

Dalton Township
1616 E. Riley Thompson Rd
Muskegon, Michigan 49445
Phone: (231)766-3043
Fax: (231) 766-2636
Zoning Dept: (231) 332-6706
www.daltontownship.org

FEE: \$600.00
Plus any additional
profession fees

SPECIAL LAND USE APPLICATION

Applicant(s): _____

Applicants Address: _____

Business Name: _____

Phone/Cell: _____ Email Address: _____

Owner/Business (If different from above): _____

Address: _____

Phone/Cell: _____ Email Address: _____

Legal Description of Affected Property: (See Attached)

Parcel Number of Affected Property: 61-07 _____

Address of Property: _____

Current Zoning: Low Density Residential (R-1) Industrial District (D-1)
 Medium Density Residential (R-2) Manufactured Home District (RM)
 Neighborhood Commercial (C-1) Regional Commercial (C-2)
 Agriculture/Resource Conservation (RC/AG)

Meets applicable zoning requirements per Dalton Township Zoning Ordinance section # _____.

Present Use of Property:

Reason for Special Land Use Proposal:

Please answer the following questions in detail:

1. How will the proposed use impact the surrounding properties as it relates to the following areas?

Noise: _____

Dust: _____

Odor: _____

Safety: _____

Traffic: _____

Light: _____

3. What are the proposed hours of operation? _____

4. Are you required to obtain any special license or permits through any other government agency? _____

If yes, what type of licenses and permits are required? _____

5. If this application is for day care, how many children will you be caring for? _____

6. If this application is for an assisted living facility, how many units will you have in the facility?

7. How many employees/shifts will work at the facility? _____

SITE PLAN STANDARDS

The regulations listed in Chapter 17: Site Plan Standards are intended to promote:

- A. Safe and convenient traffic movement; both within a site and in relation to access streets;
- B. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;
- C. Conservation of natural amenities and resources; and
- D. Compliance with the provisions of this Ordinance and all other applicable Township, State, and federal laws.

17.3 Data Required for Site Plans

(Please refer to the Dalton Township Zoning Ordinance Chapter 17 at www.daltontownship.org/zoning for detailed descriptions of any items listed below):

Site plans shall show the following information;

_____ Geographic Location

_____ Name, address and phone # of applicant/property owner

_____ Name of development

_____ North Arrow

_____ Legend

_____ Location: A location map that shows the location of the project in the broad context of the Township.

_____ Scale: Development site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernable.

_____ Existing natural, man-made, and legal features- Site development plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place.
(Refer to 17.3 (8) for additional details).

_____ Proposed changes in existing features, proposed new legal features, and proposed man-made features.
(Refer to 17.3 (9) for additional details).

_____ All outdoor illumination with lighting fixtures. (Also refer to section 4.25 for additional lighting requirements.

_____ All parking areas, proposed and existing.

_____ Proposed and existing landscaping. (Refer to Section 4.37 for buffering requirements)

_____ Proposed changes in existing features or new features. (Refer to 17.3 (9) for additional details).

Site Plan of Property and Location of ALL Structures

*** Important *** Show all Existing and Proposed Structures; Owner Name and Address, Parcel #, Street Name, North Arrow, Parcel Dimension, Existing Structures including setbacks and approaches, Proposed Structures including setbacks and approaches, Front Rear and Side Yard Setbacks, Well and Septic, Driveway (access) with pavement type, decks, cement patios, cement walkways.

Parcel #: _____ Zoning: _____ Dimensions: _____

Side Lot Line or Side Street

Side Lot Line or Side Street

Road Right of Way (Typically 33' from the road center)

Site Address: _____

Owner Name: _____

17.3 (10) In addition to the written application and the plans, whenever the nature of the proposed development makes information and documents such as the following relevant, such documents or information shall be provided;

- a) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in a manner requested, or is the duly appointed agent of such a person.
- b) For all Commercial and Industrial site plans, the applicant shall provide a written business plan that describes in detail the nature of the proposed use. This document will be utilized to determine if the use is permissible within the applicable zone district and its compatibility with the surrounding land uses.
- c) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.
- d) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
- e) Letters of credit or other surety devices.
- f) Time schedules for the completion of phases in the occurrence of a staged development.
- g) Calculations for drainage and storm water design detention/retention.

