards

1. All special land uses shall be designed, located, planned and operated so that the public health, safety and welfare will be protected.
- 5 2. All special land uses shall be compatible and harmonious with the surrounding land uses taking into consideration the size, location and character of the proposed special land use within the context of surrounding land uses and the Master Plan. Furthermore, the proposed special land use shall not cause substantial injury to the value of other property in the area in which it is located.
- 10 3. The proposed special land use shall be in general agreement with the Master Plan designation for the area where the use is proposed.
- 15 4. All special land uses shall provide facilities for safe and convenient vehicular and pedestrian traffic, including but not limited to: turning movements, traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic.
- 20 5. All special land uses shall be designed, constructed and operated in a manner that prevents detrimental impacts to surrounding properties such as noise, dust, fumes, smoke, air, water, odor, light and/or vibration, etc. The special land use shall be designed, constructed and operated in a manner that does not detract from area aesthetics.
- 25 6. The proposed special land use shall not unreasonably burden the capacity of public services and/or facilities.
7. The proposed special land use shall comply with any specific standards set forth in Article 10, Supplemental Use Regulations that are applicable to the use.