

## **Article 5.**

### **Uses Subject to Special Land Use Approval**

#### **Section 5.01 General Requirements**

Uses requiring special land use approval shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

#### **Section 5.02 Uses Subject to Special Land Use Approval**

1. **Applications:**

Application shall be submitted through the office of the Zoning Administrator, or to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of **Article 4 – Site Plan Review.**
- B. Name and address of applicant and owner of the premises.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- D. A statement by applicant appraising the effect on the neighborhood such as traffic, noise and visual pollution, etc.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.

2. **Public Hearings:**

A public hearing shall be held for all special land use approval requests, except those qualifying for Zoning Administrator approval. The secretary of the Planning Commission shall provide notice of the special land use approval request and public hearing as required by Township Zoning Act 184 of 1943 as amended (MCL 125.286b). The notice shall be given not less than 5 days and not more than 15 days before the date the application will be considered. The notice shall describe the nature of the special land use approval request; indicate the subject property, state when and where the special land use approval request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:

- A. One notice shall be published in a newspaper which circulates generally in the Township.
- B. Notice shall be sent by mail or personal delivery to the owners of the subject property.

- C. Notice shall be sent by mail or personal delivery the owners of property within 500 feet of the boundary of the subject property. Such notice shall be sent or delivered at least 30 days prior to the date of the scheduled public hearing.

3. Standards for Granting Special Land Use Approval:

Special land use approval shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in *Article 4 – Site Plan Review* applicable site development standards for specific uses set forth in *Article 6 – Supplemental Site Development Standards*, and the following standards:

A. Compatibility with Adjacent Land Uses

The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use approval shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- 1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- 2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- 3) The hours of operation of the proposed use. Special land use approval requests may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- 4) The bulk and placement of construction materials for the proposed use in relation to surrounding uses.
- 5) Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as condition of the special land use approval.

B. Public Services

The proposed special land use shall be located so as to be adequately served by essential public facilities and services; unless the proposal contains an acceptable plan for providing necessary services.

C. Impact of Traffic

The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- 1) Proximity and access to existing public and private roads.
- 2) Estimated traffic generated by the proposed use.
- 3) Adequacy of driver sight distances.

- 4) Location of and access to off-street parking.
- 5) Provisions for pedestrian traffic.
- 6) Existing vehicular traffic

D. Detrimental Effects

The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation that are detrimental or hazardous, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes, odors, dust, glare, light, use of toxic substances and hours of operation.

E. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.

F. Compatibility with Natural Environment

The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

4. Planning Commission Approval:

The Planning Commission may deny, approve, or approve with conditions, requests for special land use, based on the standards above.

5. Amendment of 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, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of building and/or signs by no more the five (5) feet.
- 3) Landscaping approved in the special land use that is replaced by similar landscaping to an equal or greater extent.
- 4) 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.
- 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- 6) Changes related to item 1) through 5) above, required or requested by Bois Blanc Township, Mackinac County, 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 special land use, nor any specified conditions imposed as part of the original approval.
- 7) All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments. A copy of the document shall be placed on file at the Township Hall.

B. 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 the original special land use application.

6. Inspection:

The Zoning Administrator shall have the right to inspect any special land use, to ensure continued compliance with the conditions of the special approval.

7. Re-application:

An owner of a property, official agent or other petitioner shall not initiate action for a special land use of the same type on the same property more often than once every twelve (12) months, from the date of the decision. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, or the nature of the request has substantial changes thereby justifying a repetition before twelve (12) months have elapsed from the date of the deposition of the previous application. A re-application shall be processed in the same manner as the original application.