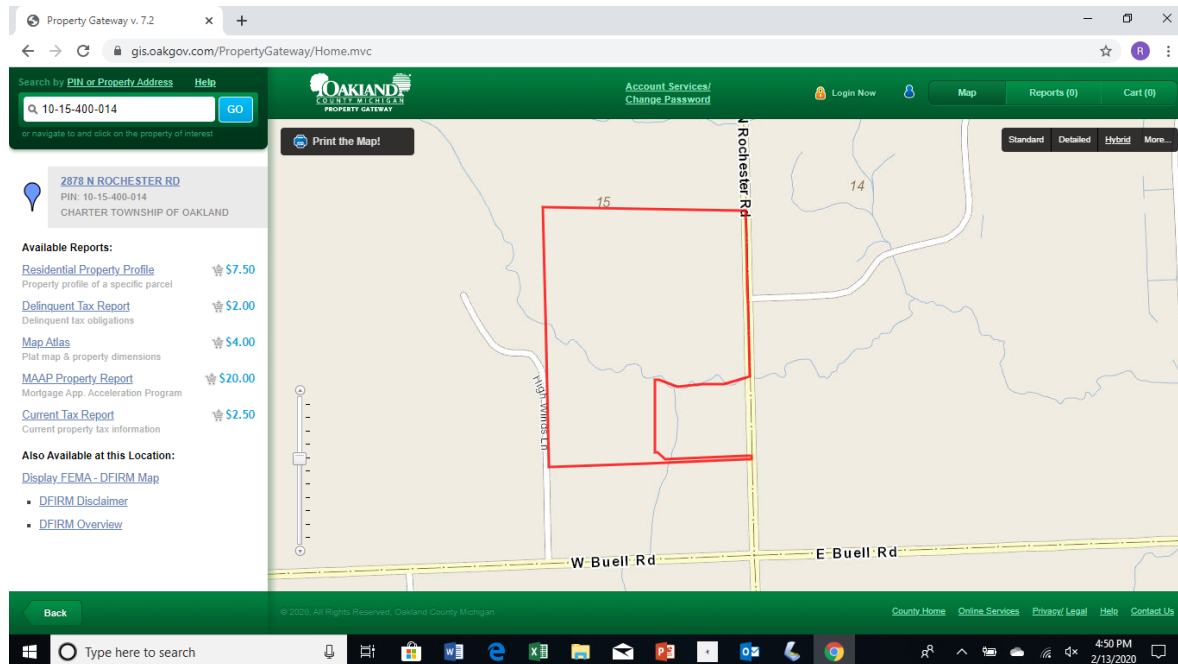
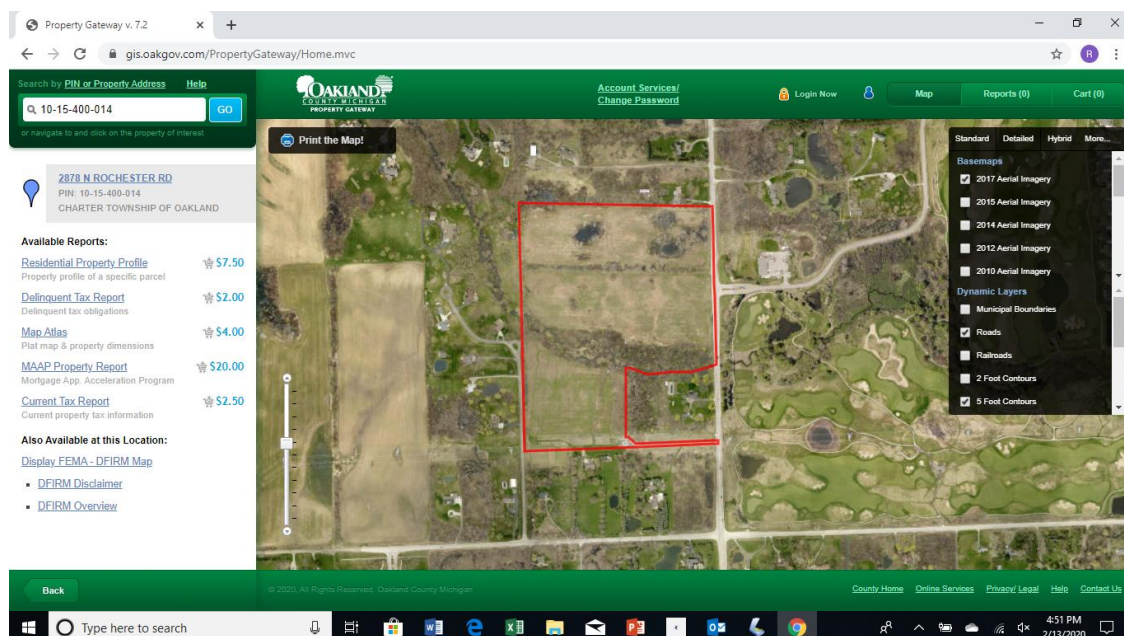