17.4 Standards for Granting Site Plan Approvals and Special Land Uses

Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed:

_____ Site plan demonstrates that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse effects on development users and the occupants of adjacent properties.

_____ Site plan demonstrates that as many natural features as possible have been retained, particularly where such features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or storm water.

_____ Site plan shall conform to the driveway and traffic standards of the Michigan Department of Transportation and the Muskegon County Road Commission. The site plan should demonstrate that there is proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of the pedestrian and vehicular traffic has been assured. (Refer to section 4.46 for M-120 & Whitehall Management Overlay District Regulations)

_____ Site plan shall fully conform to the applicable fire safety and emergency vehicle access requirements of the Muskegon County Construction Code.

_____ Site plan shall fully conform to the Muskegon County Drain Commission standards. Drainage design should recognize existing natural drainage patterns. Storm water removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall also be made to accommodate storm water on-site wherever practical, and prevent direct discharge into surface waters.

_____ Site plan should fully conform to the Muskegon County Soil Erosion and Sedimentation Control Ordinance.

_____ Site plan should demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment; hazardous materials should be at least 200 feet from any wetland, lake or stream, and all-purpose floor drains should not be connected to septic system; secondary containment facilities shall be provided for all hazardous materials of sufficient size to hold the entire volume of the materials; and wells shall be properly maintained and sealed and abandoned wells shall be plugged and capped according to state requirements.

_____ Site plan should fully conform to the requirements of the Michigan Department of Public Health and the Muskegon County Health Department.

_____ Site plan should fully conform to all applicable state and federal statutes.

_____ Site plan should fully conform to the land use policies, goals and objectives of the Dalton Township Master Plan.

NOTE:

Depending upon the size, complexity, location or other factors relating to the proposed Site Plan Review, some of the above information may not be necessary. The Zoning Administrator may request that you provide additional documents if needed. The more information you supply with this application, the earlier a decision can be rendered.

Prior to the establishment of any new use, addition to an existing use or the erection of any structure in any zoning district, a complete site plan shall be reviewed and approved by the Planning Commission.

All inspections , Health Department, Fire Chief, Building Department, etc., must be completed and finalized once the Site Plan Review is approved by the Planning Commission.

- You may contact the Zoning Administrator at (231) 332-6706 with any questions you may have.
- The Building Inspector at (231) 332-6705, with any questions regarding building requirements and inspections.
- The Dalton Township Fire Chief at (231) 766-3277 with any questions regarding the Fire Safety Inspection.

I HAVE READ THIS LIST OF REQUIREMENTS.

_____ *Applicant Signature*

Date _____

_____ *Owner Signature if different from Applicant*

Date: _____

CHAPTER 16 SPECIAL LAND USES

16.1 Description and Purpose.

- A. A special land use is a use that is permitted within a specified zoning district upon compliance with the applicable requirements of this chapter. Due to unique characteristics of special land uses, special limitations and controls are necessary to insure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses.
- B. This chapter also describes special approval conditions and regulations applicable to certain uses which are permitted with special land use approval.
- C. No special land use shall be engaged in unless the required approval has been granted, in accordance with the procedures specified in this chapter.

16.2 Special Land Use Applications. A special land use application shall be submitted and processed according to the following procedures:

- A. An application, on a form provided by the Township, shall be completed by the applicant and submitted to the Zoning Administrator.
- B. Among other matters, the application shall include the name and address of the applicant; the address of the property involved; the date of the application; and a statement indicating the sections of this Ordinance under which the special land use is sought. The applicant shall also specify the grounds upon which the special land use is requested to be granted.
- C. A site plan in 12 copies covering the special land use shall be submitted with the application; in accordance with Section 17.5. The site plan shall comply with all of the required contents of a site plan, as stated in Section 17.5 of this Ordinance; provided, however, that the Planning Commission, in its discretion, may waive any element or component otherwise required to be included in a site plan, if such matters are not deemed necessary for review and consideration of the proposed special land use application.
- D. The fee established for an application for a special land use shall be paid at the time of the filing of the application. The applicant shall also deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Township's zoning escrow account procedures.

