

FTPC # _____
File Name _____

**PLANNING COMMISSION & TOWNSHIP BOARD
LODI TOWNSHIP, WASHTENAW COUNTY, MICHIGAN**

AN APPEAL FOR A SPECIAL USE

(This appeal must be typewritten or printed. ALL questions must be answered.)

Request is hereby made for permission to obtain a Special use permit, for the property described below, for the following use:

Name of Applicant _____

Address of Applicant _____

Telephone Number of Application _____

Email of Applicant _____

Is this property owned by the applicant? YES NO (check one)

If "NO", name(s) and address(es) of owner(s): _____

DESCRIPTION OF THE PREMISES:

- 1. Location of Property _____
- 2. Zoning Classification of Property _____
- 3. Adjoining Land Uses & Zoning Classifications _____

- 4. Tax Code Number _____
- 5. Size of Property or Lot _____
- 6. Size of Proposed Building or Addition (if any) _____
- 7. Use of Existing Building (if any) and Property _____

If a new building is proposed, has the Building Inspector examined the plans for the proposed building?

YES NO

Has the Building Inspector refused a permit? YES NO

Has there been any previous appeal involving this property? YES NO

If so, state date of filing, character of appeal and disposition of same:

Attached hereto and made a part of this appeal are submitted the following papers and documents:

1. 7 sets of drawings, all on sheets 11 inches by 8 ½ inches in size and 3 full size drawings, drawn to scale, correlated with the legal description and showing all necessary measurements and all features involved in this appeal, including measurements to show distances between structures and property lines, lot width and area, and height of structures.
2. A letter of authority, or power of attorney, in case the appeal is made by a person other than the actual owner of the property.
3. Complete legal description of the premises (as stated on your deed, or tax bills available from Township).
4. A detailed description of the proposed use.
5. A site plan, meeting all the requirements of a preliminary site plan as set forth in Article 54 of the Lodi Township Zoning Ordinance.

I hereby depose and say that all the above statements and statements contained in the documents and papers submitted herewith are true and correct.

Upon receipt of this signed application, access to subject property is hereby granted to Lodi Township and/or their agents.

Signature of Applicant: _____

Sworn to before me this: _____ day of _____ 20_____

Signature: _____

My commission expires: _____
(Acting in the County of Washtenaw, Michigan)

Signature of Owner (if other than applicant): _____

NOTICE TO APPLICANT: You are hereby advised to refer to the Lodi Township Zoning Ordinance for a description of your property's zoning classification, as well as Article 50 (Special Uses) and Article 54 (Site Plan Review); and any other sections of the Ordinance which may be applicable.

To Be Filled in By Township Clerk (Or Designated Township Officer/Personnel)

I hereby state that this petition was property received and filed on _____(date)

Signature of Clerk (or designee) _____

NOTICE TO SPECIAL USE PERMIT APPLICANTS

SECTION 43.00 SPECIAL USES

Application for any special use permit permissible under the provisions of the Lodi Township Zoning Ordinance shall be made to the Lodi Township Board by letter of application submitting required data, exhibits and information and depositing the required fee. Such application shall be accompanied by a fee established by the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant after depositing the required fee with the Township Clerk.

SECTION 43.03 A - INFORMATION REQUIRED

An application for a special use permit shall contain the applicant's name and address in full; a statement that the applicant is the owner involved or is acting on the owner's behalf; the address of the property involved; accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses; and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance. Section 43.03A.

An applicant for a Special Use Permit is hereby advised to refer to the Lodi Township Zoning Ordinance regarding the procedures and necessary information required for a Special Use Application. Applicable information in Articles 43.00 (Special Uses) and Article 44.02 (Site Plan Review) must be reviewed in their entirety.

SECTION 43.07 RE-APPLICATION

An application for a Special Use Permit which has been denied wholly or in part by the Township Board shall not be resubmitted for a period of three hundred sixty-five (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.

SPECIAL USE FEES

Application \$1,000.00

Pre-Application meeting strongly encouraged \$450.00

Escrow Deposit \$3,000.00

hourly billing rate (\$100-\$200) depending on Professional Classification per McKenna Associates apply

LODI TOWNSHIP

3755 Pleasant Lake Road
Ann Arbor, MICHIGAN 48103

NOTICE TO ALL PETITIONERS AND APPLICANTS

FILING APPLICATIONS OR PETITIONS

You must call and schedule an appointment with the Township Clerk in order to file a petition or application. This includes special use petitions, rezoning petitions, site plan review application, etc. Applications or petitions can not be filed or accepted without an appointment.

