

ARTICLE V: USES SUBJECT TO SPECIAL USE PERMIT

Section 5.01 – General Requirements

Uses requiring special use permit, as listed in individual districts, (Article III), 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 Use Permit

1. Applications:

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

- A. Site plan prepared under the requirements of **Section 4.03 – Site Plan Review (All Districts) - Site Plan Data Required** and to include 8 copies and a digital PDF copy of all files. *(amended July 7, 2016)*
- 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.
- E. Application fees as determined pursuant to Section 9.05 of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

2. Public Hearings:

A public hearing shall be held for all special use permit requests. The secretary of the Planning Commission shall provide notice of the special use permit request and public hearing as required by the Michigan Zoning Enabling Act 110 of the Public Acts of 2006. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special use permit request, indicate the subject property, state when and where the special use permit 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 300 feet of the boundary of the subject property.
- D. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property. If a structure contains more

than one dwelling unit or spatial area, one occupant of each dwelling unit or spatial area shall receive notice.

3. Standards for granting Special use permit:

The Planning Commission shall approve, 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. 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 Land Uses

1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

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 uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

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.

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.

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

4. Amendment of Approved Special Use Permits:

Amendment of an approved special use permit shall be permitted only under the following circumstances:

A. The owner of property for which a special use permit has been approved shall notify the zoning administrator of any desired change to the approved special 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 buildings and/or signs by no more than ten (10) feet.
- 3) Landscaping approved in the special 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 Burt Township, Cheboygan 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.

- B. An amendment to an approved special use permit 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.

5. Expiration of Approved Special Use Permit:

- A. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission may grant one (1) extension of an approved special use permit for an additional one (1) year period if it finds:
- 1) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - 2) The requirements and standards for special use permit approval that are reasonably related to the development have not changed.

- B. If the special use permit expires pursuant to subsection A above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.
6. Inspection:
The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.