

**Shiawassee County Zoning Ordinance
Application for a Special Use Permit**

You are encouraged to make an appointment with the Planning Director to discuss the specific requirements for the intended use, the general requirements for approval, and the review process. Also note that a separate application for Site Plan Review is required (see Section 14.3.3A SCZO)

Applicant name/s:		Township:
Applicant type(circle one) Owner, Township Board of Trustees, County Planning Commission, Board of Commissioners		
Applicants Address:		
Applicants Phone:	Fax:	
Property Owners Name:	Site Location:	
Applicants interest in property (a signed purchase agreement is the minimum interest required)		
Zoning District:	Special Use Name:	
Tax Roll Number:	Attached recorded deed with legal description	
Fee:	Date Recd	Recd by:
Date accepted as complete		Accepted by:
Applicants Reasons for the Request:		
<p>The Zoning Ordinance reads: "It shall be the obligation of the applicant to furnish sufficient evidence or proof of present and future compliance with the provisions of this Ordinance"; and it also states " A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable County, State or Federal laws, rules or regulations." Therefore, your response to the general standards listed below are essential to the approval of your request. If you do not claim to meet these requirements it may be difficult to approve your request.</p>		

Applicants response to general standards for approval § 12.1.6 A SCZO

1) The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.	
2) The special use shall not inappropriately change the essential character of the surrounding area.	
3) The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural character and environmental quality of the site.	
4) The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light or glare.	

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5) The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration	
6) The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.	
7) The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.	
8) For special uses in the A-1, A-1½ and A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.	

ATTEST:

I the undersigned attest that I am duly authorized by the owners of the above described land to make this specific application, and that I have reviewed the relevant portions of the Shiawassee County Zoning Ordinance, and I have reason to believe that:

1. A Special Use Permit is required for the land use or activity that I propose;
2. that the location and proposal meets the specific requirements of the Zoning Ordinance as outline in the Zoning Ordinance; and
3. that my location and proposal meet the requirement of § 12.1.6 A. above.

I further attest that the information provided in this applicant is true and correct with the understanding that this permit application is a legal affidavit; and as such knowingly providing false information is perjury subject to criminal felony penalties.

If you believe that you have a right to the land use or activity described above because the land use was lawfully established before the effective date of the regulations requiring a special use permit; or if you believe that the land use you propose is not properly classified as a use requiring a special use permit; or if you believe that the zoning ordinance is for any reason not valid as applied to the property described in this application; then you are hereby advised to file and appeal with the Zoning Board of Appeals to obtain a ruling before applying for a Special Use Permit

Signature

Print Name

Date

STATE OF MICHIGAN)
)
COUNTY OF SHIAWASSEE) ss.

The foregoing instrument was acknowledge before me this _____ day of _____, 2003 by:

_____, Notary Public
Shiawassee County, Michigan
My Commission Expires: _____

ARTICLE 12 SPECIAL USE PERMITS

Section 12.1 GENERAL STANDARDS AND REQUIREMENTS

12.1.1 Intent and Purpose: Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for specific use of land or structures that will allow, on one hand, practical latitude for the 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 Shiawassee County. In order to provide control 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 and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a Special Use Permit. By such a procedure, the Shiawassee County Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public health, safety, and/or general welfare.

The following Sections specify the procedures and general standards which must be met before a Special Use Permit can be issued. Article 4 presents the specific standards which must be met in order for a special use to be established. The general standards of this Article, the specific use standards of Article 4, the Site Plan Review standards of Article 14 and all other applicable standards of this Ordinance (such as standards for parking, landscaping, signs, etc.) must be met before a use designated as a special use may be established on property.

12.1.2 Permit Procedures: An application for a Special Use Permit for any land use or structure permitted under this Article shall be submitted and processed under the following procedures:

A. **Submission of Application:** An application shall be submitted through the Planning Director for consideration to the Planning Commission on a form provided by the Planning Director not less than sixty (60) days before any regular meeting of the Shiawassee County Planning Commission. The application shall be accompanied by payment of a fee as established by the Board of Commissioners to cover costs of processing the application. Once an application is accepted as complete no part of any fee shall be refundable except on unused portion of an escrow fee (see Section 16.11).

