

SPECIAL USE # _____

FEE PAID: _____

RECEIVED BY: _____

TOWNSHIP OF MILFORD

APPLICATION FOR PERMITTED USE AFTER SPECIAL APPROVAL – TOWNSHIP BOARD

NAME OF APPLICANT _____

ADDRESS _____

TELEPHONE # _____

NAME OF REPRESENTATIVE: _____

ADDRESS _____

TELEPHONE # _____

NAME OF PROPERTY OWNER _____

ADDRESS _____

TELEPHONE # _____

☐ 1. The property is located at _____, between _____ Road
and _____ Road, on the _____ side of the street.

☐ 2. The property has frontage of _____ feet and a depth of _____
The property is in acreage of _____ acres.

☐ 3. The zoning of the property is _____.

☐ 4. Property is known as sidwell # _____.

Lot or Lots # _____.

Subdivision known as _____.

- ☐ 5. A letter is attached, indicating purpose and intent of the Special Use following standards of Section 19-564 (6).
- ☐ 7. A Plot Plan or Site Plan, drawn to scale, is attached showing the following (said plans are made a part of this application):
1. Private roads
 2. Structure, existing and proposed
 3. Property lines, including those of neighboring parcels
 4. Topography, showing drainage
 5. Easements and right-of-ways
 6. Other elements which affect this application

Signature of Applicant _____ Date _____

NOTE TO APPLICANT: At least **TWO (2) WEEKS** prior to the hearing, the front property corners must be clearly “staked”; also, a “stake” must be centered on the front property line showing the “special use” number. If a building or addition is involved, the dimensions of the building or addition must be clearly defined and staked. Board members may visit the site without prior notification to property owners. If the Board members are unable to clearly define the property in question because of failure of applicant to comply with this requirement, **NO ACTION** will be taken at the scheduled public hearing.

appropriations made by the township board, pursuant to section 7a of Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq., MSA 5.2963(1) et seq.), as amended.

- (8) The planning commission shall make use of such information and counsel which may be furnished by appropriate public officials, departments or agencies, and all public officials, departments and agencies having information, maps and data pertinent to township zoning are hereby directed to make the same available for the use of the planning commission pursuant to section 8 of Act No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq., MSA 5.2963(1) et seq.), as amended.
 - (9) The planning commission shall review and recommend to the township board desirable course of action to take concerning proposed special approval of specified land uses (section 19-564); and site plan reviews (section 19-84).
 - (10) The planning commission may establish the amount and type of performance guarantees pursuant to authorization in section 19-565 in those instances where requested by the township board or board of appeals.
 - (11) The planning commission, in addition to preparing and adopting long-range use plans for the township shall have the responsibility as may be delegated by the township board to review any other planning, zoning or development issue and report its findings and conclusions to the township board.
- (Ord. No. 101, § 21.08, 3-23-71)

Sec. 19-564. Powers of the township board concerning special approvals.

The township board shall have the following specific powers and duties concerning special approval.

- (1) *Purpose.* In hearing and deciding upon special approvals, the township board shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the township into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
 - a. Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected with a public interest; and
 - b. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

- (2) *Authorization.* The special approval of specific land uses and activities, as required under various sections, may be authorized by the township board provided that no application for special approval shall be acted upon by the township board until after a written report and recommendation is prepared and filed with the township board by the township planning commission, which report shall become a part of the record, and after a public hearing is held thereon by the township board.
- (3) *Application.* An application for special approval for a land use shall be filed and processed in the manner prescribed for application for site plan review in section 19-84 and shall be in such form and accompanied by such information as shall be established from time to time by the township board. Any application for special approval shall be filed simultaneously with an application for site plan review for the subject use.
- (4) *Notice of request for special approval.* Notice of a request for special approval of a land use shall be in the form of one notice published in a newspaper of general circulation in the township, plus a notice sent by mail or by personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five and not more than 15 days before the application is considered. 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 occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, notice 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. The notice shall:
 - a. Describe the nature of the special land use request.
 - b. Indicate the property which is the subject of the special land use request.
 - c. State when and where the special land use request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.
- (5) *Hearing.* At the initiative of the township board or upon the request of the applicant for special approval of a land use, or a property owner or occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in subsection (4) of this section shall be held before a decision on the special approval request which is based on discretionary grounds. If the applicant or the township board request a public hearing, only notification of the public hearing need be made. A decision on a special approval request

which is based on discretionary grounds shall not be made unless notification of the request for special approval, or notification of a public hearing on a special approval request is given as required by this section.

- (6) *Standards.* No special approval shall be granted by the township board unless the special use:

- a. Will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the township as a whole.
- b. Is necessary for the public convenience at that location.
- c. Is compatible with adjacent uses of land.
- d. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- e. Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.
- f. Will not cause injury to other property in the neighborhood in which it is to be located.
- g. Will consider the natural environment and help conserve natural resources and energy.
- h. Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for special approval uses.
- i. Is related to the valid exercise of the township's police power and purposes which are affected by the proposed use or activity.

- (7) *Approval.* The township board may deny, approve or approve with conditions, requests for special approval of land use. The decision on a special approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

- (8) *Record.* The conditions imposed with respect to the special approval of a land use or activity shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the township board and the landowner. The township board shall maintain a record of changes granted in conditions.

(Ord. No. 101, § 21.09, 3-23-71)

Sec. 19-565. Performance guarantee.

Where in this chapter there is delegated to the township board, board of appeals or the township planning commission the function of establishing certain physical site improvements as a contingency to securing a site plan approval, special approval, or variance, the township board, board of appeals or the township planning commission may, to insure strict compliance with any regulation contained or required as a condition of the issuance of a permit, require