

## CITY OF HUNTINGTON WOODS

### SPECIAL LAND USE APPLICATION PROCEDURE

Special land uses are uses that are not permitted as of right in a particular zone district but which may be compatible with permitted uses in some, but not all, locations within the district. The Planning Commission is the body designated by Huntington Woods City Code to review special land uses. The Planning Commission may deny, approve, or approve with conditions a request for a special land use. The process for special land use review includes a public hearing and site plan review in accordance with MCL 125.3501 and 125.3502 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The review is intended to:

- A. Provide additional scrutiny and regulation of special land uses;
- B. Provide for public input on decisions involving land uses that may be more intense, less desirable, or potentially more problematic;
- C. Reduce negative impacts of potentially conflicting land uses;
- D. Provide greater flexibility to integrate land uses within the city; and
- E. Permit certain land uses that might not otherwise be permitted, provided such uses comply with established standards and specific conditions that may be imposed by the Planning Commission.

(1) *Application.* Application for special land use review shall be made to the Planning Commission by submitting to the City offices: an application form, ten (10) copies of all supporting documentation, and application fees as determined by resolution of the City Commission. An application for special land use review *must* be accompanied by an application for site plan review (including all required documentation) in accordance with the provisions of Section 40-356 of the City Code.

(2) *Notice.* Upon receipt of the completed applications by the Planning Department and not less than 15 days before the date of the public hearing and review :

- A. A notice of the public hearing shall be published in a newspaper of general circulation in the City, and
- B. The notice shall be sent by mail or personal delivery to the owners of the property that is the subject of the request, and to all persons to whom real property is assessed within 300 feet of the subject property and to the occupants of all structures within 300 feet of the subject property.

(3) *Procedure.* At the appointed date, time and place, the Planning Commission shall conduct the public hearing, site plan review and special land use review. Comments from the public and

staff, and the Planning Commission's findings of fact, decisions and any conditions imposed thereon, shall be recorded in the minutes of the meeting and shall become part of the permanent record.

- A. No building permit shall be issued and no construction or alterations commenced unless and until special land use approval and site plan approval have been granted by the Planning Commission. If no building permit is required, a certificate of occupancy or business license shall not be issued unless and until special land use approval and site plan approval have been granted by the Planning Commission.
- B. After approval of a special land use and site plan have been granted, no change in that use may be made, nor may any addition or change in the building or improvements on the property take place unless and until a new request for approval has been filed with the Planning Commission and the Planning Commission has approved the request for change.
- C. Within one hundred twenty (120) days from the date of approval of a special land use by the Planning Commission, application for a building permit, or if no building permit is required, application for a certificate of occupancy or business license, shall be filed with the building department or such approval shall automatically be revoked unless an extension is granted. The Planning Commission may grant an extension of the first approval for good causes for a period not to exceed six (6) months.

(4) *Continuance.*

- A. Approval of a special land use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of the property.
- B. An approved special land use shall be deemed a use permitted in the district in which it is located and is not considered a non-conforming use.
- C. If a special land use ceases operation for more than one (1) year, the special land use approval becomes null and void, and a new special land use approval shall be required to re-establish the use.
- D. The city shall make periodic inspections of the premises approved for the special land use to determine continued compliance with all requirements of the City Code and conditions imposed by the Planning Commission. Non-compliance with the requirements and conditions shall constitute a nuisance per se and shall be subject to penalties pursuant to the City Code.

CITY OF HUNTINGTON WOODS

APPLICATION FOR SPECIAL LAND USE

Submit, to the Planning and Building Department, the completed application, ten (10) copies of all supporting documentation (including maps, studies, data and exhibits) and a check made payable to the "City of Huntington Woods" in the amount of:

\$100.00 for special land use requests in Zones R-1A through R-1E and 2

\$200.00 for special land use requests in Zones 2A, 3 and 4

1) Proposed special land use: \_\_\_\_\_

\_\_\_\_\_

2) Street address where special land use will be located: \_\_\_\_\_

\_\_\_\_\_

3) List all parties who will have an interest in, are responsible for the establishment of, or are responsible for the operation of this proposed Special Land Use:

Applicant \_\_\_\_\_

Title \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-mail \_\_\_\_\_

Relationship to owner of property \_\_\_\_\_

Your role in the special land use \_\_\_\_\_

\_\_\_\_\_

(use a separate sheet for additional parties)

4) List all owners of the land and their percentage of interest in the property where the special land use will be located:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

E-mail \_\_\_\_\_

Percentage interest in the property \_\_\_\_\_

(use a separate sheet for additional parties)

5) Attach a signed and notarized statement that the applicant is the owner of the property where the proposed special land use will be located or a signed and notarized statement from the owner(s) that the applicant(s), firm(s) and other individuals named in the application have authorization to establish and operate such special land use on the property. If the property is leased, attach a copy of lease agreement.

6) Legal description of property \_\_\_\_\_

7) Property Tax ID Number        25 - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

8) Zone district in which property is located \_\_\_\_\_

9) Attach map at a minimum scale of 1" = 20', showing the zone districts and locations of adjacent uses of land, including but not limited to residences, businesses, offices, parks, playgrounds, schools, etc.

10) Attach letter or signed narrative, in outline form, describing in detail:

- A. the proposed special land use,
- B. why it is appropriate for the location selected,
- C. the impact it may have upon adjacent uses of land and the general public (include all aspects of the use which may have an impact such as noise, vibration, radio frequencies, odors, smoke, chemicals, lighting, signs, hours of operation, trash, parking, intensity of use, environmental hazards, soil erosion, pollution, and others),

- D. the impact it may have upon residents in the use and enjoyment of their homes, yards, neighborhood, public rights-of-way, parks, playgrounds and other facilities,
- E. the potential effect upon emergency services (police, fire),
- F. the potential effect upon public utilities (water, storm and sanitary sewers, electrical power, gas, etc.) and facilities (schools, library, parks, recreational facilities, etc.),
- G. the expected traffic volume (employees, customers, clients, pick-ups, deliveries, etc.),
- H. the changes required in the site and any buildings thereon (include tree removal, site changes, internal and external building alterations, electrical and mechanical equipment, and storage areas for goods, trash, vehicles, equipment, etc.,
- I. any additional information necessary to consider the impact of the proposed use including information required by City Ordinance, or requested by the Planning Department or Planning Commission.

I have read Chapter 40 of the Huntington Woods City Code and have supplied all of the required information. I understand that failure to submit the completed application and all required information by the deadline date *will* result in delay of my application until the items are submitted. If approval is granted for the above-named special land use, I will comply with all standards outlined in Chapter 40 of the City Code and all conditions imposed by the Planning Commission upon this use.

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Signature

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Name (printed)

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Date

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Signature

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Name (printed)

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Date

*Use the reverse side of this form for additional parties. The application must be signed by all parties who will have an interest in, are responsible for the establishment of, or are responsible for the operation of this proposed special land use.*