B. **Required Information and Parcel Status.**

1. Twenty (20) copies of an application for a Special Use Permit shall be presented to the Planning Director and accompanied by a site plan, drawn to a readable scale, of the property involved and adjacent property which meets the requirements of Article 14.
2. An application determined to be complete by the Planning Director shall be scheduled for public hearing before the Planning Commission. The Planning Director shall select the first regularly scheduled meeting of the Planning Commission after the Site Plan Review Committee has met (see Section 14.6) and after the Township in which the property is located has had a chance to review the request pursuant to Section 12.1.3 for the public hearing.
3. Until a Special Use Permit has been issued for any use requiring the same in this Ordinance, and until a proper zoning permit has been granted pursuant to the Special Use Permit, there shall be no construction or excavation on said land nor shall there be made any use of land related to the request for the Special Use Permit.

C. **Incomplete Applications.**

1. An application that does not fully comply with the submittal requirements of this Ordinance shall be returned to the applicant.
2. An application determined to be complete by the Planning Director shall be scheduled for public hearing before the Planning Commission. The Planning Director shall select the first regularly scheduled meeting of the Planning Commission after the Site Plan Review Committee has met (see Section 14.6) and after the Township in which the property is located has had a chance to review the request pursuant to Section 12.1.3 for the public hearing.

D. **Site Plan Review Committee.**

1. The Site Plan Review Committee shall receive from the Planning Director a copy of the Special Use Permit application and site plan within five (5) days after the same has been filed with the Planning Director.
2. The findings and recommendation(s) of the Site Plan Review Committee on the site plan for the special use shall be provided to the Planning Commission at least five (5) days before the public hearing.

E. **Others Having Interest.** Any person having an interest in any application may present any petition or document supporting his or her position for or against such application for a Special Use Permit. All documents shall be submitted to the Planning Director no later than five (5) days before the hearing at which the application will be considered.

12.1.3 Township Review:

Township Review: Within five (5) days after the application is determined to be complete the Township Board and the Chairman of the Township Planning Commission, wherein the premises described in the

application are situated, shall be sent a copy of the application by the Planning Director for review by the Township.

The Township Board and/or Township Planning Commission may review the application and make recommendations within fifty (50) days after receipt thereof to the Shiawassee County Planning Commission which shall consider the recommendations. If a recommendation is made by either or both the Township Board and the Township Planning Commission, it shall be in writing to the Planning Director stating the reasons for recommended approval or disapproval.

12.1.4 Public Hearing: Public Hearing: At least five (5) days after receipt of the action by the Site Plan Review Committee (see Section 12.1.2 D.2.) and at least sixty (60) days after the application is accepted as complete, the County Planning Commission shall, schedule a hearing on the site plan and Special Use Permit request the next regular meeting provided that public notice is given pursuant to Section 16.12.

12.1.5 Review and Approval: The review of an application and site plan requesting a special use permit shall be made by the Planning Commission in accord with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself or attached to it or these documents shall be resubmitted incorporating said changes. A site plan and application for a special use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable County, State or Federal laws, rules or regulations. Approval and issuance of a special use permit shall signify prior approval of the application and site plan, therefore, including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special use permit and shall be enforceable as such. The decision to approve or deny a request for a special use permit shall be retained as a part of the record of action on the request and shall incorporate a written statement of conclusions which specify: The basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a special use permit is issued, all site development and use of land on the property affected shall be consistent with the approved special use permit, unless a change conforming to Ordinance requirements receives the mutual agreement

of the landowner and the County Planning Commission and is documented as such.

Section 12.2 STANDARDS FOR ISSUANCE

12.2.1 Basis of Determination: Before making a decision, the County Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

A. General Standards: The County Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall approve a special use request only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 2. The special use shall not inappropriately change the essential character of the surrounding area.
 3. The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural character and environmental quality of the site.
 4. The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light or glare.
 5. The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
 6. The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
 7. The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.
 8. For special uses in the A-1, A-1½ and A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.
 9. The special use meets the Site Plan Review Standards of Section 14.5.
- B. Conditions:
1. The County Planning Commission may impose conditions with the approval of a special use application

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and site plan which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this or other applicable County ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator.

