

## **Sec. 2119. Special land uses:**

1. Whenever a special land use, namely, a use permitted subject to special conditions, is requested pursuant to sections 402, 502, 602, 802, 903, 1003, 1102, 1302, 1402, 1501(4), or 1702 of this ordinance, then the provisions and conditions of this section shall apply in addition to the provisions and conditions of the other aforesaid sections.
2. The township planning commission shall have the authority to grant special land use permits and to attach conditions to a permit. Only those uses listed in sections 402, 502, 602, 802, 903, 1003, 1102, 1302, 1402, 1501(4), or 1702 of this ordinance shall be considered for special land use permit review and approval.
3. Application for a special land use permit shall be made by filing the application form, required information, and required fee with the building official. The fee shall be set by resolution by the township board, except that no fee shall be required for a special land use permit application for the construction of a single-family residence or of any governmental body or agency. No part of the fee shall be returnable to the applicant. The building official shall transmit a copy of the application and submitted information to the township planning commission.
4. An application for a special land use permit shall contain the following information:
  - a. The applicant's name, address, and telephone number.
  - b. The names and addresses of all record owners and proof of ownership.
  - c. The applicant's interest in the property and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.
  - d. Legal description, address, and tax parcel number of the property.
  - e. A scaled and accurate survey drawing correlated with a legal description and showing all existing buildings, drives, and other improvements.
  - f. A detailed description of the proposed use.
  - g. A site plan, if requested by the planning commission, which plan shall meet all the requirements of section 2115 herein.
5. The planning commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in the ordinance. The planning commission shall find and report adequate data, information, and evidence showing that the proposed use meets all required standards and:
  - a. Will be harmonious, and in accordance with the objectives, intent, and purpose of this ordinance; and
  - b. Will be compatible with a natural environment and existing and future land uses in the vicinity; and
  - c. Will be compatible with the township master plans; and
  - d. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures,

refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services; and

- e. Will not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or the public welfare; and
  - f. Will not create additional requirements at public costs for public facilities and services that will be detrimental to the economic welfare of the community.
6. The planning commission shall approve, approve with conditions, or deny special land use permit application. The planning commission's decision, the basis for their decisions, and all conditions imposed, shall be described in a written statement which shall be made a part of the record of the meeting.
  7. In granting a special land use permit, the planning commission shall impose any conditions it deems necessary to achieve the objective and standards of this ordinance, the standards of the Township Rural Zoning Act, Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq.), as amended, and the public health, safety, and welfare of the township. Failure to comply with such conditions shall be considered a violation of the ordinance. An approved special land use permit, including all tax conditions, shall run with the parcel in the approval and shall remain unchanged except upon the consent of the planning commission. Any such changes shall be entered into township records and recorded in the minutes of the planning commission meeting at which the action occurred. The procedures required for an original application shall be followed with respect to any proposed changes.
  8. An application for a special land use permit which has been denied wholly or in part by the planning commission should not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the planning commission to be valid.
  9. A special conditional use approval runs with the land until such time as the use designated in the "approval" is changed by the occupant. The land then reverts back to only the uses permitted in that specific zoning district.
  10. The decision of the planning commission with respect to a special land use permit shall not be appealable to the board of appeals.