

Special Use Permit Application
Aurelius Township
Ingham County, Michigan

APPLICANT

Name

Last

First

Middle Initial

Address

Street and Number

City

State

ZIP

Telephone

Home

Work

OWNER

Name

Last

First

Middle Initial

Address

Street and Number

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

\$600 Fee Paid _____

Date Received _____

Data Complete _____

- **DIVISION 2. - USES AUTHORIZED BY SPECIAL USE PERMIT**

FOOTNOTE(S):

--- (3) ---

State Law reference— 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 a determination that the site plan, as proposed, complies with the provisions of this chapter. Notice of the hearing shall be published in a newspaper of general circulation in the township not less than 15 days before the date of the hearing.

(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; Ord. No. 39.08, § 4, 10-10-2006; Ord. No. 39.08(Amend.), 5-12-2009)

• **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.**

• **DIVISION 3. - SITE PLAN REVIEW** **Modified**

FOOTNOTE(S):

--- (4) ---

State Law reference— Site plan, MCL 125.286e.

- **Sec. 16-85. - Intent and purpose.**

It is the purpose of this division to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, environmental quality, traffic patterns and the character of future development in the vicinity. The requirements contained in this article are intended to reduce hazards to life and property due to fire, flooding, soil erosion, inadequate surface water drainage, inadequate sewage disposal systems, pollution, and other hazards; and to facilitate the provision of a system of roads, streets, parking, storm sewers, public education, and other public needs. These requirements are further intended to promote orderly development and harmonious design in order to conserve the value of existing development and property. Finally, it is the purpose of the section to specify standards and data requirements which shall be followed in the preparation of site plans as required by this chapter.

(Ord. No. 39, art. 8, § 8.1, 2-12-2002)

- **Sec. 16-86. - Approval of site plan required.**

(a)

Site plan review is required as follows:

(1)

For all uses permitted by special use permit.

(2)

For all uses permitted by site plan approval.

(3)

All commercial and industrial activities shall require site plan approval.

(4)

For all uses requiring ten or more parking spaces.

(5)

For all uses which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month, equal to approximately 25 gallons or 220 pounds, excluding agricultural uses.

A site plan shall be reviewed and approved by the planning commission prior to the establishment of any new land use, change of use, addition to an existing use, or the erection of any structure in any zoning district for any use requiring site plan approval.

(b)

Data required for application form. A complete application form shall include the following data:

(1)

The applicant's name, address and phone number in full.

(2)

Proof of property ownership, and whether there are any options on the property, or any liens against it.

- (3) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
- (4) The name and address of the owner of record if the applicant is not the owner of record and the signature of the owner.
- (5) The address and/or parcel number of the property.
- (6) Project title.
- (7) Project description, including but not limited to the total number of structures, units, bedrooms, square feet, gross and useable floor area, carports or garages, employees by shift, amount and type of recreational and open space, and related information as pertinent or otherwise required by this chapter. Also the hours of operation including shifts, if applicable, and the largest number of employees anticipated on the site at any one time.
- (8) Name and address of developer, if different from the applicant.
- (9) Name and address of the engineer, architect and/or land surveyor preparing the plan.
- (10) The gross and net acreage of all parcels in the project.
- (11) Project schedule including phasing information, if applicable.
- (12) A hazardous substances report form.
- (13) Michigan environmental permits checklist.
- (14) A Pollution Incident Prevention Plan, P.I.P.P., if applicable.

(c)

Data required for site plans. The following information shall be provided on all site plans and accompany the land use permit application. Each site plan shall be provided at a scale of one inch equals 100 feet. All information depicted shall be designed by a licensed professional engineer or land surveyor.

- (1) A survey of the property showing property dimensions, angles, lot area and including a legal description, a north arrow, the seal of the professional preparing the plan and a date, or revision date if applicable.
- (2)

Location of natural features such as, but not limited to, the location and type of existing soils, woodlots and other existing vegetation, streams, floodplains, county drains, lakes, ponds, topography at two-foot intervals within 200 feet of the site.