16.3 Action on Special Land Use Applications.

- A. **Initial Review by Planning Commission.** The Zoning Administrator shall determine whether a special land use application is complete. An application

deemed to be incomplete by the Zoning Administrator shall be returned to the applicant, and no further action need be taken until the application is completed and resubmitted. In considering a special land use application, the Planning Commission or the Township Board may require the submission of additional reports, studies or information, including an environmental impact assessment, traffic impact study, utility system plan, storm water drainage plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.

- B. **Public Hearing.** Once the Planning Commission determines that a complete special land use application has been received, the Planning Commission shall hold a public hearing on the proposed special land use. The Planning Commission shall determine the date, time and place for the public hearing. Notice of the public hearing shall be published and delivered in accordance with Section 20.7.
- C. **Planning Commission Action.** After the public hearing and upon the review of the merits of the special land use application, the Planning Commission shall approve, deny, or approve with conditions the special land use application. The Planning Commission's decision shall be incorporated within a motion or resolution containing conclusions reached relative to the proposed special land use, which specifies the basis for the decision and any conditions imposed.
- D. **Terms and Conditions of Approval.** In its approval of a special land use, the Planning Commission may impose reasonable terms and conditions. The terms and conditions shall be for the purpose of achieving the following goals and favorable results:
1. To assure that public services and facilities affected by the special land use will be capable of accommodating increased service requirements resulting from the use.
 2. To assure that the special land use is reasonable.
 3. To assure that the special land use is compatible with adjacent and nearby land uses.
 4. To protect natural resources; the health, safety and welfare of those who will utilize the special land use and also residents in the vicinity of the special land use and the Township as a whole.
 5. To assure that the special land use is consistent with the intent and purposes of the zoning ordinance.
 6. To assure compliance with the general special land use standards and the specific standards applying to the special land use under consideration.

7. If the special land use is of a temporary nature, or if it involves uses or activities which by their nature will terminate at some point in the future, terms and conditions may be imposed which limit the duration of the special land use.
- E. **Periodic Review of Approved Special Land Use.** The Planning Commission may periodically review a special land use for the purpose of determining whether the terms and conditions of the use are being complied with. All terms and conditions of a special land use shall remain unchanged unless revoked or amended by the Planning Commission.
 - F. **Township Consultants and Advisors.** In reviewing a proposed special land use, the Planning Commission may submit the application and other materials to its consulting engineer, attorney and any other professional consultants and advisors, for their review and comment.
 - G. **Special Land Use Permit; Commencement of Approved Use.**
 1. A special land use permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. The special land use permit shall include all of the conditions of approval stipulated by the Planning Commission. Alternatively, the special land use resolution adopted by the Planning Commission may serve as the permit, if the resolution includes all of the terms and conditions of the special land use as approved. The Zoning Administrator shall forward a copy of the special land use permit to the applicant and the Township Clerk.
 2. A special land use permit for a special land use shall be valid for a period of one year from the date of issuance. If construction or other commencement of the special land use has not substantially occurred by the end of the one-year period, and if it does not proceed diligently to completion, the Zoning Administrator shall notify the applicant in writing of the expiration of the permit: provided, however, that upon request by the applicant the Planning Commission may extend the period of time in which the permit is to expire, upon finding that an extension of time is reasonable under the circumstances. The conducting of some use other than the special land use, even if a permitted use, shall not extend or otherwise affect the one-year period for commencement of the special land use.
 3. A site plan approved in conjunction with a special land use shall be processed according to the procedures of Chapter 17.

16.4 Minimum Requirements for Special Land Use. Special land uses shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for all of the aspects and features of the land use for which minimum requirements

are so specified, including but not limited to requirements on minimum lot area and minimum lot width, minimum building setbacks, street access, street frontage, sewage disposal and water supply, off-street parking and loading, landscaping and buffering, outdoor lighting, building and structure height, accessory buildings and structures, screening, private roads, public utility service, required open space, signage, fences and walls, storm water management and facilities and other land use aspects, unless such requirements are modified, as provided in this section.

