

TOWNSHIP OF FOREST
ZONING ORDINANCE

ARTICLE 9: Conditional Use Permit Procedures Approval of the Planning Commission

Section 9.01 - Application

For all conditional uses, a written application shall be submitted to the township clerk. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, and the signature of the petitioner (if different from the property owner). Attached to the application shall be eight (8) copies of a site plan meeting the requirements of Section 8.03 unless the Zoning Administrator determines more than eight (8) copies are required. The application shall be submitted 30 calendar days prior to the Planning Commission meeting at which it is to be reviewed.

Section 9.02 - Hearing Notice

Requests for conditional use permits may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on conditional use permits shall be sent to the person requesting the conditional use permit and to owners and occupants of property within 300 feet from the property lines of the property which is the subject of the request for approval regardless of whether those parcels are located in the township. In the case of a conditional use permit for property within a half (½) mile of the boundary of the Village of Otisville, the Village of Otter Lake or any of the surrounding townships, notice shall also be provided to that municipality's Planning Commission. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less than fifteen (15) days prior to the hearing. The notice shall include the following:

- A. A description of the nature of the request.
- B. The street address of parcel that is the subject of the request. If the property does not have a street address, the parcel's tax description will be used.
- C. When and where the amendment public hearing will be held.
- D. When and where written comments can be sent.
- E. When and where a copy of the request can be reviewed.

Section 9.03 - Planning Commission Public Hearing

- A. The Zoning Administrator may submit copies of conditional use permit application and site plan to other agencies for review prior to the Planning Commission public hearing as they determine necessary.
- B. Copies of the conditional use permit application, site plan and any relevant reports or other information shall be sent to the Planning Commission members at least one week prior to the public hearing.
- C. The Planning Commission shall provide the applicant and other members of the public an opportunity to speak prior to making a decision on the conditional use request.

- D. In considering the request, the Planning Commission shall first consider approval of the conditional use permit. If the Planning Commission approves the conditional use permit, it will then consider approval of the site plan using the standards in Article 8.
- E. The Planning Commission may vote to approve a conditional use permit, approve with conditions, deny or postpone. If the Planning Commission chooses to postpone a decision they must indicate the information they are waiting on to make the decision and the date, time and location of the next meeting that the request will be considered. A motion to approve, approve with conditions or deny shall include a finding of facts demonstrating compliance with the standards for approval.

Section 9.04 - Standards

Requests for conditional use permits shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All requirements of the zoning ordinance including dimensional requirements, general provisions and specific design requirements are complied with.
- E. The proposed use is consistent with the goals and policies of the Township Land Use Plan.

Section 9.05 - Conditions

- A. The Planning Commission may place conditions on approval of a conditional use permit including conditions that require conformance with the standards of another local, county or state agency such as, but not limited to, the County Drain Commissioner, County Health Department and the Michigan Department of Environmental Quality.
 - 1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - 2. Would protect the natural environment and conserve natural resources and energy.
 - 3. Would ensure compatibility with adjacent uses of land.
 - 4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Planning Commission shall ensure that:
 - 1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated.
 - 2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

Section 9.06 - Expiration

Planning Commission approval for a conditional use permit shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the approved use.

Section 9.07 - Changes

Following approval of a conditional use permit, any change to another use requiring conditional use permit approval, any expansion of the use or any change affecting a condition of approval of the conditional use permit must be approved following the process for consideration and approval outlined above. The Planning Commission may require site plans for conditional uses show the full extent of the future development.

Section 9.08 - Re-applications

In the case of a conditional use permit request that is denied, the request may not be resubmitted for one year from the date of denial unless the Planning Commission finds that there has been a significant change in conditions or a significant change in the request.

Section 9.09 - Revocation of Conditional Use Permit

If the zoning administrator determines that a use is in violation of the approved conditional use permit, they shall take enforcement as authorized under Article 3 of this ordinance. If the zoning administrator determines it necessary, they may request the Planning Commission to authorize a hearing on the conditional use permit. If the Planning Commission authorizes the public hearing, notices meeting the requirements of Section 9.02 shall be provided. At the public hearing the Planning Commission will determine if the property has been developed and operated in compliance with the conditional use permit issued for the property and in compliance with Section 9.04. If the property is not in compliance, the Planning Commission may revoke the conditional use permit.