

## ARTICLE 6

### SPECIAL LAND USES

#### Section 6.0 Purpose

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

#### Section 6.1 Special Land Use Application Submittal

- A. An application for a Special Land Use shall be submitted to the Zoning Administrator on a form provided for that purpose at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed.
- B. Uses which require a site plan shall submit three (3) copies of a site plan prepared under the requirements of **§5.4**. Uses which require a plot plan shall submit three (3) copies of a plot plan prepared under the requirements of **§5.1**.
- C. In addition to the required elements of a plot plan or site plan, the application shall include the items listed below:
  1. Written description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
  2. A statement prepared by the applicant appraising the effect on the neighborhood.
  3. Other information as may be required by the Planning Commission to assist in the consideration of the Special Land Use application.
  4. The application shall be accompanied by the fee established by the Township Board.
- D. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **§9.5**.

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### Section 6.2 Planning Commission Decision

- A. After the required public hearing and review of approval standards, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use.
- B. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
- C. The Planning Commission may require conditions including but not limited to the provision for fencing, walls, and/or landscaping as screening to minimize adverse effects on the neighborhood.
- D. In the case of a Special Land Use, the decision of the Planning Commission may not be appealed to the Zoning Board of Appeals. Appeals shall be made to the Circuit Court of Alcona County.

### Section 6.3 Special Land Use Approval Standards

After the required public hearing, the Planning Commission shall approve, deny, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in §5.6.

- A. **ALLOWED SPECIAL LAND USE:** The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.
- B. **COMPATIBILITY WITH ADJACENT USES:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be harmonious, compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located. The use shall not be hazardous or disturbing to existing or future nearby uses. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
  - 1. Use activities, processes, materials, equipment, or conditions of operation;
  - 2. Vehicular circulation and parking areas;
  - 3. Outdoor activity, storage and work areas;
  - 4. Hours of operation;
  - 5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
  - 6. The relative ease by which the impacts above will be mitigated.

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### **C. PUBLIC SERVICES:**

1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Land Use shall be served adequately by essential public facilities and services including but not limited to streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools.

**D. ECONOMIC WELL-BEING OF THE COMMUNITY:** The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

**E. COMPATIBILITY WITH NATURAL ENVIRONMENT:** The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

**F. IMPACT OF TRAFFIC ON STREET SYSTEM:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

**G. NON-DETRIMENTAL STANDARDS:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

**H. CONSISTENT WITH ZONING ORDINANCE AND MASTER PLAN:** The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the currently adopted Master Plan.

**I. COMPLIANCE WITH SUPPLEMENTAL DEVELOPMENT REGULATIONS:** The proposed Special Land Use complies with all applicable supplemental development regulations as contained in **Article 7** of this Ordinance.

### **Section 6.4 Inspection of a Special Land Use**

The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

**Section 6.5 Compliance with Other Regulations**

- A. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
- B. As a minimum, or unless specifically modified by the provisions of **Article 7 (Supplemental Development Regulations)**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 7**.

**Section 6.6 Amendment to an Approved Special Land Use**

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

- A. The owner of property for which a Special Land Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use or violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  - 2. Reduction of the size of any structure and/or sign.
  - 3. Changing the location of structures/signs by no more than ten (10) feet.
  - 4. Expansion no greater than five (5) percent of the size of any sign.
  - 5. Internal re-arrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
  - 6. Moving of ingress and egress drives a distance of not more than 25 feet if required by the appropriate state, county or other local road authority with jurisdiction.
  - 7. Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.
  - 8. Changes that will preserve the natural features of the site without changing the basic site layout.

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9. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
  10. Changes related to item 1 through 9 above, required or requested by the Township or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.
- B. After approval by the Zoning Administrator, the applicant shall prepare a revised plot plan or site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
  - C. No fees shall be required for minor site plan amendments approved by the Zoning Administrator.
  - D. An amendment to an approved Special Land Use that cannot be processed by the Zoning Administrator under **Subsection (A)** above shall be processed in the same manner as an original Special Land Use application.

If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that Special Land Use approval has been automatically suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the Special Land Use has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

**Section 6.7 Expiration of a Special Land Use Permit**

- A. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
- B. The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.
- C. The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Planning Commission shall consider the following factors:
  1. Whether utilities such as water, gas, and electricity to the property have been

disconnected.

2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

**D. New Ownership of a Special Land Use:** A Special Land Use Permit does not expire on transfer or sale of the property.