- A. In approving a special land use the Planning Commission (1) may modify such minimum requirements; or (2) may impose other or different minimum requirements. The above decisions shall be based on the relevant facts and circumstances, and if the standards for consideration of special land uses stated in Section 16.5 would nevertheless be satisfied.
- B. Further provided, however, that any such modification of the above-stated minimum requirements, or any such determination that any of such requirements need not be satisfied, shall be based upon findings by the Planning Commission that the following criteria have been met.
- C. Any such modification of the above-stated minimum requirements, or any such determination that any of such requirements need not be satisfied, shall be based upon findings by the Planning Commission that the following criteria have been met:
 - 1. The modification of such requirements is justified due to the nature, size, density, location or design proposed special land use.
 - 2. The modification of such requirements will not result in serious adverse effects upon the special land use lands or other lands.
 - 3. The modification will nevertheless achieve the land use purposes of the special land use under consideration.
 - 4. Such modification of requirements would not be inconsistent with the general intent and purposes of the zoning ordinance and the Master Plan.

16.5 Standards for Considering Special Land Uses. In considering an application for a special land use the Planning Commission shall apply and make findings upon the following general standards, in addition to other standards provided in this Ordinance for particular special land uses:

- A. The size, character and nature of buildings and structures comprising the special land use shall not have a substantial adverse effect upon adjoin or nearby lands or the uses thereof.
- B. The special land use shall not have a substantial adverse effect on storm water drainage, street capacity and volume of traffic, traffic safety and vehicle circulation, sanitary sewage disposal and water supply, or other adverse effects.

- C. The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
- D. The special land use shall not have a substantial adverse effect on the protection and preservation of natural resources and natural features.
- E. Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.
- F. Safe and adequate sewage disposal facilities and water supply measures shall be provided in compliance with county and state requirements, and shall be designed for compatibility with existing systems and anticipated future development. Connection with existing sanitary sewer systems and water supply systems may be required.
- G. The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
- H. The special land use shall not create excessive additional demand, at public cost, for public facilities and services.
- I. The special land use shall be consistent with the intent and purposes of the zoning ordinance and the Township Master Plan.

16.6 Reapplication. No special land use application which has been denied wholly or in part by the Planning Commission shall be resubmitted until at least 12 consecutive months after the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions affecting the proposed special land use, as determined by the Planning Commission. A reapplication shall be processed in the same manner as an original special land use application.

16.7 Amendment of Special Land Use.

- A. A special land use may be amended if approved by the Planning Commission, following the same procedure as required for an original special land use application, including the giving of notice and holding of a public hearing by the Planning Commission; provided, however, that minor amendments in a special land use may be approved by the Zoning Administrator as stated in subsection C of this section and, provided further, that minor site plan amendments as defined in Section 17.12.C. may be approved by the Zoning Administrator, without public notice or public hearing.
- B. An amendment of a special land use may pertain to the site plan, additional or revised terms and conditions or other aspects of the use as originally approved. In considering any such amendment that is not a minor amendment, the Planning Commission may review the entire existing special land use, and all operational

and other aspects thereof, in order to determine whether the terms and conditions of the special land use have been complied with. In its recommendation concerning a proposed amendment, the Planning Commission may include, and in its approval of a proposed amendment the Planning Commission may impose, additional terms and conditions for the purpose of achieving compliance with the terms and conditions specified for the original special land use.

C. As defined by this subsection, minor amendments to a special land use may be approved by the Zoning Administrator, either prior or subsequent to construction. The Zoning Administrator may, in his or her discretion, refer any decision regarding a proposed amendment to the Planning Commission for review and approval whether or not the change would qualify as a minor amendment under this section. In making a determination as to whether a change is a minor amendment, or whether to refer an amendment to the Planning Commission for approval, the Zoning Administrator may consult with the chairperson of the Planning Commission. Minor amendments to a special land use shall include:

1. Minor site plan amendments as defined in Section 17.12.C.
2. Changes in the nature of the special land use which permanently decrease or mitigate impacts from such use on surrounding properties, the general public or public facilities or service.
3. Minor changes in, and/or minor additions to, the uses included in an approved special land use that (1) do not change the basic type, nature or character of the use; (2) do not alter its basic design; (3) are determined by the Zoning Administrator to be not material or significant in relation to the entire special land use; and (4) would not involve an unrelated use and would not have a significant adverse effect on adjacent or nearby lands or the public interest.

