

CHIKAMING TOWNSHIP

13535 Red Arrow Hwy., PO Box 40, Harbert, MI 49115 (269)469-1676 phone (269)469-4416 fax Email:buildingdept@chikamingtownship.org

ALL FEES ARE NON-REFUNDABLE SPECIAL LAND USE APPLICATION

Name of Applicant	Home Phone		Cell Phone
Property Owner's MAILING Address	City	State	Zip Code
Email:			
Property Code No.			
11-07-			

I. ACTION REQUESTED

It is hereby requested that the Chikaming Township Board approve the issuance of a Special Use Permit on the property described on page 2 which is located in a(n) _____ zoning district for the purpose of: (state proposed use of property)

A previous application for a variance, special use permit or rezoning on this land has/has not (choose one) been made with respect to these premises. If a previous appeal, rezoning or special use permit application was made, state the date, nature of action requested and the decision:	
Type of Application:	Date of Application:
Nature of Action requested:	
Decision (approved/denied)	

Return **ten (10) copies** of all documents accompanied by a **non-refundable fee** of **\$1,000.00** to the Building Department office at Chikaming Township Hall.

II. PROPERTY INFORMATION

A: Address of property: _____

B: Legal Description of Property Affected: _____

III. GENERAL STANDARDS

Address each of the six (6) general standards in Section 17.03 of Zoning Ordinance No. 144 Attach additional sheets.

IV. OTHER INFORMATION

Attach additional required information per section 17.03 of Zoning Ordinance No. 144.

V. PROCESS

You will be scheduled for the first Planning Commission meeting after approval of your application by the Zoning Administrator. The Planning Commission will question you about your proposal and review the application for completeness. If the application is deemed complete, the Planning Commission will then set a date for a public hearing, generally about thirty {30} days later. After the public hearing, the recommendation of the Planning Commission is then forwarded to the Board of Trustees for their action. The Township Board shall approve, approve with conditions or disapprove the special land use permit request. *This process may take up to ninety {90} days depending on dates/or the meetings.*

VI. AFFIDAVIT

The undersigned affirms that he/she/we is/are the _____ (specify owner, lessee or other type of interest) involved in the application; and that if this request is granted, that in accordance with Article 17 of the Township Zoning ordinance No. 144 actual construction in accordance with the plans herewith submitted will begin within **12 months** from the date of the granting of a special permit, and will be completed within ____ Year(s) from said date, and that I/we have a legal, financial and physical basis to do so; and that the answers and statements herein contained, and the information herewith submitted are in all respects true and correct to the best of his/her/our knowledge and belief.

I hereby give Chikaming Township authorized personnel permission to enter upon this property, as necessary, in considering this application.

Applicant Signature

Date

For Office Use Only

Case Number	Date and Fee Received	Receipt Number
Planning Commission Action	Planning Commission Date	
Township Board Action	Township Board Date	
Property Code No. 11-07-	Expiration Date	

Section 17-03 Special Land Uses

- (A) **Intent.** The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses (sometimes also referred to as Special Uses). Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be property classified as a permitted use in a particular zoning district. This Section contains standards for review of each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.
- (B) **Procedures and Requirements.** Special land use proposals shall be reviewed in accordance with the procedures for site plan review, as follows:
- (1) **Public Hearing Required.** A public hearing shall be scheduled by the Township Administration and held by the Planning Commission before a decision is made on a special land use request.
 - (2) **Planning Commission Recommendation.** The Planning Commission shall review the application for special land use together with the public hearing findings and reports and recommendations from the Zoning Administrator, Township Public Safety officials, and other reviewers. The Planning Commission shall then make a recommendation to the Township Board regarding the proposed special land use, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial-of-the special -land use application as-follows:- -
 - (a) **Approval.** Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the special land use.
 - (b) **Approval with Conditions.** The Planning Commission may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.
 - (c) **Denial.** Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall deny the special land use.
 - (3) **Township Board Final Action.** The Township Board shall review the recommendation of the Planning Commission, together with the public hearing findings and reports and recommendations from the Zoning Administrator, Township Public Safety officials, Township Engineer, and other reviewers. The Board shall then make a decision regarding the proposed special land use, based on the requirements and standards of this Ordinance. The Board may approve, approve with conditions, or deny the special land use application as follows:

