

ORDINANCE NO. ____

Amendment to Zoning Ordinance

An Ordinance to amend Article 12, Section 12.02 Special Uses for Solar Energy Systems of the Saline Township Zoning Ordinance to transfer the final decision authority to grant special uses from the Planning Commission to the Township Board.

THE TOWNSHIP OF SALINE, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Section 1. Amendment to Article 12, Special Development Standards, Section 11.09 Solar Energy Systems to increase setbacks.

Section 12.02 Special Uses of Article 12, Procedures and Standards, is amended in its entirety to read as follows:

Section 12.02 Special Uses.

A. Purpose.

This Section 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 land, uses, and residents; and the community as a whole. Special uses include those uses that:

1. Serve an area, interest or purpose that extends beyond the borders of the Township;
2. Create particular problems of control in relation to adjoining uses or districts;
3. Have detrimental effects upon public health, safety or welfare; or
4. Possess other unique characteristics that prevent such uses from being permitted without special approval in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the General Development Plan.

B. Authority to grant permits.

The township board shall have the authority to grant special use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all special uses specified in the various district provisions of this chapter.

C. Application Requirements.

Special use applications shall be submitted in accordance with the following:

1. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Township Planner to be incomplete or inaccurate shall be returned to the applicant without further review or consideration.
2. **Application.** Special use applications submitted to the Township shall include the following information:
 - a. Names, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
 - b. The applicant's interest in the subject property. If the applicant is not the owner in fee simple title, the name and address of the owner(s) and the signed consent of the owner(s) to the special use application.
 - c. Address, location, legal description, and tax identification number of the parcel.
 - d. A detailed description of the proposed use.
 - e. A certified survey drawing of the subject parcel, and a complete site plan per Section 12.01 (Site Plan Review).
 - f. Appropriate review fees or escrow deposit, as determined by Township Board.
 - g. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, including Section 12.02H (Standards for Special Use Approval).
 - h. Any other information deemed necessary by the Township Planner, or Planning Commission, or Township Board to determine compliance with this Ordinance.



D. Special Use Review Procedure.

Special use applications shall be reviewed in accordance with following procedures:

1. **Coordination with site plan review.** A site plan associated with a special use shall not be approved unless the special use has first been approved. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and the Township Planner for review and comment. The Zoning Inspector or Planning Commission may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
3. **Public hearing.** A public hearing shall be held by the Planning Commission for all special uses in accordance with Section 12.03 (Public Hearing Procedures).
4. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction, along with any public comments. The Planning Commission shall then make a recommendation to the Township Board based on the requirements of this Ordinance and the standards contained in Section 12.02H (Standards for Special Use Approval).
5. **Review Standards.** The planning commission shall review the application for a conditional use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The planning commission may request additional information it deems necessary to make a decision. The planning commission shall recommend approval, approval with conditions or denial of the application for a conditional use permit and shall transmit its recommendations, together with a report thereon, to the township board. The report shall contain the planning commission's analysis of the application in relation to the required standards and findings, and shall include a summary of the findings made as a result of the public hearing.
6. **Township Board action.** The township board shall review the recommendation and report of the planning commission and shall approve, approve with conditions, or deny an application for a conditional use permit. The township board's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.
7. **Conditions of approval.** In granting a conditional use permit, the township board may impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and the public health, safety and welfare of the township. Failure to comply with any such conditions shall be considered a violation of this chapter. An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall be binding upon all successors and assigns.
8. **Recording of special use action.** Township Board action on the special use shall be recorded in the Township Board meeting minutes, stating the name,

description, and location of the proposed use; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Township Board's action, and any conditions of approval. The Township Clerk shall file one (1) copy of the written record for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of special use approval.

E. Resubmission after Denial.

A special use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.

F. Appeals of Special Use Decisions.

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Township Board.

G. Expiration of Special Use Approval.

Special use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use.

Upon written request received by the Township prior to the expiration date, the Township Board may grant one (1) extension of up to 180 days, provided that the approved special use conforms to current Zoning Ordinance standards.

H. Rescinding Special Use Approval.

Approval of a special use may be rescinded by the Township Board upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans or conditions of site plan or special use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 12.03 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

I. Standards for Special Use Approval.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Township Board:

1. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
2. **Compatibility with the General Development Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted General Development Plan.
3. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
4. **Impact upon public and utility services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, area drinking water wells, and drainage structures. The proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
5. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, pollution or other adverse impacts.
6. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
7. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

J. Compliance with Special Use Approval.

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Inspector, Township Planner or other Township designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

Section 2. Saving Provision.

All provisions of the Saline Township Zoning Ordinance not amended by the provisions of this ordinance shall remain in full force and effect.

Section 3. Severability.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Repeal.

All ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Effective Date.

This ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Saline Township.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance declared adopted on _____, 2021.

James Marion
Supervisor, Saline Township

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Kelly Marion, the duly elected Clerk of Saline Township certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of Saline Township on _____, 2018 and published in _____ a newspaper circulated in Saline Township on _____, 2018.

Kelly Marion

Clerk, Saline Township