

PALMYRA TOWNSHIP
ORDINANCE NO. 25-02
AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING
ARTICLE VI
SPECIAL LAND USES

SECTION 6.1 – SPECIAL LAND USES

The formulation and enactment of this Ordinance is based upon the division of Palmyra Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Palmyra Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 6.2 – AUTHORITY to GRANT PERMITS

The Planning Commission, as hereinafter provided, shall recommend to the Township Board who shall have the final authority to grant Special Land Use Permits. The Township Board may grant Special Land Use Permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all Special Land Uses specified in the various district provisions of this Ordinance.

SECTION 6.3 – APPLICATION and FEE

Application for any Special Land Use Permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official Special Land Use Permit application form; submitting a Site Plan in accordance with Article VII and depositing the required fee as established by resolution of the Township Board.

SECTION 6.4 – APPLICATION and SITE PLAN REQUIREMENTS

An application for a Special Land Use Permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a Site Plan as specified in, and in conformance with, Article VII Site Plan Review and Approval, of this Ordinance.

SECTION 6.5 – PUBLIC HEARING

When a request for a Special Land Use Permit has been filed in proper form with the Planning Commission, the Commission shall immediately place said request for appeal upon the calendar for public hearing, notice of which shall be given as required in Section 103(MCL 125.33101) of the Michigan Zoning Enabling Act.

SECTION 6.6 – REQUIRED STANDARDS and FINDINGS for MAKING DETERMINATIONS

The Planning Commission and Township Board shall review the Site Plan submitted in accordance with Article VII for proposed Special Land Uses in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets or does not meet these standards.

A. Development standards applying to all proposed Special Land Uses:

1. The proposed Special Land Use shall be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
2. The proposed Special Land Use shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
3. The proposed Special Land Use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, and refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be responsible to provide adequately any such services.
4. The proposed Special Land Use shall not be hazardous or disturbing to existing neighboring uses.
5. The proposed Special Land Use shall not create excessive additional requirements at public costs for public facilities and services.
6. Development standards applying to specific proposed Special Land Uses. A Special Land Use Permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may recommend and the Township Board may impose additional conditions and safeguards when deemed necessary in accordance with Section 6.8 of this Ordinance.

SECTION 6.7 – APPROVAL of SPECIAL LAND USE PERMIT

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06, holding of the public hearing in accordance with Section 6.5, and review of requirements of other provisions of this Ordinance as they apply to the proposed Special Land Use, the Township Board shall approve, subject to conditions in accordance with Section 6.8, or deny the Special Land Use within thirty (30) days following the public hearing. A written statement of findings and conclusions (e.g., staff report, detailed motion, meeting minutes, etc.) that specifies the basis for a decision and any conditions imposed on a Special Land Use request shall be maintained by the Township.

For the purposes of this Section, the approval of the Site Plan shall constitute the approval of the Special Land Use permit. A request for approval of a Special Land Use Permit which is in compliance with standards stated in the Zoning Ordinance, the conditions imposed pursuant to Section 6.8, other applicable ordinances, and state and federal statutes, shall be approved. Upon approval of the Special Land Use Permit, a copy of the approved Site Plan shall be forwarded to the applicant, Clerk, Zoning Administrator, and Planning Commission along with full documentation regarding the findings of the review and approval or

denial. The Zoning Administrator shall not issue a zoning compliance permit until he/she has received a copy of the approved Site Plan.

SECTION 6.8 – IMPOSITION of CONDITIONS

Upon review of the application and Site Plan in accordance with the standards established in Section 6.06 and the requirements of other provisions of this Ordinance, the Township Board may require reasonable conditions necessary to insure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity; to protect the natural environment and con-serve 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. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon mutual consent of the Township Board and the landowner.

SECTION 6.9 – PERFORMANCE GUARANTEE

In authorizing a Special Land Use Permit, the Palmyra Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, performance bond, surety bond, *or* guaranty bond be furnished by the developer to insure compliance with an approved Site Plan and Special Land Use Permit requirements. The Palmyra Township Board shall determine which type of guarantee is necessary and such guarantee shall be deposited with the Palmyra Township Clerk at the time of the issuance of the Special Land Use Permit. In fixing the amount of such performance guarantee, the Palmyra Township Board shall limit the amount to reasonable improvements required and remediation or restoration necessary after the special land use ceases operation, to restore the site to its condition before the Special Land Use was permitted and to meet the standards of this Ordinance and to protect the natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage or improvements for decommissioning, including but not limited to removing all nonutility owned equipment, conduits, structures, fencing and foundation to a depth of at least 4 (four) feet below grade, all gravel and access roads, and replacing soil removed or eroded. The Palmyra Township Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this Section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions contained in the Special Land Use Permit.