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REAL SOLUTIONS

Special and Conditional Use Permits: Do's and Don'ts

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Disclaimer

- This presentation, and the materials associated with it, are comprised of general information and not intended as legal advice related to specific questions of attorney-client privilege.
- Please contact an attorney if you need assistance related to a specific legal issue.



“What’s in a name?...”

- Special Use Permit (SUP), Conditional Use Permit (CUP), and Special Land Use Permit (SLUP)
 - These various “extra” land uses are authorized in the Michigan Zoning Enabling Act, MCL 125.3502(1)
 - There is no explicit definition or requirement to use a particular term in the local zoning ordinance.
 - Generally, these permits allow land uses in specific zoning districts provided they meet certain conditions set forth in the zoning ordinance.



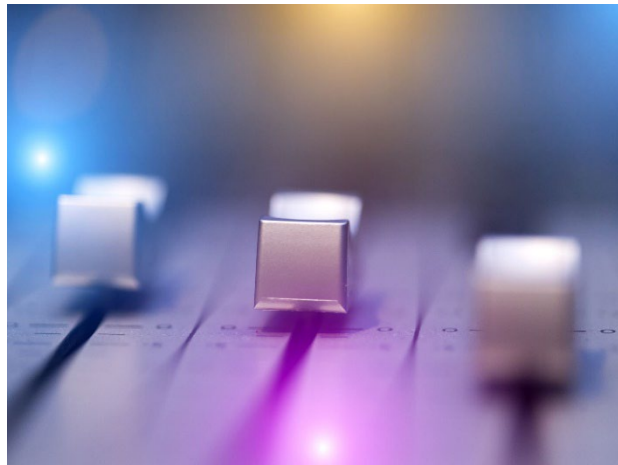
Factors to Consider

- Special uses may have unique characteristics that could create issues.
- Local officials can require the applicant to take measures to mitigate potential *negative impacts* by setting specific conditions.

Increased Traffic



Increased Noise



Pollution





Do: Plan for and Provide Notice

- Notice of Conditional Use Permit applications must be given to the neighborhood and community.
- Additionally, if the township also holds a public hearing, then notice must be printed in the local newspaper 15 days before the meeting.
 - Consider newspaper publishing schedules in advance

Do Not Simply Follow “How it Has Always Been Done”

The ZO *must* specify:

1. The special land uses and activities eligible for approval;
2. The body or official charged with reviewing special land uses and granting approval;
3. The requirements and standards upon which decisions on requests for special land use approval are based; and
4. The procedures and supporting materials required for applications review, and approval.



Do Not Simply Follow “How it Has Always Been Done”

- Consult your Zoning Ordinance to determine your specific conditional use permit process.
- Ensure all required items are submitted with a Conditional Use Permit Application
- If further information or additional explanation is needed, be sure to ask in order to truly evaluate the issuance of a CUP.
- Doing your due diligence will help minimize unnecessary disputes and litigation over misunderstandings.



Do Treat All Applicants Equally



I know John, so I'm sure everything is here.

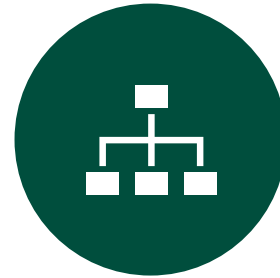
I don't need to review this as closely.



Do Treat All Applicants Equally



Ensure the Township ordinance and procedures match how the Conditional Use Permit process is administered on the ground.



Consider providing for different levels of site plan review with different details.



Establish a clear procedure for waiving or modifying conditions and reasonable standards for a waiver.



Ensure such modifications are reflected in the file.



Do: Utilize a Written Decision

- Using a written decision will help guide the board or commission to ensure they consider each aspect and make clear findings. Consider:
 - A form that can be filled out as part of official record or
 - A formal Resolution
- Whether approving or denying a Conditional Use Permit, a written record will aid all involved.



Do Not Issue a Standard Conditional Use Permit; Rather Use Conditions

- Any approval of a Conditional Use Permit must outline the basis for the decision and any conditions imposed.
- Emphasize specifics of a general rule, e.g. evergreen trees will be the screening or greenbelt buffer requirement.
- Utilize phased developments and ongoing site plan review.
- Consider limiting the CUP to a term of years rather than permanent.





Do Remain Aware of Previous Conditions

Make sure any additional conditions affecting the issuance or renewal of a conditional use permit are addressed early on in the process.

- Are there land division ordinance conditions that apply to the property in question?
- Is a public road required rather than a private road? Has the road been accepted?
- Are there sidewalks, streetlights, or parking components required to be installed?
- Is the applicant compliant with all township ordinances?
- Are there concerns about water?
- Are there conditions from other governmental offices, e.g., road or drain commissions?

Architectural blueprints are shown on the left side of the image, featuring various technical drawings, dimensions, and annotations. The drawings are partially unrolled, showing detailed floor plans and structural elements. Dimensions are marked in various sizes, such as 2380, 2650, 740, 970, 810, 820, 2180, 150, 220, 5840, 4630, 1385, 900, 330, 150, 740, 150, 760, 830, 40, 1030, 1480, 890, 380, 1030, 2560, 2810, 150, 1780, 155, 890, 210, 155, 125, 250, 710, 250, 1185, 2500, 3175, 425, 270, 3100, 1010, 5, 6, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. The blueprints are set against a light blue background with a subtle wood-grain texture.

Do Not Go It Alone

- Township Attorney can assist with process, procedure, and drafting documents to implement township policies and decisions.
- Engineers may be required to evaluate structural components or physical property characteristics.
- Planner can assist with evaluating plans for land development and usage.
- Other experts may be needed to evaluate impacts from a specific project or ensure compliance.



Questions?

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