(3)

Location and dimensions of existing structures within 200 feet of the site with an indication as to which on-site structures are to be retained and which are to be removed or altered. Also, public and private groundwater supply wells on-site and within 50 feet of the perimeter of the site.

(4)

Location and dimensions of proposed structures, including roof overhangs, drainage locations, base floor elevations, septic systems and other wastewater treatment systems including the location of the septic tank and the drainfield.

(5)

Location and dimensions of existing public rights-of-way, including paving material; private easements of record; and deed restrictions.

(6)

Location and dimensions of all impervious surfaces including roof of building, proposed rights-of-way (including cross-sections), acceleration/deceleration lanes, driveways, parking and loading/unloading spaces including dimensions, maneuvering lanes including directional information, and sidewalks. Proposed traffic control measures, proposed street names and barrier free parking information shall also be indicated.

(7)

A vicinity sketch showing the location of the site in relation to the surrounding land uses and roadways within 2,000 feet of the proposed use at a scale of 1"=1,000'.

(8)

Location of existing and proposed utilities, wells, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.

(9)

Proposed location of trash receptacles, light fixtures, and accessory structures and uses, including signs.

(10)

Typical straight cross-section including slope, height, and width of berms and type of ground cover, and height and type of construction of wall or fence including footings.

(11)

A complete landscape plan showing materials to be retained, location, spacing, type and size of proposed plant materials, and identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.

(12)

Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge.

(13)

Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.

(14)

Areas to be left undisturbed during construction shall be so indicated on the site plan and shall be so identified on the ground so as to be obvious to construction personnel.

(15)

The location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.

(16)

Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.

(17)

Delineation of areas on the site which are known or suspected of being contaminated, together with a report on the status of site cleanup.

(18)

Any other information as deemed necessary to enable the planning commission to determine if the proposed site plan conforms to the requirements of this chapter.

(Ord. No. 39, art. 8, § 8.2, 2-12-2002)

- **Sec. 16-87. - Site plan approval standards.**

Each site plan shall conform to the following applicable provisions of this chapter and the standards listed in this chapter:

(1)

Site design. Site plans shall demonstrate that all elements including but not limited to buildings, parking areas, signs, walls, fences, and the like are harmoniously and efficiently organized in relation to topography and other natural features of the lot. They shall also be designed to minimize adverse effects on the site and adjacent properties.

a.

Landscape is preserved in its natural state as far as practical, by minimizing the removal of trees and other natural vegetation. The development does not detrimentally effect or destroy natural features and incorporates such features into the development's site design. The proposed development respects the natural topography and minimizes the amount of cutting, filling and grading requirements.

b.

The planning commission shall encourage and support innovative site design which minimizes the use of impervious cover and provides for on-site stormwater treatment. This includes but is not limited to the use of one-way parking aisles, the reduction of the number of entrance and exit drives, the use of native landscaping within buffer areas, traffic islands and cul-de-sacs and the use of bioretention areas within parking lots to provide stormwater management, and the placement of pavement and other impervious surfaces out of low areas such as swales and

valleys by keeping the roads and parking areas high in the landscape and along ridges wherever possible.

(2)

Natural features. Site plans shall demonstrate that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater.

a.

The proposed development respects floodways and/or floodplains on or in the vicinity of the subject property.

b.

The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.

c.

Site drainage is designed so that stormwater is not directly discharged into a wetland area whenever possible. Specifically, stormwater is pretreated to remove pollutants and sediments and slow the water's velocity before it enters the wetland.

d.

The proposed activity shall not result in the destruction of critical wildlife and waterfowl or fishery habitat.

e.

There shall be no less harmful, feasible and prudent alternatives to the proposed activities.

The plan meets the standards of other local, state and federal agencies, where applicable, and the approval of these agencies has been obtained or is assured.

