

**CONDITIONAL USES**

**ARTICLE 6**

**CONDITIONAL USES**

**SECTION 6.01 GENERAL PROVISIONS**

**A. Intent**

The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of Superior Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses which may be essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems or issues presented by the use or its particular location in relation to neighboring properties.

**B. General Requirements**

This Ordinance, therefore, requires approval of a Conditional Use Permit for each use listed in the several zoning districts as conditional uses. This Article specifies the procedures and standards to be followed in granting such permits. If compliance with the procedures and standards set forth in this Article, Article 3 ("General Provisions"), Article 4 ("Schedule of District Regulations"), and Article 5 ("Supplementary District Regulations"), if applicable, is found, the right to a Conditional Use Permit shall exist, subject to such conditions as may be imposed. No conditional use shall commence until a Conditional Use Permit is issued therefore in accordance with this Ordinance.

**SECTION 6.02 AUTHORITY TO GRANT PERMITS**

The Township Planning Commission shall have the authority to grant Conditional Use Permits and to attach conditions to a permit. Only those uses listed in each zoning district as conditional uses shall be considered for Conditional Use Permit review and approval.

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### SECTION 6.03 FEES

The Township Board shall establish, by resolution or ordinance, fees for Conditional Use Permit applications. Such fee shall be paid in full at the time of the filing of the application and no part of such fee shall be returnable to the applicant. No fee shall be required for a Conditional Use Permit application for any governmental body or agency.

### SECTION 6.04 APPLICATION PROCEDURE

#### A. Filing of Application

Application for a Conditional Use Permit shall be made by filing the application form, required information, and required fee with the Township Clerk. The Clerk shall transmit a copy of the application and submitted information to the Township Planning Commission.

#### B. Public Hearing and Notice

1. The Planning Commission shall hold a public hearing on an application for a Conditional Use Permit within one hundred eighty (180) days of the filing date.
2. A notice of the public hearing shall be published once in a newspaper which circulates in the Township.
3. A notice shall also be sent by mail or personal delivery to:
  - a. the owners of property for which approval is being considered;
  - b. to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question; and
  - c. to the occupants of all structures within three hundred (300) feet.

The notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organization, one (1) occupant of each unit or spatial area shall receive notice. In case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice

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may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

4. The notice of public hearing shall:
  - a. describe the nature of the conditional use request;
  - b. describe the property which is the subject of the conditional use request;
  - c. state when and where the public hearing will be held; and
  - d. state when and where written comments will be received concerning the request.

### C. **Posting of Signage**

1.
  - a. For any proposed conditional use, the applicant(s) or owner(s) of the property proposed for the conditional use shall place a four (4) by eight (8) foot sign on each side of the property which abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
  - b. If the property proposed for the conditional use does not abut a street, the sign shall be placed on each side of any contiguous land owned by the applicant(s) or owner(s) of such parcel which does abut a street.
  - c. If no such contiguous property abutting a street is owned by the applicant(s) or owner(s) of the property proposed for the conditional use, the sign(s) shall be placed in such location(s) on the property that the Zoning Inspector deems will best inform the public of the proposed conditional use. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.
2. Each sign shall be erected at least twenty-one (21) days, but not more than thirty (30) days, before the Planning Commission's public hearing on the petition for conditional use.
3. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date thereof, whichever is later.

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4. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR A CONDITIONAL USE," give the street address or tax code parcel number(s), acreage and diagram of the property proposed for the conditional use, state the zoning of the property, state the conditional use that is being requested, and the date, time, and place of the initial public hearing on the application for conditional use.
5. The applicant shall post a bond in an amount not to exceed one hundred dollars (\$100.00) per sign to ensure the removal of the sign as provided in Paragraph C(3) preceding.
6. The Zoning Inspector shall inspect the property proposed for a conditional use to see that it complies with the requirements of this Section 6.04C, and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the application.
7. Signs erected under this Section 6.04C are exempt from other provisions of this Ordinance regulating signs.
8. Failure to comply with any provision of this Section 6.04C shall not constitute grounds for invalidating or setting aside the granting of an application for conditional use, but shall constitute grounds for adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the one hundred eighty (180) day period within which the Planning Commission must otherwise hold the public hearing under Section 6.04B of this Article.

## SECTION 6.05 INFORMATION REQUIRED

An application for a Conditional Use Permit shall contain the following information:

- A. The applicant's name, address, and telephone number.
- B. The names, addresses, and telephone numbers 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 signed authorization of the owner(s) for the application.
- D. Legal description, address, and tax parcel number of the property.

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- E. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements.
- F. A detailed description of the proposed use.
- G. A site plan, meeting the requirements of a preliminary site plan, as set forth in Article 10 ("Site Plan Review") herein.

**SECTION 6.06 REQUIRED STANDARDS AND FINDINGS**

**A. Standards**

- 1. No Conditional Use Permit shall be granted unless the Planning Commission makes affirmative findings of fact that the proposed use:
  - a. will be harmonious, and in accordance with the objectives, intent, and purposes of this Ordinance;
  - b. will be compatible with the natural environment and existing and future land uses in the vicinity;
  - c. will be compatible with the Growth Management Plan;
  - 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 any such services;
  - 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 cost for public facilities and services that will be detrimental to the economic welfare of the community.
- 2. In addition, no Conditional Use Permit shall be issued unless the Planning Commission makes affirmative findings of fact that the proposed use complies with all additional, applicable standards set forth in Article 3 ("General Provisions"), Article 4 ("Schedule of District Regulations"), and/or Article 5 ("Supplementary District Regulations") herein.

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3. No Conditional Use Permit shall be granted unless the Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use meets all required standards.

### **B. Approval or Denial**

1. The Planning Commission shall approve, approve with conditions, or deny a Conditional Use Permit application.
2. The Planning Commission's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting.

## SECTION 6.07 CONDITIONS OF APPROVAL

### **A. Conditions**

1. In granting a Conditional Use Permit, the Planning Commission shall impose any conditions it deems necessary to achieve the objectives and standards of this Ordinance and the Growth Management Plan, the standards of the Township Rural Zoning Act (Act 184 of the Public Acts of 1943, as amended), and the public health, safety, and welfare of Superior Township.
2. These conditions may include conditions necessary to ensure that:
  - a. public services and facilities affected by a proposed conditional use will be capable of accommodating increased service and facility loads caused by the proposed conditional use;
  - b. the natural environment will be protected and natural resources and energy conserved;
  - c. the proposed use is compatible with adjacent land uses; and
  - d. the proposed use promotes the use of land in a socially and economically desirable manner.
3. Conditions imposed shall meet the following requirements:
  - a. The conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed land use or activity, residents

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and landowners immediately adjacent to the proposed conditional use, and the community as a whole.

- b. The conditions shall be related to the valid exercise of the police power of the Township, and purposes which are affected by the proposed conditional use.
- c. The conditions imposed shall be necessary to meet the intent and purpose of the Ordinance, shall be related to the standards established in the Ordinance for conditional uses, and shall be necessary to ensure compliance with those standards.

### **B. Violation of Conditions**

Failure to comply with such conditions shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Article 11 (“Administration and Enforcement”) herein.

### **C. Effect and Modification of Permit**

1. An approved Conditional Use Permit, including all attached conditions, shall run with the parcel in the approval.
2. An approved Conditional Use Permit shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. A public hearing shall be held on any proposed changes as required for an original application. Any such approved changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred.

## **SECTION 6.08 RE-APPLICATION**

An application for a Conditional Use Permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence not available to the applicant at the time of the original application or proof of changed conditions found by the Planning Commission to be valid.