AGENDA DEADLINES (PLANNING COMMISSION ONLY)

Agenda deadlines are 12:00 noon on Monday four (4) weeks prior to the meeting date. In order to be eligible for inclusion on the agenda, you must file prior to the deadline. Filing prior to the deadline does not necessarily ensure placement on the agenda if the agenda is lengthy.

COMPLETENESS OF APPLICATION

You are hereby advised that it is your responsibility as a petitioner to review all applicable sections of the Lodi Township Zoning Ordinance and the Land Use Development Plan. It is also the responsibility of the petitioner to supply all information required by the applicable Ordinance sections.

Your comprehensive understanding of the Ordinance and the Land Use Development Plan, and your submission of all required information, will help expedite review of your application or petition.

The Planning Commission or Zoning Board of Appeals can not take action on incomplete submission.

APPLICATION FEES

Processing and review fees must be paid when you file your petition, application or appeal. Fees are applied to the Township's costs for publication of legal notices, professional reviews, etc., and are non-refundable. The Lodi Township Fee Schedule lists the base fees required for each application/petition. Petitions and applications that require professional reviews in excess of the number of base hours provided for in the base fee shall be billed for additional hours as outlined in the Fee Schedule.

SITE VISITS

Filing a petition or application gives implied consent for Township Officials and/or consultants to visit the subject site.

PETITIONER'S ACKNOWLEDGEMENT

I hereby acknowledge that I have read the above, and that I have been given a copy of this notice and a copy of the appropriate fee schedule.

Signature

Date

4.22.2021

ARTICLE 43.0

SPECIAL USES

Section 43.01 Intent and Scope.

The formulation and enactment of this Ordinance is based upon the division of unincorporated portions of the Township into districts, within which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Township. Such uses, on account of their peculiar locational need, or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

This Article is intended to provide a consistent and uniform method for review of special use permit 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 Master Plan.

This Ordinance, therefore, requires approval of a special use permit for every use identified in Article 20.0 (Land Use Table) as a special use in a particular zoning district. This Article specifies the procedures and standards to be followed in granting such permits. No special use shall commence until a special use permit is issued in accordance with this Article.

Section 43.02 Authority to Grant Permits.

The Lodi 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 provisions of this Ordinance. The Planning Commission shall have authority to review special use applications, hold a public hearing, and make recommendations to the Township Board.

Section 43.03 Review Procedures.

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

Special Use Permit Approval Process



A. Information Required.

Application for special use permit approval shall be made by filing a complete and accurate application form with the Township Clerk, including all required information and the required review fee. An application for a special use permit shall include the following minimum information:

1. Names and signatures, addresses and telephone numbers for the applicant and property owner, and proof of ownership.
2. 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.
3. Address, location, legal description, and tax identification number of the parcel.
4. A detailed description of the proposed use.
5. 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 43.04 (Standards for Special Use Approval).
6. A scaled and accurate survey drawing, correlated with the legal description and showing all existing buildings, drives and other improvements; along with a site plan meeting the requirements of Article 44.0 (Site Plan Review).
7. Appropriate review fees, as determined by resolution of the Township Board. No action shall be taken on any application for which required fees have not been paid in full.
8. Any other information deemed necessary by the Township Planner or Planning Commission to determine compliance with this Ordinance.

B. Completeness and Technical Review.

Prior to Planning Commission consideration, the Clerk shall forward copies of the application materials to the Township Planner and other designated Township officials and consultants for review and comment. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the applicant without further consideration.

C. Planning Commission Review and Public Hearing.

Upon receipt of a complete and accurate application for a special use permit from the Clerk, the Planning Commission shall undertake a study of the application. A public hearing shall be held on the application. Notice shall be given in accordance with Section 57.10 (Public Hearing Procedures).

D. Planning Commission Recommendation.

After the public hearing, the Planning Commission shall, at a public meeting, review the application for a special use permit and the information provided at the public hearing through public comment, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any outside agencies with jurisdiction. The Planning Commission shall then take action by motion to recommend to the Township Board approval, approval with conditions, or denial of the special use permit application, or to postpone further consideration of the application to a date certain, as follows:

1. **Postpone.** Upon determination by the Planning Commission that the special use permit application is not sufficiently complete, failure of the applicant to attend the meeting, or upon request by the applicant, or additional information or clarification as requested by the Planning Commission, the Planning Commission may postpone further consideration of the application to a date certain.
2. **Recommendations to the Township Board.** The Planning Commission shall take action to recommend to the Township Board approval, approval with conditions, or denial of the special use permit application, based upon level of compliance with all applicable standards of this Ordinance, including Section 43.04 (Standards for Special Use Approval), as well as other applicable ordinances and state and federal statutes. Failure of the applicant to attend two (2) or more Township Planning Commission meetings, when the application is being considered, shall be grounds for the Township Planning Commission to recommend to the Township Board that the special use application be denied.

