

Procedure for Processing Special Use Permits

An application for a special use permit has been received by the Zoning Administrator. The Zoning Administrator verifies that the specified special use is listed in the zoning ordinance as eligible for approval in that zoning district.

A special use permit application may require a site plan. If applicable, a site plan shall also be submitted to the Zoning Administrator. (Section 17.02)

The Zoning Administrator will review the application and site plan, when applicable, to determine if they are complete. (Section 17.02) If additional information is necessary, the Zoning Administrator will work with the applicant to obtain additional information.

When complete, a date and time will be scheduled for the Planning Commission to consider the application, and the administrator will prepare a file on the special use permit application.

Township Treasurer

When an application involves a special exception use, non-residential requests, a multiple use development, subdivision or condominium development, site plan review, telecommunications towers, or other special reviews and procedures, an additional "escrow" fee shall accompany the application. The "escrow" fee is to be held by the Township Treasurer in an escrow account to cover additional costs the Township may incur. (Section 17.02.3)

Additional costs may include, but are not limited to special meetings, fees of the Township planner, of the Township engineer, of the Township attorney, and any costs of required public hearings or required consultants pertinent to the application. (Section 17.02.3.B - E.)

Once established, if the funds in the escrow account drop below \$250, an additional deposit of \$500 shall occur before the process will be continued. (Section 17.02.4)

Additional processing of the application and the final decision on said application shall be suspended at any time the escrow account is insufficient to cover the foregoing costs and expenses payable from the escrow account. (Section 17.02.6)

The Township Treasurer shall maintain records of expenditures from said escrow account, which may be viewed by the applicant upon written request. At the conclusion of the processing of the application and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated to the payment of such costs and expenses shall be returned to the applicant without interest. (Section 17.02.5 & 7)

No final decision pertinent to the application shall be issued before the escrow account has enough funds to pay all the costs and expenses attributed to it. (Section 17.02.7)

The Township Planning Commission

A site plan can be reviewed concurrently with a special use permit application, or it can be reviewed after the approval of a special use permit application.

A special use permit application may be heard and decided at any regular or special meetings of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. (Section 18.02)

The Planning Commission shall hold at least one public hearing on the application for a special use permit. Notices for the public hearing are required to be delivered and published not less than 15 days before the date of the public hearing and/or consideration for approval. (Section 18.02)

The notice shall include the following information:

- Describe the nature of the request.
- Indicate the property which is the subject of the hearing.
- A statement of when and where the use will be considered.
- Indicate when and where written comments will be received concerning the issue.

Notices shall be (Section 18.02):

- Published in a newspaper of general circulation in the local unit of government (Note: "General circulation" means a newspaper which has a paid subscription and does not mean a free-distribution advertiser or similar type publication.)
- Delivered personally or by mail to the person requesting the special approval and to the owner of the property, which is the subject of the request, if different from the person making the request.
- Delivered personally or by mail to owners of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll.
- Delivered personally or by mail to any occupants of structures within three hundred (300) feet if the occupants are different than the owners.

After the hearing the Planning Commission must deliberate on the proposed special use permit.

The focus of the deliberation must be to review each standard and determine if the proposed special use meets that standard or not. (Section 18.03) If it does not meet the standard(s), then the Planning Commission must decide if there are conditions which can be imposed on the special use which would result in the special use permit meeting the standard(s). (Section 18.04)

Requests for special land uses shall be granted or denied based on the following standards (Section 18.03):

- 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 specific requirements of the zoning district where the proposed use would be located shall be complied with.

The Planning Commission may deny, approve, or approve with conditions any request for special land use. Any condition imposed shall meet all the following requirements (Section 18.04):

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The Planning Commission then acts on the special use permit by making a motion. The motion must convey the decision of the Planning Commission incorporated in a statement containing the findings and conclusions on which the decision is based, and any conditions imposed.

The minutes of the meeting where the permit was decided must include:

- The decision to approve, not approve, or approve with conditions.
- The reasons (or conclusions) for the decision.
- The findings or facts upon which the reasons are based.
- Any (optional) conditions of approval. If the site plan review is handled separately from the review of a special use permit, one of the conditions of approval shall include the subsequent approval of the site plan for the special use.

The Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted, unless the premises has been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period. (Section 18.05)

When a site plan is required, the Planning Commission must review the submitted site plan and determine if it meets the following minimum standards (Section 17.04):

- A. Does it provide adequacy of traffic ingress, egress, circulations, and parking?
 - a. See specific Parking and Loading Requirements in Article 13
- B. Does it provide adequacy of landscaping to protect adjoining properties and enhance the environment of the community?
 - a. See specific Greenbelts Requirements in Section 14.08
- C. Will the location and design of proposed structures ensure that detrimental effects on adjacent properties will be minimized?
- D. Is there adequacy of storm drainage?
- E. Does the location and design of signs prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment?
 - a. See specific Sign Requirements in Section 14.06

The Planning Commission may approve, modify, or deny a site plan based on the criteria above.

The Planning Commission acts on the site plan by making a motion. The motion must convey the decision of the Planning Commission incorporated in a statement containing the findings and conclusions on which the decision is based.