- (a) **Approval.** Upon determination by the Board that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Board shall approve the special land use.
- (b) **Approval with Conditions.** The Board may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.
- (c) **Denial.** Upon determination by the Board that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Board shall deny the special land use.
- (4) **Recording of Action.** Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The minutes shall record the findings of fact relative to each special land use proposal, grounds for the action taken, and any conditions imposed in conjunction with approval.
- (5) **Effect of Approval.** Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.
- (6) **Zoning Board of Appeals Authority.** The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use that relate to specific requirements of this Ordinance, but not to the approval or denial or imposition of conditions regarding the Special Use as a whole.
- (7) **Application for a Building Permit.** Prior to issuance of a building permit, the applicant shall submit proof of the following:
- (a) Final approval of the special land use application.
 - (b) Final approval of the site plan.
 - (c) Final approval of the engineering plans.
 - (d) Acquisition of all other applicable Township, County, or State permits.
- (8) **Expiration of Special Land Use Approval.** If construction has not commenced, or if the project has commenced but has not made reasonable progress within twelve (12) months after final approval, the approval becomes null and void and a new application for special land use approval shall be required. However, the applicant may apply in writing to the Planning Commission for an extension of special land use approval. The Planning Commission may grant one or more extensions of up to a total of twelve (12) months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved special land use plan conforms to current Zoning Ordinance standards.

- (9) Modification to Approved Special Land Use.** Special land use approval in accordance with provisions of this Section may subsequently be modified, subject to a revised application being submitted, including payment of a fee, which shall be equal to half the fee for the original approval, notice provided to the public as required for all Special Use applications, and subject to the following requirements:
- (a)** Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures. In evaluating change in intensity of use, the Planning Commission shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.
 - (b)** Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this Section.
- (10) Special Land Use Violation.** In the event that construction or subsequent use is not in compliance with the approved special land use application, the Zoning Administrator or his/her designee shall take corrective action, unless a revised special land use application is submitted for Township review, following the normal special land use review procedures. If the builder, developer, or current user fails to take corrective action or pursue approval of an amended plan the Zoning Administrator or his/her designee may issue a citation after which the Township Board may commence and pursue appropriate action in a court having jurisdiction.
- (11) Performance Guarantee.** The Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to ensure faithful completion of the improvements.
- (C) Standards for Granting Special Land Use Approval.** Approval of a special land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, and the following standards:
- (1) Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - (a)** The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - (b)** The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - (c)** The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - (d)** The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - (e)** Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.

- (2) **Compatibility with the Master Plan.** The request satisfies the Goals, Objectives, narrative, and intent of the Township Master Plan.
- (3) **Public Services.** The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, roads, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.
- (4) **Impact of Traffic.** The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets shall be appropriate for the volume of traffic they will carry, based on Berrien County Road Department standards. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points, construct a secondary access road, install traffic controls or signage, or otherwise modify the circulation plan.
- (5) **Detrimental Effects.** The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
- (6) **Compatibility with Natural-Environment.** The ~~proposed--special-land use~~ shall be compatible with the natural environment and conserve natural resources and energy.

(D) **Impact Assessment**

- (1) **Intent.** The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed ~~!!§.sl~~ will be in compliance with the site development and performance standards set forth in this Ordinance. The Planning Commission may require an Impact Assessment as part of any Special Land Use approval process. Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use a qualified registered professional to complete the Impact Assessment, which shall address the following issues, at minimum:
 - (a) Water, noise, and air pollution associated with the proposed use.
 - (b) Effect of the proposed use on public utilities, transportation networks, and public services.
 - (c) Historic and archeological significance of the site and adjacent properties.
 - (d) Displacement of people and other land uses by the proposed use.
 - (e) Alteration of the character of the area by the proposed use.
 - (f) Effect of the proposed use on the Township's tax base and adjacent property values.
 - (g) Compatibility of the proposed use with existing topography, and topographic alterations required.

- (h) Impact of the proposed use on surface and groundwater.
 - (i) Operating characteristics and standards of the proposed use.
 - U) Proposed screening and other visual controls.
 - (k) Impact of the proposed use on traffic, including, but not limited to, traffic volume, traffic congestion, parking, necessary infrastructure upgrades, curb cuts, traffic signals, pedestrian safety, turning movements, and impact on non-motorized transportation.
 - (l) Impact of the proposed use on flora and fauna.
 - (m) Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.
- (2) Information Required.** Where required, an Impact Assessment shall contain all applicable information that is required for Conceptual Review of Planned Development, as set forth in Articles 13 and 15.
- (3) Evaluation of the Impact Assessment.** The Planning Commission and Township Board shall consider the criteria listed below in their evaluation of an Impact Assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the application. The Township Board and Planning Commission shall determine that the proposed use:
- (a) Will be harmonious with and in accordance with the general objectives of the Master Plan.
 - (b) Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
 - (c) Will not be hazardous or disturbing to existing or future neighboring uses.
 - (d) Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (e) Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police, and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - (f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - (g) Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
- (4) Applicability of Other Standards and Ordinances.** Approval of the Impact Assessment shall not relieve the applicant from complying with other requirements of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.