

## **PLEASANTON ZONING ORDINANCE ARTICLE 86: SPECIAL USE**

### **8601.-PURPOSE:**

This Ordinance divides Pleasanton Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses, which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.

### **8602. - AUTHORITY TO GRANT PERMITS:**

The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Commission, the Administrator shall issue these permits.

### **8603. - APPLICATION FEE:**

If a use is listed as a possible Special Use in any district, anyone with an interest in the property may apply for a Special Use Permit. A Special Use Permit application will be made on a form provided by the Administrator and submitted to the Administrator along with required information and the required fee. The Township Board will establish the fee from time to time. The applicant shall pay any additional costs incurred in processing the application, beyond that covered by the fee, before the permit is issued. No portion of the fee shall be refundable.

### **8604. - INFORMATION REQUIRED IN APPLICATION:**

- A. An application for Special Use Permit shall include:
  1. The applicant's name and address
  2. A signed affidavit stating the applicant is the owner, or is acting on the owner's behalf.
  3. The address and legal description of the property.
  4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 0608 of this Ordinance.
  5. A detailed site plan as specified in section 9406 of this Ordinance.
  6. A complete description of the proposed development including: Areas of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related material as applicable.
  7. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
  8. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
  9. Evidence of having received or having an agreement for, or concurrent approval for, any other necessary permits required prior to a Construction Code Permit.

- B. In addition, the applicant may be required to furnish:
  1. Elevations on all buildings, including accessory buildings.
  2. An environmental assessment.
  3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
- C. The applicant shall certify the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

**8605. - REVIEW FOR COMPLETENESS:**

Upon receipt of the Special Use Permit application, the Administrator will review the application to insure it is complete.

- A. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.
- B. If the application is complete, the Administrator and chairperson of the Planning Commission shall establish a date to hold a public hearing on the Special Use Permit application.

**8606. - NOTICE OF PUBLIC HEARING:**

- A. The Administrator shall notify the following persons of the public hearing not less than five (5) nor more than fifteen (15) days prior to the date that the application will be considered:
  1. The applicant.
  2. The owner of the property, if different
  3. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll.
  4. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested.
  5. The general public by publication in a newspaper, which circulates in the township.
- B. The notice shall include:
  1. The nature of the Special Use Permit being requested.
  2. The property for which the request has been made.
  3. The date, time and location of the public hearing.
  4. The address at which written comments should be directed prior to the hearing.

**8607. - HEARING AND DECISION:**

- A. The Planning Commission shall hold a public hearing to receive input on the Special Use Permit application.
- B. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the commission shall either grant, grant with conditions, or deny the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:
  1. A summary of public comments made at the hearing.
  2. Formal determination of the facts.

3. The conclusions derived from the facts (reasons for the decision).
4. The decision, and
5. A listing of any conditions upon which issuing a permit is issued or occupancy is allowed.

**8608. - SPECIAL USE PERMIT STANDARDS:**

- A. The standards for determining if a Special Use Permit is to be granted or not are:
  1. Is the use reasonable and designed to protect the health, safety and welfare of the community?
  2. Is the use consistent with the intent and purpose of the district?
  3. Is the use compatible with adjacent land uses?
  4. Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and
  5. Does the use comply with other general and specific standards of this Ordinance?

**8609. - SPECIAL USE PERMIT CONDITIONS:**

- A. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the commission. Any conditions, limitations or requirements upon which approval is based shall be:
  1. Reasonable and designed to protect natural resources, the health, safety and welfare of the public;
  2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
  3. A valid exercise of the police power;
  4. Related to the purposes which are affected by the proposed use or activity;
  5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective district;
  6. Designed to insure compatibility with adjacent uses of land and the natural environment, or
  7. Designed to insure that public service and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facilitate loads caused by the land use or activity.
- B. The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is for mining, and sweetening plant operation and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use.

**8610. - SECURITY REQUIREMENTS:**

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Administrator, upon advice and consent of the Commission, may require:
  1. A cash deposit;
  2. Certified check;
  3. Irrevocable bond, letter of credit or

4. Surety bond, in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance with.

**8611. - AMENDMENT OF SPECIAL USE PERMITS:**

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Township and applicant, if done prior to the issuance of an occupancy permit.

**8612. - TRANSFER OF SPECIAL USE PERMIT:**

A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new owner. The responsibility for affecting the transfer shall be the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc... required by the Special Use Permit. The original owner, upon transferring the Special Use Permit shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security and other conditions.

**8613. - CONSTRUCTION CODE PERMIT:**

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to Public Act 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501 et seq.

**8614. - EXPIRATION OF SPECIAL USE PERMITS:**

A Special Use Permit shall be valid for as long as the approved Special Use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the Special Use Permit.
- D. If the use is not used, moved or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

**8615. - VIOLATION OF PERMIT:**

Any violation of the terms, conditions of limitations of a Special Use Permit shall be cause for revocation or suspension of the Permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the Permit shall occur after giving notice to the permit holder, specifying the violations alleged to exist and when a hearing will be hold on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the Permit shall occur after or at the hearing on the matter. Before revoking or suspending the Permit the Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violations.