The Planning Commission's recommendations, all findings of fact and conclusions forming the basis for the recommendations, and all recommended conditions of approval shall be incorporated into the Commission's motion, and shall be forwarded to the Clerk and promptly

placed on a future Township Board meeting agenda for final consideration and action.

E. Township Board Action.

Upon receipt of the Planning Commission's recommendations, the Township Board shall review the application for a special use permit, reports of the Planning Commission and the public hearing record, and any other reports thereon, and shall approve, approve with conditions, deny or postpone for future consideration the application.

1. **Postpone.** If the Township Board shall deem advisable any changes, additions, or departures as to the proposed special use permit, the Board shall refer the request back to the Planning Commission for further review and recommendation within a time specified by the Board, prior to Township Board action.
2. **Approval.** A request for approval of a land use or activity shall be approved if the request is determined to be in compliance with the standards of and conditions imposed under this Ordinance, including Section 43.04 (Standards for Special Use Approval), as well as other applicable ordinances and state and federal statutes.
3. **Denial.** If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Township Board shall not grant a special use permit. If a special use is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more Township Board meetings, when the application is being considered, shall be grounds for the Township Board to deny the special use application.
4. **Written record.** The Township Board shall include in its minutes its findings and conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Conditions imposed with respect to the approval shall be recorded in the record of the approval action and shall remain unchanged, except upon the mutual consent of the Township Board and the landowner as approved in accordance with this Article. The Township shall maintain a record of conditions that are changed.

F. Conditions of Approval.

Reasonable conditions may be required with the approval of a special use permit. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land; and to promote the

use of land in a socially and economically desirable manner. Conditions imposed shall be:

1. Designed to protect natural resources, public health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
2. Related to the valid exercise of the police power and purposes affected by the proposed use or activity; and
3. Necessary to meet the intent and purposes of this Ordinance and ensure compliance with all applicable regulations and standards for the land use or activity under consideration.

Section 43.04 Standards for Special Use Approval.

No special use permit shall be granted unless the Township Board makes affirmative findings of fact and records adequate data, information, and evidence showing that:

1. **Allowable special use.** The proposed land use is identified in Article 20.0 (Land Use Table) as a special use in the zoning district.
2. **Compatibility with adjacent uses and the neighborhood.** The special use is compatible with adjacent uses and will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the zoning district and neighborhood. The use will not be detrimental, hazardous or disturbing to existing or future neighboring uses, persons, property or the public welfare.
3. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable regulations and standards of this Ordinance, other applicable ordinances, and state and federal statutes.
5. **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.
6. **Impact upon public or municipal services or infrastructure.** The impact of the special use will not exceed the existing or planned capacity of public or municipal services or infrastructure; including utilities, roads, police and fire protection services, refuse disposal, area drinking water wells, and drainage structures. The proposed use will not create additional

requirements at public cost for services or infrastructure that will be detrimental to the economic welfare of the community.

7. **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.

Section 43.05 Compliance with Special Use Permit Approval.

It shall be the responsibility of the property owner and operator of the use for which special use permit approval has been granted to develop, 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 permit approval until the use is discontinued. Failure to comply with Ordinance requirements or conditions of approval shall be considered a violation of this Ordinance and may be punished in accordance with the provisions of Article 57.0 (Administration and Enforcement); and shall constitute grounds for rescinding special use permit approval in accordance with Section 43.08 (Rescinding Special Use Permit Approval).

Those persons authorized by Article 57.0 (Administration and Enforcement) to administer and enforce this Ordinance may make periodic investigations of special uses to determine compliance with their special use permits. Each special use permit shall be reviewed, at least every two (2) years, by the Township Board.

Section 43.06 Alteration and Expansion.

An approved special use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Township Board and the landowner after review and recommendation by the Planning Commission. Any alteration or expansion of an existing special use shall require approval of an amended special use permit. Approval of an amended special use permit shall be obtained by the same procedures set forth in this Article for obtaining approval of a new special use permit.

Section 43.07 Re-Application.

An application for a special use permit which has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 calendar days from the date of denial, except on grounds of new evidence not available to the applicant at the time of the original application or proof of changed conditions found by the Township Board to be valid.

Section 43.08 Rescinding Special Use Permit Approval.

Approval of a special use permit 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 permit 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 Planning Commission in accordance with the procedures set forth in Section 57.10 (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 permit approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission. The Planning Commission shall make a report to the Township Board.
2. **Determination.** Subsequent to the hearing and receipt of the Planning Commission report, 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.