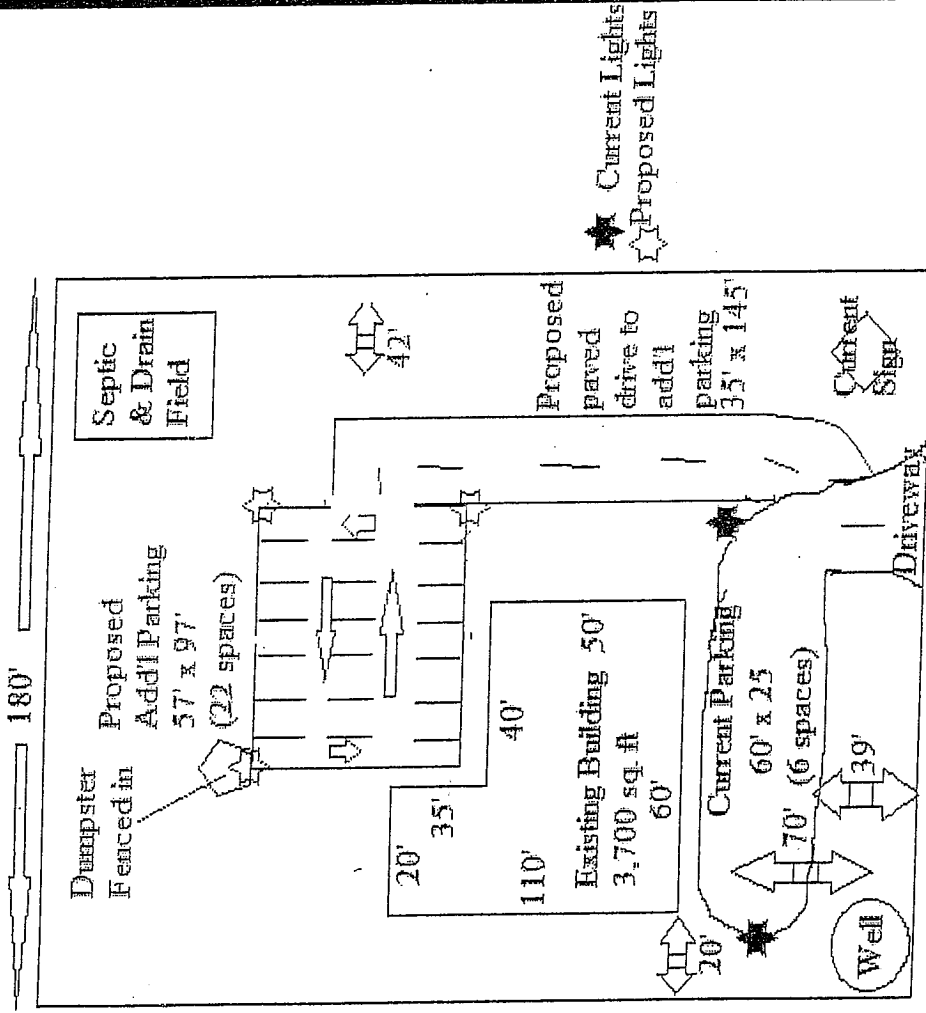
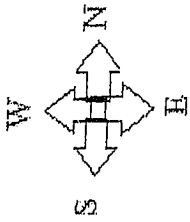
16.7A Revocation of Special Land Uses. The Planning Commission shall have the authority to revoke any special land use permit following a public hearing noticed according to the procedures provided in Section 16.3.B, if the holder of the permit has failed to comply with any of the applicable conditions specified in the permit.

16.8 Violation of Special Land Use Requirements. A violation of any of the terms and conditions of a special land use shall be a violation of this Ordinance, and all penalties specified herein for violation of the ordinance shall apply, and the Township shall have such other enforcement remedies authorized by law. The Township may also take such other lawful action as may be necessary to remedy and/or moderate the violation, including revocation of the land use permit for the special land use.

