

## Section 719.102 – Special Land Use Procedures

- A. General Requirements – A site plan shall be submitted to the Lenox Township Planning Commission for all special land uses and conform to the Requirements and Procedures for Site Plan Review outlined in Section 719.103. If the plans meet the required standards of this Chapter, Article, and applicable Section and indicate no adverse effects which, in the opinion of the approval authority, cause injury to the residents, users, or adjoining property, or the Township as a whole, the Planning Commission shall approve the use.

The power to approve or disapprove all special land uses shall be vested with the Planning Commission as provided by State Law and this Chapter. Considering all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must affirmatively find that it meets each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions, and safeguards deemed necessary within the scope of the law as set forth below.

1. The proposed special land use shall be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is typical for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relation to Intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic.
3. The proposed use shall be designed as to the location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be harmful to the occupants of any other nearby permitted uses, whether because of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and the place, nature, and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

5. The proposed use shall harmoniously relate to the physical and economic aspects of adjacent land uses, considering prevailing shopping habits, convenience of access for prospective patrons, continuity of development, and the need for specific services and facilities in particular areas of the Township.
  6. The proposed use is necessary for the public convenience at the proposed location.
  7. The proposed use is designed, located, planned, and operated in a manner that ensures public health, safety, and welfare are protected.
  8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located. It will not be detrimental to existing and/or other permitted land uses in the zoning district.
- B. Approval - If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and outlined in a special land use permit a statement of findings and conclusions relative to the particular land use which specifies the basis for the decision and any conditions imposed, and specific use(s) which have been allowed and applicable conditions. The enforcing officer may issue a building permit in conformity with the particular approved special land use.
- C. Denial – If the Planning Commission determines that the particular special land use(s) requested does not meet the standards of this Chapter or otherwise will tend to be detrimental to the public health, safety, welfare, or orderly development of the Township, it shall deny the application by a written endorsement thereon which sets forth the reason for such denial.
- D. Record – The decision of a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
- E. Hearings – The Planning Commission shall investigate the circumstances of each such case and shall hold a public hearing on the proposed special land use. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township and by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of

whether the property or occupant is located within Lenox Township. The notice shall be given not less than fifteen (15) days before the public hearing date, per the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. It shall describe the nature of the special land use request, indicate the property that is subject of the request, including a listing of all existing street addresses within the subject property, state the time and place of the public hearing, and indicate when and where written comments will be received.

- F. Conditions – The Planning Commission may impose such conditions or limitations in approving as may be permitted by State Law and this Chapter, which it deems necessary to fulfill the spirit and purpose of this Chapter. The conditions may include conditions required to ensure that public services and facilities affected by a 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 ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
  3. It is necessary to meet the intent and purpose of the zoning regulations, be related to the standards established in this Chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed concerning the approval of a land use or activity shall be recorded in the approval action record. They shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

- G. Revocation – In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than eighteen (18) months thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission or Township Board may grant an extension thereof for

good cause shown under such terms and conditions and for such periods not exceeding six (6) months as it shall determine to be necessary and appropriate.

- H. A special land use permit shall be valid for twelve (12) months after the building permit issuance date. Suppose construction has not commenced and proceeded meaningfully toward completion by the end of these 12 months. In that case, the Building Official shall notify the applicant in writing of the expiration of said permit, provided, however, that the Planning Commission may extend the period in which the permit is to expire for a period not exceeding six (6) months if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Once the special land use is established and the conditions of the permit are fulfilled, the special land use permit shall be valid until there is a change of conditions or use related to the permit. The Planning Commission reserves the right to review the status of Special Use Permits annually with the applicant and the Township Zoning Administrator.
- I. If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Performance Standards of Article 20, the lot area and width requirements of this Chapter, or any other provisions of the Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the Township Board shall have the authority to revoke the Special Land Use Permit based on a site inspection by the Ordinance Enforcement Officer and its findings of fact. Before revoking the special land use permit, the Township shall:
  - 1. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violations found to the current permit holder by Regular US Mail.
  - 2. Offer the permit holder thirty (30) days to correct all violations without penalty.
  - 3. If all violations are not corrected within thirty (30) days, the Township Board shall hold a hearing to consider revocation.
  - 4. The Township Board shall notify the permit holder by Regular U.S. Mail of the date, time, and place of a hearing concerning the proposed revocation of the special land use permit.
  - 5. During the hearing, the permit holder shall be allowed to present any reasons why the permit standards and this Chapter are not being met.

6. Following the hearing, the Township Board may revoke the special land use permit based on the findings made in the specific case and the testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.
- J. If at any point the original Special Land Use permit holder transfers the land and the use to another party, the Permit shall remain valid for the property subject to the conditions and requirements of Article 18: g and any conditions placed on the original special land use and permit by the Planning Commission. The new permit holder shall submit notification of the transfer and an affidavit agreeing to all conditions of the original approval to the Planning Commission within sixty (60) days of the transfer.