

*Charter Township of Fort Gratiot*  
**PROCEDURE GUIDE FOR SPECIAL USE APPROVAL**

This is an information guide to aid in the understanding of proper procedures for submittal of a petition for special use approval. Special use approval is required for those uses specified in the Charter Township of Fort Gratiot Code of Ordinances, Chapter 38 Zoning, Article III District Regulations, and Article IV Special Land Uses.

1. The applicant obtains the necessary application for special land use and submits the completed application (original only-no copies of application necessary,) filing fee, and escrow deposit approximately 30 days prior to the meeting in which the request is to be heard. The meeting dates, deadlines, and filing fees are posted annually.
2. The site plan must be prepared in accordance with Section 38-46. Also, a statement prepared by the applicant must be submitted demonstrating compliance with the specific requirements set forth for that particular special use approval in sections 38-491 through 38-527.
3. The completed site plan (9 copies 11"x17" and 6 scaled prints – maximum 24" x 36") and required attachments must be submitted to the planning department at least **15 business days** prior to the scheduled public hearing date. (*Meetings are held the second Tuesday of each month at 7:00 p.m.*).
4. The staff will forward copies of the site plan, when properly submitted, to the following:
  - a. Planning Commissioners (7-11" x 17");
  - b. Planning commission minute book (1-11" x 17");
  - c. Township Planning Department (2-large, scaled sets);
  - d. Township Planning Consultant (1-large, scaled set);
  - e. Township Engineer, when appropriate (3-large, scaled sets);
  - f. Township Clerk for submittal to Township Board for their information (1-11" x 17");
  - g. Other applicable township departments, where appropriate. It shall be the responsibility of the petitioner to forward copies of the plan to any applicable state and county agencies, or any other appropriate agencies, and any approvals or comments from said agencies shall be forwarded to the Township.
5. *Public Notices (effective July 1, 2006):* Pursuant to the Michigan Zoning Enabling Act 110 of 2006, Section 125.3103 Notice; publication; mail or personal delivery; requirements.
  - (1) Except as otherwise provided under this act, if a local unit of government is required to provide notice and hearing under this act, the local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.
  - (2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
  - (3) The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
    - (a) Describe the nature of the request.
    - (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - (c) State when and where the request will be considered.
    - (d) Indicate when and where written comments will be received concerning the request.
6. Upon receipt of recommendations from applicable departments, consultants and agencies, the proposed special land use request and site plan will be presented to the planning commission for review with the petitioner. The petitioner shall be notified of the date and time of the hearing. The petitioner or a representative for the petitioner must be present at the meeting.

7. The planning commission shall review the particular circumstances and facts of each proposed use. The petitioner shall demonstrate in writing and/or with the use of exhibits that such a use on the proposed site meets the following:

- (1) Will be in accordance with the general objectives, intent, and purposes of this chapter.
  - (a) Will be consistent with maintenance of the public health, safety, and welfare.
  - (b) Will be of such location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
- (2) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for establishment of the proposed use shall be able to provide adequately any such service; will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic with particular attention to minimizing child-vehicle contacts in residential districts.
- (3) Will be compatible with adjacent uses of land and the natural environment.
  - (a) Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
  - (b) Will be designed such that the location, size, intensity, site layout and periods of operation of any such proposed use shall eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
  - (c) Will be designed such that the proposed location and height of buildings or structures and location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings.
  - (d) Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- (4) Will promote the use of land in a socially and economically desirable manner; will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.

8. Based on the review of the proposal, the Commission shall take one (1) of the following actions:

- Table the request indefinitely or until a specified date
- Approve the request (*Sections 38-487 and 38-488*)
- Approve the request with conditions and/or changes (*Sections 38-487 and 38-488*)
- Deny the request (*Section 38-489*)

9. Any approval given by the planning commission, under which premises are not used or work is not started within 18 months, or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect. The planning commission may grant the applicant one or more six-month extensions of time if good cause is shown. Additionally, a violation of a requirement, condition, or safeguard shall be considered a violation of this chapter and grounds for the zoning administrator to suspend such special approval use permit until review by the planning commission. The planning commission shall direct such corrective action as it determines is necessary to bring conformance with this chapter, or the planning commission shall cancel the special approval use permit in question.

References: State law MCL 125.286b, Special uses; Fort Gratiot Township Ordinance No. 62 & 152  
The Charter Township of Fort Gratiot Code of Ordinances can be accessed at [www.municode.com](http://www.municode.com)