

Special Use Permit Application
Aurelius Township
Ingham County, Michigan

APPLICANT

Name

Last

First

Middle Initial

Address

Street and No.

City

State

ZIP

Telephone

Home

Work

OWNER

Name

Last

First

Middle Initial

Address

Street and No.

City

State

ZIP

Telephone

Home

Work

PARCEL NO.

Property Address

REQUEST

SIGNATURE

Applicant's

_____ Date _____

Owner's

_____ Date _____

A scaled drawing of lot lines, existing buildings, drives and proposed construction must accompany this application.

APPLICANT MUST ATTACH LEGAL DESCRIPTION OF PROPERTY!

PLEASE COMPLETE THE REQUIREMENTS FOR SPECIAL USE PERMIT AND SITE PLAN REVIEW

OFFICIAL USE ONLY

Fee Paid _____

Date Received _____

Data Complete _____

DIVISION 2. USES AUTHORIZED BY SPECIAL USE PERMIT*

***State law references:** Special land uses, MCL 125.286b.

Sec. 16-61. Intent and purpose.

(a) Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this chapter 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, maintain sound provisions for the protection of the health, safety, and general welfare of the inhabitants of the township. In order to provide controllable and reasonable flexibility, this article permits detailed review of certain specified types of land use activities 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 or structure uses possessing these characteristics may be authorized within certain zoning districts by the issuance of a special use permit. By such a procedure, safeguards upon each use which are deemed necessary for the protection of the public welfare may be reviewed, and the standards set forth within this chapter shall be considered and determined by the township planning commission and the board of trustees before issuing such special use permits.

(b) The sections of this division, together with references in other articles of this chapter, designate specific uses that require a special use permit, and in addition, specify the procedures and standards which must be met before such permit can be issued.

(Ord. No. 39, art. 7, § 7.1, 2-12-2002)

Sec. 16-62. Permit procedures.

An application for a special use permit (SUP) for any land or structure use permitted under this article shall be submitted and processed under the following procedures:

- (1) *Submission of applications.* Any application shall be submitted through the zoning administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the board of trustees to cover the costs of processing the application.
- (2) *Data required.* Every application shall be accompanied by the following information and data:
 - a. An application form completed in full by the applicant, including statements of supporting evidence addressing each of the required findings specified in subsection 16-62(5). It shall be the responsibility of the applicant to provide documentation, evidence and proof of compliance with the specific and general criteria contained in this chapter.
 - b. An accurately drawn site plan containing all of the requirements listed in subsection 16-86(c). The zoning administrator may require that up to 20 copies of the site plan be submitted with the application.
- (3) *Zoning administrator's review.* The zoning administrator shall review each application to insure that all required and necessary information has been received. An incomplete application shall be returned with a letter indicating its deficiencies. A complete application shall be transmitted to the township planning commission.
- (4) *Action by the planning commission.* The planning commission shall conduct at least one public hearing following determination that the site plan, as proposed, complies with the provisions of this chapter. The public hearing shall be held in compliance with the requirements of the zoning act, Public Act No. 184 of 1943 (MCL 125.271 et seq.).
- (5) *Basis of planning commission decisions.* The planning commission's decision shall be based upon compliance with the specific requirements contained elsewhere in this chapter and the general standards listed in this section:

- a. The proposed use and activities shall be consistent with the goals, policies and objectives of the comprehensive development plan.
- b. Essential public facilities are adequate or can be made adequate to serve the proposed use. Specifically, existing roads, schools, stormwater drainage, fire protection, police and emergency medical care are adequate or can be made adequate without detriment to the economic welfare of the community.
- c. The proposed use and activities will not have a substantial permanent adverse effect on the market value of surrounding property.
- d. The proposed use and activities are located so that it will not have a substantial adverse impact on the natural resources, either directly or indirectly. Specifically, natural resources include prime and unique agricultural soils, wetlands, lakes, rivers, streams, floodplains, county drains, woodland areas, water recharge areas, and major mineral deposits.
- e. The proposed use and activities will cause no hazard to surrounding and nearby property nor any conflict with or unreasonable disturbance to the existing use and quiet enjoyment of surrounding or nearby property.