**Montessori School on Rochester Road Coming Soon?** The sign on Rochester Road suggesting that a Montessori school is coming in September 2020 is located on this property. In my layman's opinion this would require a Special Land Use recommendation by Oakland Township Planning Commission, made in a public meeting, followed by Board of Trustees approval. It has not yet appeared on their agenda. See info on Special Land Use information from the zoning ordinance that follows.

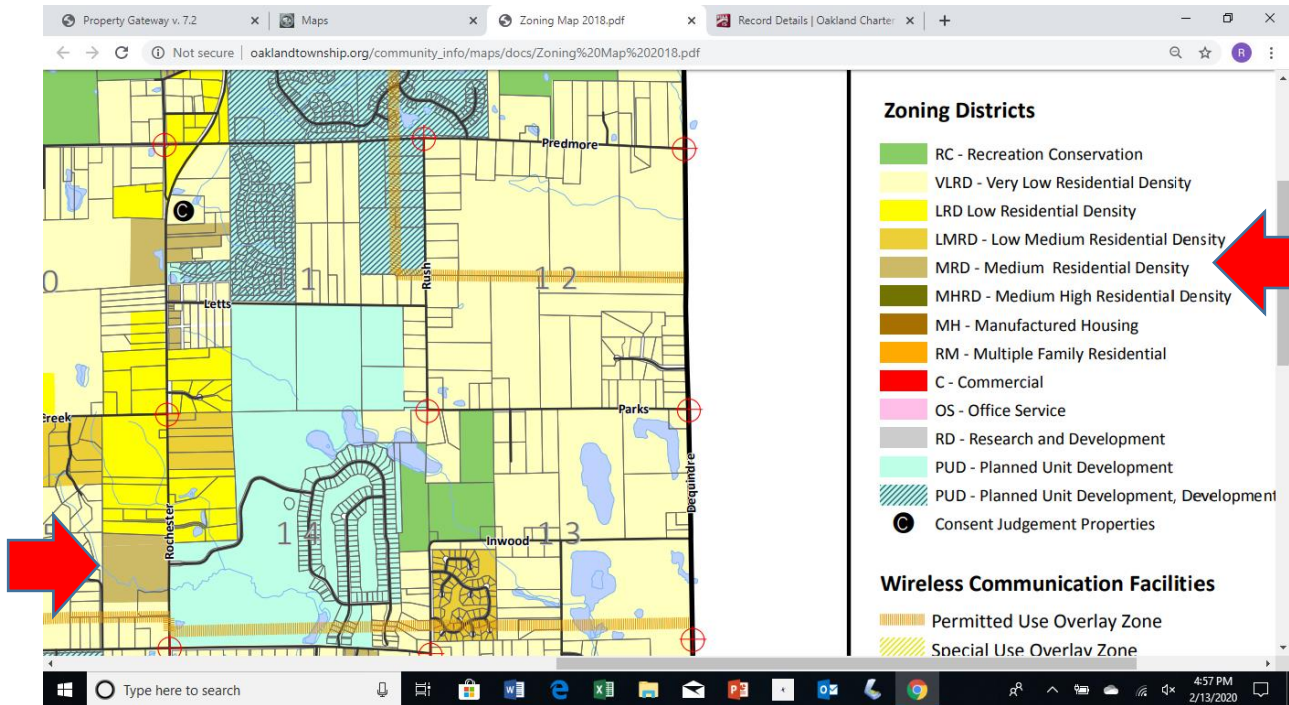
**Especially see Sections 16-502, 16-512**



Map and aerial view Source <https://gis.oakgov.com/PropertyGateway/Home.mvc>



# Zoning is MRD, Medium Density Residential



Source Oakland Township Website – “Maps” page

[http://www.oaklandtownship.org/community\\_info/maps/docs/Zoning%20Map%202018.pdf](http://www.oaklandtownship.org/community_info/maps/docs/Zoning%20Map%202018.pdf)

Section 16-406 below of the Oakland Township Zoning Ordinance shows permitted and anticipated probable special uses for MRD. The definitions of Use and Special Use is defined in the Zoning ordinance under Definitions

