



CITY OF SOUTH LYON

335 S. Warren Street ■ South Lyon, Michigan 48178

TEL (248) 437-1735

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www.southlyonmi.org

GUIDELINES FOR A SPECIAL LAND USE REQUEST

From City of South Lyon Code of Ordinances, Chapter 102 ZONING, Article XIII SPECIAL LAND USES:

Sec. 102-170. Intent.

The intent of this article is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This article provides standards for the planning commission to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

Sec. 102-171. Standards for approval.

- (a) Prior to approving a special land use application, the planning commission shall require that the following general standards, in addition to the specific standards noted for individual uses in section 102-177, special land use specific requirements, be satisfied. The proposed use or activity shall:
 - (1) Be compatible and in accordance with the goals, objectives, and policies of the city master plan and promote the intent of the zoning district in which the use is proposed.
 - (2) Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
 - (3) Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.
 - (4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.
 - (5) Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of article XV, site plan review. Failure to obtain site plan approval will constitute denial of the approved special land use.

Sec. 102-172. Application procedure.

- (a) Any person owning the subject property may file an application for special land use approval as provided for in this article.
- (b) The following materials shall be submitted to the city at least 60 days prior to the meeting at which the planning commission first considers the special land use application:
 - (1) Property owner signature.
 - (2) Payment of escrow fees.
 - (3) Copies of completed application forms.
 - (4) Copies of a site plan meeting the requirements of article XV, site plan review.
 - (5) Impact assessment if required by the planning commission; the analysis shall be carried out by qualified individuals and shall include, but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/ services, public utilities, and traffic.

Sec. 102-173. Designated review authority and approval procedure.

- (a) The planning commission shall have final review authority for all special land uses.
- (b) Following the submission of the required application materials the planning commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as

amended and with section 102-303, public hearings.

- (c) The planning commission shall review the application in terms of the requirements of section 102-171, standards for approval, and shall approve, approve with conditions, or deny the application.

Sec. 102-174. Conditions of approval.

- (a) As part of any special land use approval, the planning commission can request additional studies may impose any additional conditions or limitations as, in its judgement, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of section 102-171, standards for approval, and the applicable specific regulations of section 102-177, special land use specific requirements, are met.
- (b) The approval of a special land use, including conditions made as part of the approval, runs with the land described as part of the application and not to the owner of such property.
- (c) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.
- (d) A record of the decision of the planning commission, the reasons for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- (e) The building official shall make periodic investigations of developments authorized by special land use approval to ensure continued compliance with all requirements imposed by the planning commission and this article. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the planning commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as described in section 102-303, public hearings, and as required by this article.

Sec. 102-175. Validity of special land use approval.

- (a) In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- (b) Upon written application filed prior to the termination of the one year period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension.
- (c) The granting of a special land use shall allow that particular use on the subject property, as long as the standards of this Article are met and continued in compliance with the approved site plan.
- (d) Any use for which a special land use approval has been granted and which ceases to continuously operate for one year and there is intent to abandon the use (i.e., disconnection of utilities) shall be considered abandoned and the special land use approval shall become null and void.
- (e) No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.



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APPLICATION FOR SPECIAL LAND USE

APPLICANT INFORMATION

Name of Applicant: _____

Address: _____

Telephone: _____ E-mail: _____

Are you the owner of record for the property of the requested special land use? YES NO

If you are NOT the owner of record for the property of the requested rezoning, please complete the below section PROPERTY OWNER INFORMATION.

PROPERTY OWNER INFORMATION

Name of Property Owner: _____

Address: _____

Telephone: _____ E-mail: _____

LOCATION OF PROPERTY FOR WHICH THIS SPECIAL LAND USE IS REQUESTED

Property Address: _____

Cross Streets: _____ and _____

Parcel ID Number: _____ Lot Size (in acres): _____

Lot Width: _____ Lot Depth: _____

Present Zoning Classification: _____

Requested Zoning Classification: _____

Zoning District of Adjacent Properties to the: North _____ South _____ East _____ West _____

In the area provided or on a separate sheet, please give a detailed description of the proposed land use:

In the area provided or on a separate sheet, explain how the requested Special Land Use meets the required standards as detailed in the City of South Lyon Code of Ordinances, Sec. 102-171.

Specifically, how the requested Special Land Use:

- 1) Will be compatible and in accordance with the goals, objectives, and policies of the City Master Plan and promote the intent of the zoning district in which the use is proposed:

- 2) Will be compatible with the existing or intended character of the general vicinity and so as not to change to the essential character of the area in which it is proposed:

- 3) Will be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools:

- 4) Will not involve uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance:

OTHER REQUIRED INFORMATION

- 1) The names and address of all record owners AND proof of ownership (i.e. a deed). Deeds can be obtained from Oakland County.
- 2) If applicant is not the owner of the property, the City requires a letter from the owner of record authorizing the applicant to make this application.
- 3) Legal description of property in question.
- 4) A scaled and accurate survey drawing correlated with a legal description showing all existing buildings, drives, and other improvements. Include 15 copies of a parcel map drawn at a scale of not less than 1" = 200' if the parcel is under three acres and 1" = 100' if the parcel is three acres or more.
- 5) A site plan, if requested by the Planning Commission. (Requirements are detailed in Sec. 102-196).

PRINT Name of Applicant

SIGNATURE of Applicant

Date

FOR OFFICE USE ONLY

Date Received: _____ Checked By: _____ Fee Collected: _____