(3)

Vehicular and pedestrian traffic. Site plans shall fully conform to the driveway and traffic standards of the state department of transportation and the county road commission. Further, the site plan shall demonstrate that there is a proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.

(4)

Public safety. Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the building code adopted by the township.

(5)

Drainage. Site plans shall fully conform to the county drain commission standards.

(6)

Erosion. Site plans shall fully conform to the county soil erosion and sedimentation control ordinance.

(7)

Hazardous waste management. Site plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.

a.

Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands.

b.

Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

c.

General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a state groundwater discharge permit.

d.

State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

(8)

Public health. Site plans shall fully conform to the requirements of the state department of environmental quality and the county health department.

(9)

Compliance. Site plans shall fully conform with all applicable state and federal statutes.

(Ord. No. 39, art. 8, § 8.3, 2-12-2002)

• **Sec. 16-88. - Action on site plans.**

(a)

Preapplication conference. Prior to the submission of an application for site plan review, all applicants are strongly encouraged to participate in a preapplication conference with the zoning administrator. The purpose of the conference is to allow an exchange of information and a preliminary review of the proposal prior to the application being made to the township. The conference will ideally include all of the following:

(1)

A visit to the proposed site by the applicant and the zoning administrator before plans are submitted to the township;

(2)

An opportunity for the applicant to have any questions answered;

(3)

An opportunity for the zoning administrator to review procedures, standards and regulations of the township with the applicant.

(b)

Submission of application for site plan review. An application for site plan review shall be submitted to the planning commission on a special form designed for that purpose as adopted by the planning commission. Each application shall be accompanied by the payment of a fee in accordance with a "schedule of fees" adopted by resolution of the board of trustees. The applicant shall provide 20 copies of the proposed site plan to the zoning administrator. The zoning administrator shall review the submittal

to determine that all the required information has been provided. Upon finding that the site plan is complete, the zoning administrator shall place the site plan on the planning commission's agenda.

(c)

Action. The planning commission shall disapprove, approve, or approve with conditions the site plan. Any conditions required by the planning commission, together with the reasons for those conditions, shall be provided in writing to the applicant.

(d)

Approval of site plans. A site plan shall be approved if it contains the information required by and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, and other township planning documents.

(e)

Approved site plans. Two copies of the approved site plan, including any written conditions, shall be maintained by the zoning administrator for future review and enforcement activities. One copy shall be returned to the applicant. Each copy shall be signed and dated by the planning commission chairperson. If any variance was granted by the zoning board of appeals, written evidence of the variance shall be filed with the site plan and a copy provided to the applicant.

(Ord. No. 39, art. 8, § 8.5, 2-12-2002)

- **Sec. 16-89. - Conformity to approved site plans.**

Property which is the subject of an approved site plan must be developed in strict compliance with the approved site plan and any amendments thereto which have been approved by the planning commission. If construction does not conform with approved site plan, the approval shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than actions taken to correct the violation.

(Ord. No. 39, art. 8, § 8.6, 2-12-2002)

- **Sec. 16-90. - Amendments.**

Site plan amendments shall require the approval of the planning commission and shall be reviewed and considered in the same manner as the original site plan. A site plan amendment shall be approved if the planning commission finds that the change will not adversely affect the initial reason for granting approval.

(Ord. No. 39, art. 8, § 8.7, 2-12-2002)

- **Sec. 16-91. - Appeals.**

A person aggrieved by the decision of the planning commission may have that decision reviewed by the zoning board of appeals, provided that the petition for appeal is filed within 15 days of the planning commission decision.

(Ord. No. 39, art. 8, § 8.8, 2-12-2002)

- **Sec. 16-92. - Fees.**

An application fee shall be established by resolution of the board. Before final approval, any costs incurred by the township during the review process shall be paid for by the applicant.

(Ord. No. 39, art. 8, § 8.9, 2-12-2002)

- **Secs. 16-93—16-115. - Reserved.**