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**Permitted Use:** Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

**Special Use** – See Zoning Ordinance Section 16-500 below for definition

## ARTICLE IV DISTRICT STANDARDS

### SECTION 16-406 MEDIUM RESIDENTIAL DENSITY DISTRICT

#### **16-406 MRD. MEDIUM RESIDENTIAL DENSITY DISTRICT**

##### **16-406.01 INTENT**

The MRD, Medium Residential Density District is intended to provide for medium density single-family residential development in relatively rural and low density patterns. Since this district is located in areas with little or no significant natural features, a conventional lot split or platted subdivision would not negatively impact environmental quality. Neighborhoods are intended to be quiet and generally free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. Except where topographic or other environmental constraints preclude such connectivity, streets within the MRD District should be interconnected, although both curvilinear and grid patterns are encouraged, some cul-de-sac and collector patterns may be developed.

**16-406.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the MRD District.

##### **A. PERMITTED USES**

- ◆ Accessory Building and Structure, when accessory to a principal use
- ◆ Accessory Use, when accessory to permitted uses
- ◆ Adult Family Day Care Home
- ◆ Adult Foster Care Family Home
- ◆ Adult Foster Care Small Group Home
- ◆ Agriculture, farms and farm buildings
- ◆ Child Foster Family Home
- ◆ Day Care Facility
- ◆ Dwelling, Single-Family
- ◆ Home Occupation subject to 16-323
- ◆ Public and quasi-public uses, subject to 16-317
- ◆ Utility and public service buildings, subject to 16-317

##### **B. SPECIAL LAND USES**

- ◆ Accessory Use, to a special land use, subject to 16-503
- ◆ Bed & Breakfast, subject to 16-505
- ◆ Cemetery, Private subject to 16-507
- ◆ Day Care, Group subject to 16-509
- ◆ Educational Facility, subject to 16-512
- ◆ Golf Course, subject to 16-514
- ◆ Independent Living for the Elderly, subject to 16-529
- ◆ Mining, gravel and mineral, subject to 16-519
- ◆ Place of Public Assembly, subject to 16-523
- ◆ Planned Unit Development, subject to 16-524

##### **C. SITE AND BUILDING PLACEMENT STANDARDS**

Minimum Lot Area w/o Sewer: 26,000 square feet  
 Minimum Lot Width w/o Sewer: 120 feet  
 Minimum Lot Width Corner w/o Sewer: 120 feet  
 Minimum Lot Area w/ Sewer: 19,500 square feet  
 Minimum Lot Width w/ Sewer: 110 feet  
 Minimum Lot Width Corner w/ Sewer: 120 feet  
 Maximum Lot Coverage: 25%  
 Maximum Building Height/Stories: 35 feet/2.5  
 Minimum Setbacks:

Front:	40 feet
Corner Front:	40 feet
Side:	20 feet
Rear:	35 feet

Table 16-402.02 and the footnotes set forth therein provide additional standards that are applicable.

Sections of the Zoning Ordinance that are particularly applicable to Special Uses are below.

**16-500 – “*Special Uses Generally*”** (an overview)

**16-501 – “*Special Use Procedures*”** (Describes the whole process in detail including public meetings and appeals)

**16-502 – “Special Use Review Standards”** This is very important. These are the criteria used by Planning Commission in deciding to recommend or not a special use to the Board of Trustees and what the Board of Trustees uses to decide to approve or deny. Resident comments either for or against should be directed to these specific standards, in my layman’s opinion.

The entire zoning ordinance is on line here and also can be seen in hard copy at Township Hall.

<https://www.ecode360.com/documents/OA3183/public/431381679.pdf>



## **ARTICLE V: SPECIAL LAND USES**

### **16-500 SPECIAL USES GENERALLY**

A special use is a use that is permitted within a specified zoning district after meeting specific requirements listed in this Article 5. It is the purpose of this Article to set forth the general procedures and general review standards applicable to all special uses (Sections 16-501 and 16-502) and name, describe, and list the additional specific requirements and conditions applicable to each special land use specified in the respective zoning districts (Sections 16-503 through 16-528). Due to the nature of the use, a special use requires special consideration in relation to the welfare of adjacent properties and to the community as a whole.

