

Article 10. SPECIAL USES

SECTION 10.1 INTENT AND PURPOSE

Special Uses may be authorized in the various zoning districts if adequate safeguards are provided to ensure the protection of the public health, safety, and general welfare. Special uses may be authorized by the Township Board upon the recommendation of the Planning Commission by issuance of a special use permit provided:

- A. The proposed uses when listed as a special use for that district in which said use is located or other such uses similar to and compatible with the listed uses or accessory thereto.
- B. The provisions of this Article are complied with.
- C. The standards for the particular use as stated in the provisions for that district in which said use is located are fulfilled, and the standards or other requirements of this Article are met.

SECTION 10.2 PROCEDURE

- A. Applications for special use permits shall be submitted to the Zoning Administrator. Applications shall include:
 - 1. A completed application form;
 - 2. An application fee, and;
 - 3. A site plan complying with the requirements of Article Eleven, Section 11.3.
 - 4. All approved special use permits shall be issued in the land owner's name and in any third party name involved with that special.

In the case of a minor development requiring a special use permit, the Zoning Administrator may waive portions of the information required for a site plan not necessary for determination of compliance with this Ordinance. When the application is for a landfill, a commercial dumping ground, or a natural resource extraction operation, the site plan shall include existing topography at five (5) foot contour intervals and proposed contour lines at the same interval which will exist upon completion of the operation.

- B. An application for a special use permit shall be processed in the following manner:

Notification & Publication: Upon receipt of an application filed under the provisions of this Article, notice shall be published in accordance with Article 7, Section 7.26.

The Zoning Administrator shall forward the application and supporting data to the Grant Township Planning Commission. The Planning Commission shall review the proposed special use in the context of the specifications established in this Ordinance.

Following the public hearing, the Planning Commission shall make recommendation to the Township Board concerning the issuance of a special use permit. A written record of deliberations on the request shall be included in the Planning Commission's record of proceedings.

Amended 5/9/2017

SECTION 10.3 BASIS OF DETERMINATION

The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location:

- A. Will be harmonious with and in accordance with the general and specific objectives of any Grant Township development plans, regulations, or guidelines.

- B. Will be designed, constructed, operated, and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.
- C. Will not be hazardous or disturbing to existing or future nearby uses. Special consideration shall be given to the issuing of a special use permit within any Agricultural district to assure that such action will not be detrimental to existing or potential farming operations.
- D. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- E. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- F. Will be consistent with the intent and purposes of this Ordinance.

SECTION 10.4 CONDITIONS AND SAFEGUARDS

- A. Prior to recommending any Special Use Permit the Planning Commission may impose additional conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest.
- B. Conditions and requirements stated as part of Special Use Permit authorization shall be the continuing obligation of Special Use Permit holders. The Zoning Administrator is authorized to make periodic investigations of developments authorized by a Special Use Permit to determine compliance with all requirements.
- C. Special Use Permits may be issued for an unlimited period of time or for a specific duration of time, then at the expiration of such time the Special Use Permit shall be deemed terminated unless renewed according to the procedures otherwise applicable for the issuance of an original special use permit.
- D. In recommending a Special Use Permit, the Planning Commission may require that a cash deposit, certified check, bond, letter of credit, or other financial guarantee acceptable to the Planning Commission, in such reasonable amount as the Planning Commission shall determine to be appropriate, be furnished by the Applicant to insure compliance with the terms of the Special Use Permit and with such other requirements as the construction of drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. All plans, specifications, and statements submitted with the application for a special use permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any permit issued thereto.
- F. The foregoing general standards are basic to all special uses. Specific requirements accompanying designated uses as set forth commencing in this ordinance, are additional requirements to and shall be required in applicable situations.

SECTION 10.5 TERMINATION OF SPECIAL USE PERMIT

Special Use Permits may be terminated in the event that there is a material violation of the terms or conditions of such special use permit by the owner or occupants of the property granted the Special Use Permit. In such event, the Special Use Permit shall be terminated pursuant to the following procedure:

- A. The Zoning Administrator or the Planning Commission shall provide the owner of the property with a written statement detailing the alleged violation or nonconformity with the terms and conditions of the special use permit. Such statement shall be deemed an order to correct the alleged violation or deficiency.
- B. In the event that such violation or such deficiency has not been cured within thirty (30) days after the issuance of such statement, then the Planning Commission shall review the matter at a regular meeting or special meeting called for such purpose. The owner shall be provided written notice of such meeting, and may be present at such meeting to present his/her position and facts supporting his position.
- C. If the Planning Commission shall determine that there does exist a material violation or nonconformity, with respect to the terms and conditions of the Special Use Permit granted, which was not cured within thirty (30) days, then the Planning Commission may in its discretion take the following action:
 - 1. Defer the matter for up to an additional thirty (30) days in order to give the applicant additional time to completely cure any deficiency or nonconformity, if such attempts at cure have previously been undertaken but have yet to be completed; or
 - 2. If the property owner has filed a request to amend the Special Use Permit such that the alleged violations or non-conformities with the existing Special Use Permit would no longer be deemed violations or nonconformity, the Planning Commission may defer further action until the hearing on the permit amendment is reviewed and a determination made by the Planning Commission as in the case of an application for an original permit; or
 - 3. Recommend that the Township Board terminate the Special Use Permit.

SECTION 10.6 RECOMMENDATION OF PLANNING COMMISSION AND FINAL DECISION OF THE TOWNSHIP BOARD; APPEAL TO THE CIRCUIT COURT.

The recommendation of the Planning Commission and final decision by the Township Board shall contain the findings and determination of the Planning Commission in each particular case. The signature of the chairman or vice-chairman of the Planning Commission shall be affixed thereon. Any persons having an interest affected by the determination of the Planning Commission and the Township Board shall have the right to appeal to the circuit Court for Oceana County, which appeal shall be brought within thirty (30) days of issuance of the decision by the Township Board.

SECTION 10.7 RE-APPLICATION

No application for a special use permit which has been denied wholly or in part shall be re-submitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Grant Township Planning Commission.