16.9 Appeals. Any appeal of a special land use decision or condition shall be made only to the Circuit Court. The Zoning Board of Appeals shall have no jurisdiction to hear appeals from a special land use decision, nor authority to grant a variance or other relief with regard to a special land use or any part or aspect thereof.

EXAMPLE COMMERCIAL SITE PLAN

Parcel Number: 61 - 07 - 000 - 000 - 0000 - 00



Property Owner: John Doe
 Applicant: Jane Doe (231) 000-0000
 Address: 100 Dalton Street
 Zoning: C-2

Dalton Township Minimum Requirement for Lot Size & Setbacks

Agricultural/Resource Conservation

1. Minimum lot area - 5 acres
2. Min. lot width - 250 feet
3. Max lot coverage - 10%
4. Max bldg height - 2.5 stories or 35 feet, whichever is less
5. Front yard setback - 50 feet
6. Side yard setback - 25 feet
7. Rear yard setback - 50 ft min.
8. Min floor area - 1,000 sq feet & a min. core area of living space measuring at least 20 x 20 ft. in size.

C-1 Neighborhood Commercial

1. Minimum lot area - 20,000 sq. ft.
2. Maximum lot area - one acre
3. If served by sewer - min. lot size is 15,000 sq. ft.
4. Min. lot width - 100 feet
5. Max bldg ht - 2.5 stories or 35 feet,
6. Max lot coverage - 60%
7. Front yard setback - 50 feet
8. Side yard setback - 25 feet
9. Rear yard setback - 40 feet

C-2 Regional Commercial

1. Minimum lot area - 20,000 sq. ft.
2. If connected to pub. Sewer - min lot size is 15,000 sq. ft.
3. Min. lot width - 100 feet.
4. Max lot coverage - 60%
5. Max bldg. height - 2.5 stories or 35 ft, whichever is less.
6. Front yard setback - 40 feet.
7. Side yard setback - 20 feet.
8. Rear yard setback - 25 feet.

R-1 Low Density Residential

1. Minimum lot area - 1 acre
2. Min lot width - 150 feet
3. Max lot coverage - 15%
4. Max bldg ht - 2.5 stories or 35 feet, whichever is less
5. Front yard setback - 40 feet
6. Side yard setback - 15 feet
7. Rear yard setback - 30 feet
8. Minimum floor area - 1000 sq. ft. & a min. core living space of 20 by 20 feet in size.

R-2 Medium Density Residential

1. Minimum lot area - 1 acre
2. If served by water & sewer and part of a subdivision, site condo, or PUD - min lot size shall be 10,000 sq. ft.
3. Min lot width - 110 feet
4. Max lot coverage - 25%
5. Max bldg ht - 2.5 stories or 35 feet, whichever is less
6. Front yard setback - 40 feet
7. Side yard setback - 15 feet
8. Rear yard setback - 25 feet
9. Minimum floor area - 1000 sq ft & a min. core living space of 20 by 20 feet in size
10. Any subdivision, site condo, or multi-family dwelling located in this district shall be connected to public sewer and water.

RM - Manufactured Home District - outside of a Man. Home park.

1. Min. lot size - 20,000 sq. ft.
2. Min. lot width - 75 feet
3. Max lot coverage - 25%
4. Front yard setback - 40 feet
5. Side yard setback - 15 feet
6. Rear yard setback - 25 feet
7. Min. floor area - 760 sq. ft. with a min. core living area in accordance to Section 4.12 of the Zoning Ordinance.

D-1 Industrial District

1. Min. lot area - 40,000 sq. ft.
2. Min lot width - 200 ft.
3. Max lot coverage - 35%
4. Front yard setback - 70 feet
5. Side yard setback - 30 feet.
6. Rear yard setback - 30 feet.