(6) *Statements of conclusion.* Upon conclusion of these procedures, the planning commission shall transmit a written recommendation to the board of trustees setting forth the reason for the acceptance, denial, or modification of the special use permit application based on the general standards listed in subsection 16-62(5).

(7) *Conditions of approval.* The planning commission may recommend reasonable conditions in conjunction with the approval of a special use permit. These may include conditions necessary to insure compliance with the standards contained in this or other applicable ordinances and regulations. The conditions may include conditions necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, to promote the use of land in a socially and economically desirable manner and to protect the health, safety and welfare of the township and its residents.

(8) *Performance guarantee.* The planning commission may recommend that a performance guarantee be furnished to insure compliance with the conditions imposed with the granting of a special use permit. The amount and type of guarantee shall be proposed by the planning commission and acted upon by the board of trustees. It shall be reasonable, appropriate and commensurate with the scope of the project. The amount of the performance guarantee shall be reduced at a rate equal to the percent of work completed on the required improvements as work progresses. A financial guarantee shall not be applied to the project itself but only to the features of the project which are deemed necessary to protect the health, safety and welfare of the township.

(Ord. No. 39, art. 7, § 7.2, 2-12-2002)

Sec. 16-63. Issuance of special use permits.

(a) *Effective date of special use permit.* The special use permit shall become effective when the application has been approved by the board of trustees after review by the planning commission.

(b) *Issuance of special use permits.* A special use permit shall be issued in writing specifying all conditions of approval, the specific requirements for compliance and a copy of the site plan stamped, approved and signed by the zoning administrator.

(c) *Duration of special use permit.* A special use permit shall be valid as long as the permitted use continues in accordance with the conditions, requirements, and site plan included in the permit. If there is not compliance with the terms of the special use permit within 12 months of issuance of the special use permit, then it shall automatically expire and be of no further effect or validity. The zoning administrator shall notify the applicant, in writing, mailed to the address listed on the application that a special use permit has expired.

(d) *Abandonment.* Approved uses, except seasonal uses, which cease for a period of 180 days, are hereby considered abandoned, and any such abandonment shall render the special use permit null and void. Seasonal uses which cease for a period of one year shall become null and void. Any use following an abandonment must meet the requirements of this chapter and will require a new special use permit as required by this chapter. For purposes of this section, seasonal uses shall be defined as uses which require or are affected or caused by certain weather availability.

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

(Ord. No. 39, art. 7, § 7.3, 2-12-2002)

Sec. 16-64. Transfer and/or modification of special use permit.

(a) *Transfer of a special use permit.*

(1) In order to ensure continued compliance with the terms of this chapter and a special use permit issued under it, each special use permit shall specify reasonable terms for transfer of a valid special use permit from the present land owner or operator to a subsequent owner or operator. The responsibility for the transfer shall be that of the permit holder of record. Failure of a special use permit holder to properly transfer a special use permit shall not release the permit holder of record from ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the special use permit.

(2) Transfer of a special use permit shall be made on a form supplied by the zoning administrator for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation and a written agreement that the new owner/operator will assume the obligations and responsibilities specified in the special use permit, including any financial guarantees required by the special use permit.

(3) When such transfer has been properly completed and any financial guarantee has been properly deposited with the township by the new permit holder, any financial guarantee on deposit with the township by the previous permit holder shall be returned. The foregoing notwithstanding, no financial guarantee shall be released until any pending remedial or other activity to achieve compliance with the terms of this chapter has been completed.

(b) *Modification of a special use permit.* Modification of an existing special use permit, including expansion, shall be considered and processed according to the provisions of section 16-62, permit procedures, except that the original special use permit cannot be revoked.

(Ord. No. 39, art. 7, § 7.4, 2-12-2002)

Secs. 16-65--16-84. Reserved.