2. The conditions may include conditions necessary to insure 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 insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

3. Recording with Register of Deeds. A Special Use Permit and all conditions attendant thereto, may be recorded with the Register of Deeds and attached to the property record of the property for which it was issued as may a notice that such permit no longer is valid. See Section 16.9.

C. Performance Guarantee: In authorizing a special use permit, the County Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the permit holder to insure compliance with an approved site plan and the special use permit requirements per the requirements of Section 16.10.

12.2.2 Effective Date of Special Use Permit

The Special Use Permit shall become effective when the application has been approved by the Planning Commission.

A. A zoning permit shall not be issued until approval of such Special Use Permit by the County Planning Commission.

B. Land subject to a Special Use Permit may not be used or occupied for purposes of such special use until after a Certificate of Zoning Compliance for same has been issued pursuant to Section 16.7 of this Ordinance.

12.2.3 Expiration of Special Use Permit:

A. A Special Use Permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the Special Use Permit.

B. The Planning Commission shall have the right to limit the duration of a special use where the same is of a temporary nature.

C. If no construction activity to initiate site development pursuant to a Special Use Permit has begun within six (6) months from the date of its issuance, then it shall automatically expire and be of no further effect or validity.

In the event of permit expiration, the Zoning Administrator shall notify the applicant, in writing, mailed

to the address listed on the application, that such Special Use Permit has expired.

D. If the applicant requests an extension of the permit validity, prior to its expiration, the Planning Commission may extend the permit one time for an additional six (6) months if:

1. it is satisfied that the owner or applicant is maintaining a good faith effort to proceed with construction and establishment of the use;
2. no significant changes to applicable regulations have occurred;
3. there have been no significant changes to surrounding property or public services.

The determination of the Planning Commission shall be forwarded to the applicant with a recommended action.

E. Expiration of a Special Use Permit if the use changes: If the use of a property for which a Special Use Permit was issued is no longer for the land use authorized by either of those permits, the Special Use Permit authorization shall automatically be terminated and the property shall only be used for a use permitted in the District in which the property is located. Discontinuance of a seasonal use for which a Special Use Permit was issued is also subject to termination of the Special Use Permit, if the season passes in which the permit would normally apply and a different use is in place instead.

12.2.4 Re-Application: No application for a Special Use Permit which has been denied, wholly or in part, by the County Planning Commission shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions which is found upon inspection by the Planning Commission to be valid. A reapplication shall be processed in the same manner as the original application.

12.2.5 Requirement Compliance-Penalties: It shall be the duty and obligation of the owner(s) or operator(s) of property approved for a Special Use Permit to at all times be in compliance with the use requirements of this Ordinance and the conditions of the Special Use Permit under which their particular use is governed. Failure thereof shall be in violation of this Ordinance and subject to the penalties and remedies provided in Article 17.

12.2.6 Appeal: Appeal of a decision on a Special Use Permit request may be taken to the Board of Appeals in accord with the procedure specified in Sections 18.3 and 18.4.8.

12.2.7 Once Granted a Special Use Permit, the Use is a Permitted Use:

A. Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located provided:

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1) Such permit was issued in conformity with the provisions of this Ordinance and,
2) Such permit shall be deemed to effect only the lot or portion thereof and uses there upon for which the Special Use Permit shall have been explicitly granted and,

3) Such permit authorizes a use which is subsequently built, operated and maintained in compliance with the Ordinance, the Special Use Permit, and all conditions established with its approval.

B. Permit Transferability: A Special Use Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A Special Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes to which the Special Use Permit was granted as long as all conditions and terms of the permit are adhered to. Permit transfer is automatic, provided the new owner submits in writing to the Zoning Administrator, his or her new address, and telephone number on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Use when the transfer form is submitted.