

ARTICLE 13 SPECIAL LAND USES

Section 13.01 Statement of Purpose.

This Article provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

Section 13.02 Special Land Use Review and Approval Procedures.

The application for a special land use shall be submitted and processed under the following procedures:

13.02.01 **Required Information:** An application for a special land use permit shall include all of the following document and information:

- (a) A special land use application form supplied by the Zoning Enforcement Officer, which has been completed in full by the applicant.
- (b) A conceptual site plan with adequate information to depict the site operations intended for the proposed use. If deemed insufficient, the Planning Commission may request additional information, up to and including a full site plan as per Article 12.
- (c) A statement with regard to compliance with the criteria required for approval in Section 13.03, Standards for Special Land Use Approval and the Special Land Use Specific Requirements listed in the district Articles.

13.02.02 **Public Hearing:** Upon receipt of an application for a special land use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the special land use application. Notice of the public hearing shall be in accordance with the requirements of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*

13.02.03 **Review and Approval:** The Planning Commission shall review the application for a special land use, comments received at the public hearing, the conceptual site plan and other materials submitted in relation to the application, and make a determination on the special land use application in accordance with the criteria for approval stated in Section 13.03, Standards for Special Land Use approval and the specific requirements listed in each of the district Articles, and such standards contained in this Ordinance which relate to the special land use under consideration. The Commission shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Upon the approval or approval with conditions by the Planning Commission, if applicable, the applicant may apply for site plan consideration, or not applicable, shall apply for a building permit.

- 13.02.04 **Conditions of Approval:** All special land use applications approved by the Planning Commission are subject to the following conditions:
- (a) Prior to granting any special land use approval, the Planning Commission may impose any additional conditions or limitations as may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of Section 13.03 and the applicable specific regulations are met.
 - (b) The approval of a special land use, including conditions are made as part of the approval, runs with the property 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.
- 13.02.05 **Effectiveness:** Upon special land use approval, a development may be considered for site plan, administrative and/or condominium approval. However, if the review process is not commenced within one (1) year after the date of special land use approval, the application shall be considered null and void. If the applicant is unable to fulfill this provision, the Planning Commission may grant one (1) one (1) year extension provided the applicant makes application in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered unforeseen non-self created difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one (1) year extension has expired without construction activity underway, the special land use shall be considered null and void.
- 13.02.07 **Resubmission:** No petition for Special Land Use approval which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which address the reasons for the initial disapproval.
- 13.02.08 **Revocation of Special Land Use Approval:** The Planning Commission shall have the authority to revoke any Special Land Use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval.
- 13.02.09 **Amendments, Expansions, or Change in Use:** The following provisions apply when there is an amendment to an approved special land use application, when there is a proposed expansion to an existing special land use and when there is a proposed change from one special land use to another.
- (a) **Amendments:** Any person or agency who has been granted special land use approval shall notify the Zoning Enforcement Officer of any impending proposed amendment to the approved plan.

- (b) **Expansions:** An expansion of any use requiring a special land use approval that results in an increase of ten percent (10%) or greater of the building, parking, paved areas or site area used for the special land use beyond the approved area, shall required re-submittal in the manner described in this Article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use, which has not previously received special land use approval.
- (c) **Change in Use:** The landowner or occupant shall be responsible for informing the Zoning Enforcement Officer of any significant change in an approved use, operations or activities prior to such change. In this case, ‘significant’ refers to any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operations, noise, additional outdoor storage or display. The Zoning Enforcement Officer shall determine if a new special land use permit is required.

Section 13.03 Special Land Use Standards.

Before formulating recommendations for a special land use application, the Planning Commission shall require that the following general standards be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards

- 13.03.01 **Compatibility with the Master Plan:** The proposed special land use shall be compatible with and in accordance with the general goals and objectives of the Village of Dundee Master Plan, the Future Land Use Plan, and any associated sub-area and corridor plans.
- 13.03.02 **Compatibility with Adjacent Uses:** The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a special land use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the Village. The following types of impacts shall be considered:
 - (a) use activities, processes, materials, equipment, or conditions of operation;
 - (b) vehicular circulation and parking areas;
 - (c) outdoor activity, storage and work areas;
 - (d) hours of operation;
 - (e) production of traffic, noise vibration, smoke, fumes odors, dust, glare and light;
 - (f) impacts on adjacent property values; and
 - (g) the relative ease by which the impacts above will be mitigated.
- 13.03.03 **Impact of Traffic on the Street System:** The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.

- 13.03.04 **Impact on Public Services:** The proposed special land use shall be located where it can be adequately served by essential public facilities and services, such as highways, streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools. Such services shall be provided and accommodated without excessive additional requirements at a public cost.
- 13.03.05 **Compliance with Zoning Ordinance Standards:** The proposed special land use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.
- 13.03.06 **Impact on the Overall Environment:** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.
- 13.03.07 **Licensing:** The application shall comply with all applicable licensing ordinances.
- 13.03.08 **Additional Provisions:** The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special land use.
- 13.03.09 **Special Land Use Specific Requirements:** The general standards and requirements of this Section are basic to all uses authorized by special land use. The specific and detailed requirements set forth in each of the district Articles relating to particular uses and area requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.