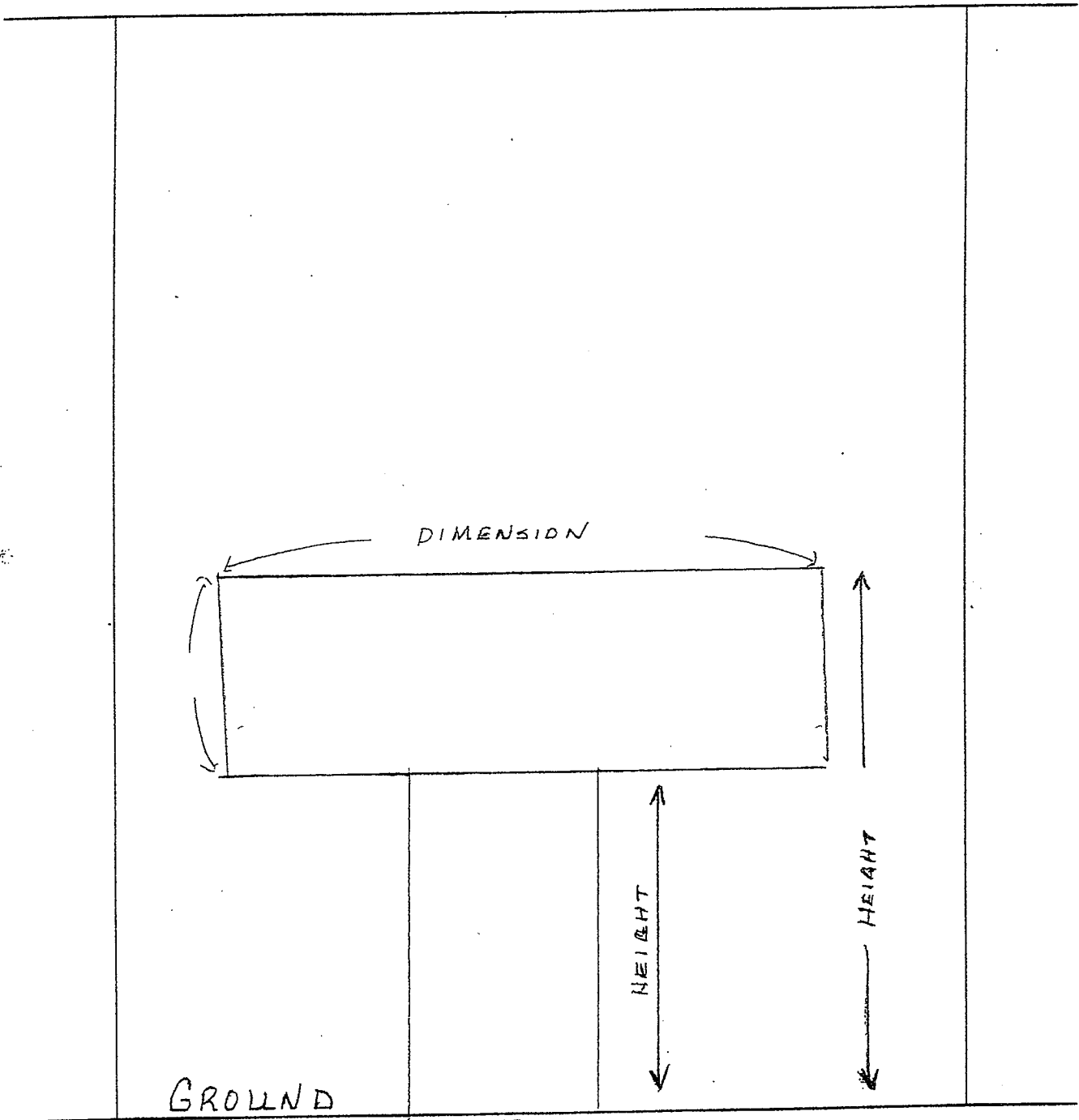
**Waterfront setback is 100 feet in any district.

*Accessory buildings shall have a max building height of 24 feet. Setbacks for Acc. Bldgs is 6' from rear & side yards - measured from eaves; in C1, C2, and D1, Acc. Bldgs over 200 sq. ft. have different setbacks.

REVISED: 2-4-2016

SIGN

Parcel #: _____ Dimensions: _____



Site Address: _____