### **16-501 SPECIAL USE PROCEDURES**

A Special Use application shall be submitted and processed according to the following procedure:

- A. Submission of Application. An application shall be submitted to the Zoning Administrator. Each application shall be accompanied by the payment of a fee established in the Review Expense Ordinance, as amended. A special use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator in accordance with this ordinance. An application, which is incomplete or otherwise not in compliance with this ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.
- B. Data Required. A special use application for any project reviewed by the Planning Commission and Township Board shall include sixteen (16) copies of all required information, including application form and a site plan with all information as required in Article 6 of this ordinance. The information shall include the following:
  1. A complete special use permit application including the following information:
    - i. Name and address of applicant and owner(s).
    - ii. Legal description, property parcel number, and street address of the subject parcel of land.
    - iii. Area of the subject lot stated in acres, or if less than one (1) acre, in square feet.
    - iv. Present zoning classification of the parcel.
    - v. Present and proposed land use.
    - vi. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
    - vii. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, water system facilities, ground water, natural features, pedestrian circulation, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.

- viii. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the Township Zoning Administrator, the Planning Commission or the Township Board; including, but not limited to, measures which will be undertaken to control soil erosion, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.
  - ix. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this ordinance affecting the special use under consideration.
  - 2. A complete site plan containing all the applicable data required by Section 16-603.
  - 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing the specific special use requested.
  - 4. Any additional information deemed necessary for the Township Board upon recommendation of the Planning Commission to determine the impact of the proposed special use on the adjacent properties, public infrastructure, and community as a whole.
  - 5. See Section 16-706 for sign posting requirements for land use change.
- C. Special Use Review Procedures. An application for special use approval shall be processed as follows:
- 1. Public Hearing Procedures. Once a completed special use application has been provided to the Township, a public hearing shall be required. A public hearing shall not be scheduled until the special land use application has been checked for completeness by Township staff. Notice of the public hearing shall be provided pursuant to the procedures set forth in Section 16-103.
  - 2. Planning Commission Recommendation. After the public hearing, the Planning Commission shall review the application, any information supplied at or in connection with the public hearing, and any reports of Township personnel, planning or engineering or other consultants and shall reach a decision to recommend to the Township Board approval, approval with conditions, or denial of the application. Such decision shall be reached within a reasonable period of time following the public hearing on the application. The Planning Commission's recommendation to the Township Board shall be incorporated in a motion containing conclusions and findings reached relative to the proposed special use which motion shall provide the basis for the recommendation and any conditions in connection with the recommendation.
  - 3. Township Board Public Hearing. Upon receiving the recommendation of the Planning Commission, the Township Board shall schedule a public hearing on the special use application consistent with the procedures set forth in Section 16-109.
  - 4. Township Board Decision. After the public hearing, consideration of the Planning Commission recommendation and upon review of the merits of the special use permit application, the Township Board shall reach a decision of approval, approval with conditions, or denial of the application. Such decision shall be reached within a reasonable period of time following the public hearing on the application. The Township

Board decision shall be incorporated in a motion containing conclusions and findings reached relative to the proposed special use which motion shall provide the basis for the decision and any required conditions.

6. **Basis for Action.** In arriving at its decision, the Township Board shall refer to and be guided by those standards and conditions set forth in this Article. If the facts regarding the special use do not establish by a preponderance of the evidence that the standards, conditions and requirements set forth in this Article can and will be met, the application shall be denied.
  7. **Attachment of Conditions.** The conditions and regulations set forth in this Article (Section 16-502 et al.) for the various types of special land uses and accessory uses related thereto shall apply to each such type of special land use upon approval of same and the Township Board or other approving body therefore does not need to specifically identify such conditions and regulations as part of its approval action. The Township Board may prescribe conditions of approval deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this ordinance are met.
- D. **Issuance of a Special Use Permit.** Upon approval by the Township Board, the Zoning Administrator shall issue the special use permit, which permit shall identify any and all conditions, terms, and restrictions applicable to the approved special use. The special use permit shall become effective upon Township Board approval, provided the following are met:
1. The Building Official shall not issue a Building Permit until approval of such special use permit and any conditions pertaining to such approval are met.
  2. Until a Building Permit has been granted pursuant to the special use permit, there shall be no construction or excavation of said land, nor shall there be any use of the land in anticipation of the special use unless such use is incorporated in the conditions of approval adopted by the Township Board.
  3. Land subject to a special use permit may not be used or occupied for such special use until after a certificate of occupancy has been issued pursuant to the provisions of this ordinance, or the zoning compliance approval of the Zoning Administrator has been granted for uses not subject to the requirements for a certificate of occupancy.
- If pre-conditions to the issuance of the permit are given, the Zoning Administrator shall verify that all conditions are met prior to issuance of a special use permit. It shall be the responsibility of the Zoning Administrator to monitor and verify compliance with the terms, conditions and restrictions of any special use permit and take any enforcement action necessary in the event of a violation of the special use permit.
- E. **Appeals.** A decision or condition related to a special use application may not be appealed to the Zoning Board of Appeals.
- F. **Amendments.** Amendments to special use permit shall be handled in the same manner as the initial special use permit application. Minor non-substantive changes to a site plan in accordance with Section 16-608 may be made to an existing special use permit with the approval of the Zoning Administrator.

