

SECTION 1603. PERMIT PROCEDURES

The application for a Special Use permit shall be submitted and processed under the following procedures and in accordance with the Michigan Zoning Enabling Act, P. A. 110 of 2006.

- A. **Submission of Application.** An 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 Township Board.
 - 1. **Contents.** The application package consists of a Special Use Permit Application completed in full by the applicant, accompanied by a fee as established by the Township and a site plan meeting the requirements of Section 307.4.
 - 2. **Application Deadline.** The complete application package must be submitted to the Zoning Administrator at least forty-five (45) days before the Planning Commission meeting at which it will be considered.

- B. **Simultaneous Consideration of Rezoning and Special Use Permit.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - 1. **Separate.** The rezoning shall be considered separately from the Special Use Permit.
 - 2. **Procedures.** The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
 - 3. **Standards.** All standards required by this Ordinance shall be observed for each action.
 - 4. **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and special use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

C. **Planning Commission Review and Hearing.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting:

1. **Site Plan Review.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards and any specific standards identified for a Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.

a. **Public Input.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.

b. **If the Site Plan is Denied.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site approval must be obtained before the Special Use Permit is valid.

2. **Public Hearing on Special Use.** The Planning Commission shall hold a public hearing on the application as part of the meeting which the Special Use Permit is considered.

a. **Notice.** A notice of public hearing meeting the requirements of this section shall be mailed to all parties specified by this section and published in a newspaper of general circulation in the Township at least fifteen (15) days before the date of such hearing.

- b. **Delay at Applicant's Request.** If a site plan for a Special Use has been denied, the applicant may ask for a consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Township's added cost.
- 3. **Consideration of a Special Use Permit.** Following the public hearing, the Planning Commission Chairman shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. Planning Commission members shall then discuss the motion and vote upon it.
 - a. **Open Meeting.** Note that the Open Meeting Act requires this vote to take place in an open public meeting.
 - b. **Prompt Decision.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render its decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
 - c. **Issuance of a Zoning Permit.** Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
- D. **Reapplication.** An application for a Special Use Permit which has been denied by the Planning Commission may not be resubmitted for one (1) year after the date of such denial.

- E. **Terms of Permit.** A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of said permit are described in this section. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
- F. **Revocation.** The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described above. Except as noted in the paragraph above, the permit remains valid as long as all of those conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit, and revocation of it shall void the Zoning Permit.
1. **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
 2. **Considered Nonconforming.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an Illegal Nonconforming Use.

3. **Planning Commission Action.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually occur before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
4. **Second Notice and Order.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
5. **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.