

Per Silver Creek Township Ordinance 155.131 -

(A) *Application.* An application for permission to establish a special land use shall be submitted in accordance with the following procedures.

(1) Applications for a special land use shall be submitted at least 30 days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.

(2) An application for a special land use approval shall consist of the following:

(a) Nine copies of a final site plan meeting the requirements of [155.099\(B\)](#);

(b) A completed application form, as provided by the township;

(c) Payment of a fee in accordance with a fee schedule, as determined by the Township Board from time to time;

(d) A legal description of the entire property which is the subject of the special land use;

(e) A statement with regard to compliance with the criteria required for approval in [155.132](#) and [155.133](#), and other criteria imposed by this chapter affecting the special land use under consideration; and

(f) Other materials as may be required by the Planning Commission.

(B) *Public hearing.*

(1) Upon receipt of an application for a special land use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application.

(2) Notice of the public hearing shall be as required by the township's Zoning Act, being M.C.L.A. 125.3101 et seq.

(3) Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

(4) If denied, the Planning Commission, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

(5) The Planning Commission shall videotape all of its public hearing meetings and provide a copy of the tape to any person paying the fee for copying. A transcription of the tape by certified court reporter shall be required for any appeal to circuit court. A copy of said transcription shall be provided to the township at no cost.

(6) If, during the course of a public hearing, expert testimony is required for the Planning Commission to make a decision, and the applicant has not provided expert evidence on the matter, the Planning Commission can require the applicant to hire an expert, approved by the Commission, at a continued public hearing before making its decision.

Per Silver Creek Township Ordinance 155.132 -

Prior to approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as other applicable standards of this chapter, are satisfied by the completion and operation of the special land use under consideration.

(A) The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a special land use only upon a finding of compliance with each of the following standards.

(1) 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.

(2) The special land use shall not change the essential character of the surrounding area.

(3) The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes, or glare.

(4) The special land use shall not place demands on public services and facilities in excess of current capacity.

(B) The Planning Commission and/or Township Board may require the submission of a reasonable review fee which the township may use to pay for the services of a qualified attorney, engineer, planner, inspector, or other individual which the Planning Commission and/or Township Board deems necessary. Said fees shall only be used for the review of any proposal covered under the terms of this chapter. All such fees shall be held in escrow and any unused fees shall be returned to the applicant.

(C) The Planning Commission may impose conditions with the approval of a special land use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the special land use application and shall be enforced by the Zoning Administrator.

(D) If, after the establishment of the special land use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, said use shall have 60 days to correct any problems as determined by the Planning Commission. If infractions are not corrected within the 60 days, the provisions of [155.134](#) shall be initiated.

Per Silver Creek Township 155.133 -

(A) A special land use approval shall be valid for one year from the date of approval, unless approval is revoked as provided in [155.134](#), or the special land use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six consecutive months.

(B) If, by the end of this one-year period, the special land use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the special land use shall be deemed expired and no longer valid.

(C) A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

(D) Application for approval of an expired special land use approval shall be considered as a new application.

Per Silver Creek Township Ordinance 155.134 -

The Planning Commission may revoke any special land use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this chapter. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with the Zoning Act, being M.C.L.A. 125.3101 et seq.