- G. Transfers. Prior to completion of construction related to a special use, the special use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner only upon the sale or transfer of the property in question. The original owner, upon transferring the special use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to Section 16-502, J, 4, pertaining to abandonment.
- H. Expiration. A special use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:
1. If replaced or superseded by a subsequent permitted use or special use permit.
  2. If the applicant or current owner of the property requests the rescinding of the special use permit.
  3. If a condition of approval included a stipulation that the special use permit shall expire by a certain date.
  4. If the special use is abandoned in accordance with Section 16-502.K.
  5. If a zoning permit has not been obtained or the on-site development has not commenced pursuant to Section 16-109 within one (1) year, the special use permit approval shall become null and void.
- I. Abandonment. Any permitted special use shall be considered abandoned and such use shall not be resumed thereafter if any of the following conditions apply:
1. When the owner declares or otherwise makes evident his intent to discontinue such use.
  2. When the use has been replaced by a different use permitted in the underlying zoning district.
  3. The cessation of the permitted special use for a period of twelve (12) consecutive months shall result in a rebuttable presumption of the owner's and any lawful occupant's intent to permanently discontinue and abandon the special use. At any time after said twelve (12) consecutive month period, the Zoning Administrator may notify the owner and any occupants in writing of said presumption and such writing shall provide the owner and any occupants at least thirty (30) days to rebut the presumption in a writing addressed and delivered to the Zoning Administrator by certified mail with a return receipt. If the owner and occupants fail to provide written evidence rebutting the presumption within said thirty (30) day period, the owner's and occupant's intent to discontinue and abandon the special use shall thereby be established. The notice from the Zoning Administrator shall be sent by certified mail, with a return receipt, to the owner and any occupants at the mailing address of the owner listed on the Township tax rolls and at the street address of the property in question if a building with an address exists at said location.
- J. Violations. Any violation of the terms, conditions or limitations of a special use permit shall be cause for revocation or suspension of the permit. The Township Board may either revoke or suspend, pending correction of the violation, any special use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged



violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Township Board shall make a finding that a material violation of the special use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

#### **16-502 SPECIAL USE REVIEW STANDARDS**

A. General Review Standards. The Planning Commission and Township Board, before acting on a special use permit application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission and Township Board shall review each application and take action to approve a special use application only if it finds that such special use meets each of the following standards, together with any and all special use standards reflected for the zoning district, any and all applicable specific review standards found in this Article and all other generally applicable requirements of this ordinance. The Planning Commission and Township Board shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall 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 pedestrian-vehicle interfacing.
3. The location, size, intensity, site layout, physical, structure, and amenities, and periods of operation the proposed use shall be designed and established in a manner that eliminates any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of traffic, dust, noise, odors, glare, fumes, vibration, smoke or lights.
4. The proposed use shall be 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 or unreasonably affect their value.
5. The proposed use shall 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 service and facilities in specific areas of the Township.

6. The proposed use is so designed, located, planned and to be operated so that the public health, safety and welfare will be protected.
  7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
  8. The site plan standards established in Article 6.
- B. Additional Conditions and Approval Standards. In addition to the standards and conditions set forth for each type of special use in this Article, the Township Board may establish reasonable conditions of approval for a special use permit. The conditions may include, but are not limited to, 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. Further, in addition to the standards and conditions set forth for each type of special use in this Article, the Township Board may adopt specific review standards for any proposed special use proposed if this Article 5 does not provide such specific review standards for such use. Any such conditions imposed or specific review standards employed shall:
1. Be designed to protect natural resources, the 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 land owners in the vicinity of the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of this ordinance, be related to the standards established in this ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**16-512 EDUCATIONAL FACILITY**

Upon approval of an educational facility special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. To the extent allowed by law, the applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Township Board may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
2. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
3. The Township Board may establish standards to limit routine noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
4. Off street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the educational facility, and to any trails and/or safety paths in accordance with Section 16-338.
6. An Educational Facility with a Place of Public Assembly shall comply with the special land use standards for Place of Public Assembly set forth in Section 16-523 and 16-512.