The minutes of the meeting where the site plan was decided upon must include:

- The decision to approve, modify, or deny the site plan.
- The reasons (or conclusions) for the decision.
- The findings or facts upon which the reasons are based.

When a site plan is modified or denied, the site plan is returned to the applicant. The applicant may make changes to their project or propose change in land use and resubmit their site plan.

Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission. (Section 17.02)

Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless an extension has been granted by the Planning Commission prior to the expiration of the term. At the discretion of the Planning Commission, up to three additional extensions may be provided. Each site plan shall be fully complied with, and all construction completed within one (1) year of the date a building permit is issued. (Section 17.06)

Township Treasurer

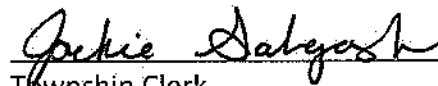
If the special use permit is approved, arrangements should be made for a performance guarantee which covers the estimated costs of the required improvements for the special use.

A cash deposit shall be posted with the Township Treasurer as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. (Section 17.05)

The amount of the bond shall be five (5%) percent of the project cost, but in no case shall the bond amount be less than One Thousand (\$1,000.00) Dollars. (Section 17.05)

CERTIFICATION

I, the undersigned, Clerk of Millington Township, hereby certify that the foregoing is a true and complete copy of a procedure adopted by the Township Board at a regular meeting held on Sept. 16, 2024, at which a quorum was present.



Township Clerk
Millington Township

Here's a structured comparison, highlighting where the language in the **Procedure for Processing Special Use Permits** originates from the **Millington Township Zoning Ordinance** and noting any additional information introduced in the second document.

Topic	Reference in Millington Twp Zoning Ordinance (Document 1)	Reference for Special Use Permit Procedure (Document 2)	New Information in Document 2
Application Submission	Article 18, Section 18.01 (Page 53) – Outlines application requirements for special land use permits.	<i>Page 1:</i> Requires the Zoning Administrator to verify eligibility and completeness before proceeding.	Adds an explicit requirement for the Zoning Administrator to work with the applicant to obtain missing information.
Escrow Fees	Article 17, Section 17.01 (Page 51) – References costs associated with site plan reviews.	<i>Page 1-2:</i> Establishes escrow fees for complex applications (e.g., telecommunication towers, subdivisions) and specifies fee management.	Introduces a system where if escrow funds drop below \$250, an additional \$500 deposit is required.
Public Hearing Notice Requirements	Article 18, Section 18.02 (Page 54) – Specifies hearing requirements.	<i>Page 2:</i> Requires a minimum 15-day notice period before hearings.	Clarifies notice delivery methods, including newspaper publication and personal/mailling notices to property owners and occupants.
Evaluation Standards for Special Use Permits	Article 18, Section 18.03 (Page 54) – Lists conditions for granting special land uses.	<i>Page 3:</i> Adds criteria such as traffic safety, nuisance prevention, and compliance with zoning district requirements.	Expands on what constitutes compliance, detailing site layout, noise, and environmental impact considerations.
Deliberation & Decision Process	Article 18, Section 18.04 (Page 54) – Provides guidance on reviewing applications.	<i>Page 3-4:</i> Requires the Planning Commission to assess each standard and determine if conditions can mitigate any shortcomings.	Adds a structured framework requiring motions to include findings, conclusions, and conditions.
Expiration & Compliance Deadlines	Article 18, Section 18.05 (Page 54) – Special land use permits may expire.	<i>Page 3:</i> Special land use permits expire one (1) year from approval unless construction/use begins.	Specifies that expiration applies unless the premises are occupied or construction has begun.

Topic	Reference in Millington Twp Zoning Ordinance (Document 1)	Reference for Special Use Permit Procedure (Document 2)	New Information in Document 2
Site Plan Review for Special Use Permits	Article 17, Section 17.01-17.06 (Pages 51-53) – Covers site plan requirements.	Page 4-5: Details review criteria such as traffic, storm drainage, and signage.	Specifies that site plans must comply with parking (Article 13) and greenbelt (Section 14.08) requirements.
Performance Guarantees	Article 17, Section 17.05 (Page 53) – Mentions bonds for site plans:	Page 5: Requires a cash deposit of 5% of the project cost (minimum \$1,000) as a performance guarantee.	Describes the mandatory bond system to ensure completion according to the approved plan.

Summary of Key Differences

1. **Greater Procedural Detail:** The Procedure for Processing Special Use Permits expands on the Zoning Ordinance by adding step-by-step instructions for processing applications.
2. **Escrow Fee System:** The Procedure introduces a specific fee management structure to ensure Township expenses related to complex special use applications are handled in accordance with the Ordinance.
3. **Clearer Notice & Public Hearing Requirements:** The Procedure clarifies how notices should be issued and outlines specific distances for notification, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 - 125.3702) and according to MTA best practices.
4. **More Defined Decision Framework:** The Procedure details how Planning Commission deliberations must be conducted and requires documented reasoning for approvals or denials, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101 - 125.3702) and according to MTA best practices.
5. **Performance Guarantee Requirement:** The Procedure introduces a performance bond system to ensure compliance with approved site plans as referenced in the Ordinance.