

## Article 5 SPECIAL LAND USES

### **Section 5.01 Purpose**

It is the purpose of this Article to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities, referred to as "special land uses," which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts as specified in Article 10, by the issuance of a land use permit for a special land use.

### **Section 5.02 Review Procedure**

**A. Submission and Distribution of Application/Preliminary Site Plan:** An application for a land use permit for a special land use shall be submitted to the Zoning Administrator on a form for that purpose and available from the Zoning Administrator. Upon receipt of the application materials, the Zoning Administrator shall record the date of receipt and transmit copies to the Planning Commission and agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Commission. The Zoning Administrator shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials although the Planning Commission need not delay action on an application if such response has not been received within such time period. Fifteen (15) copies of the application materials shall be required and shall include the following minimum information:

1. Name, address and phone number of the applicant and, if different from the landowner, the landowner's name, address and phone number.
2. A detailed description of the proposed project.
3. A preliminary site plan prepared according to Article 4.

**B. Planning Commission Review for Completeness and Public Hearing.**

1. Review for Completeness: Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be incomplete, the Planning Commission may delay further consideration of the application until such time that the application materials have been made complete, and shall notify the applicant in writing of the deficiencies.
2. Public Hearing:
  - a. Upon finding that the application materials are complete, the Planning Commission shall publish a notice of public hearing on the special land use application and hold such hearing. Notice of the hearing shall comply with Section 3.11. Notice of an adjourned hearing shall be given in accordance with the Open Meetings Act, PA 267 of 1976.

**C. Planning Commission Action on Special Land Use and Preliminary Site Plan:** The Planning Commission shall review the special land use application materials and determine their conformity with the regulations and standards of this Ordinance. Upon review of the special land use application, all supporting materials, and the public hearing, the Planning Commission shall deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of findings and conclusions relative to the special land use application under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to the approval standards set forth in Section 5.06.

1. Approval of the application materials under subsection (C) above shall signify preliminary approval of the proposed special land use and site plan, with or without conditions. No special land use or construction thereof shall be initiated prior to Planning Commission approval of a final

site plan according to Article 4.

2. Preliminary approval of an application for a special land use, including the preliminary site plan, is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the special land use application, including the preliminary site plan, shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the character of the proposed use or the layout and/or design of the development. In the case where preliminary approval has expired and no extension of time is granted, approval of the special land use shall require the resubmittal of an application and review and action according to Section 5.02.

**D. Final Site Plan Submittal and Planning Commission Action:** No special land use or construction thereof shall be initiated prior to Planning Commission approval of a final site plan. Such final site plan shall be submitted, reviewed and acted upon according to Section 4.03.

**E. Issuance of Land Use Permit:** Upon approval of conditional approval of the final site plan by the Planning Commission, and upon all other approvals as may be required by this Ordinance, such as in the case of a special land use, the Zoning Administrator shall issue a Land Use Permit authorizing the use and construction subject to the approved application.

**F. Building Permit Required:** Upon issuance of a Land Use Permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

*(Ord. #4 of 2006, 11-14-06)*

### **Section 5.03 Appeals**

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the circuit court only.

### **Section 5.04 Reapplication**

No application for a land use permit for a special land use which has been denied wholly or in part by the Planning Commission 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 proof of changed conditions having bearing on the basis for the original action, as determined by the Planning Commission. A reapplication shall require a new fee and the process will follow all provisions of Section 5.02.

### **Section 5.05 Changes**

**A. Site Plan:** The final site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Changes to the approved site plan shall comply with the application and review procedures of Section 4.06. In the case where a proposed site plan change constitutes a major change according to Section 4.06, the Planning Commission shall hold a public hearing on such site plan change according to the notice requirements of Section 5.02(B). If the Planning Commission determines that such major change would alter the essential character of the site plan, the proposed change shall not occur until such change is applied for and approved according to the application and review procedures of Section 5.02.

**B. Use or Activity:** A change in the character of the use or activity from what the originally approved land use permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 5.02. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original land use permit for the special land use;
2. the establishment of another special land use;
3. an expansion or increase in intensity of use including but not necessarily limited to additional retail sales floor area, additional dwelling units, and building additions.

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## **Section 5.06 Approval Standards**

**A. General Standards:** No special land use application shall be approved except where the proposed use and development complies with the following standards:

1. Be harmonious with and in accordance with the Master Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be of such character to be compatible with adjacent conforming uses of land.
4. Be designed, constructed, operated and maintained so as to be appropriate in appearance and harmonious with the existing or intended character of the general vicinity. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction of proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location of vehicular use and parking areas.
5. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
6. Be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimize the impact of traffic generated by the proposed development on adjacent properties.
7. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, glare, and odors.
8. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
9. Not create excessive additional requirements at public cost for public facilities and services.
10. Comply with the site plan approval standards of Section 4.04.

**B. Specific Standards:** In addition to compliance with the above standards in subsection (A), special land uses shall comply with the standards and regulations applicable to each specific special use as identified in Article 14.

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**End of Article 5**