

## **ARTICLE 8:**

### **SPECIAL LAND USES**

#### **Section 8.0 - 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. Uses requiring special approval 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 8.1 - Special Land Use Procedures**

##### **A. Applications:**

An application for a special land use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose, and shall include items listed below in **§8.1.A.1-4**. 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 within thirty (30) days with a detailed list of all deficiencies to the applicant. If the site plan, 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 next available Planning Commission meeting as a "Public Hearing", after the notice has been provided and published in accordance with **§10.3**.

1. Site plan prepared under the requirements of **Article 7**.
2. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. The application shall be accompanied by the fee established by the Township Board.

##### **B. Special Land Use Approval Standards:**

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 in addition to the site plan review standards contained in **Article 7.**

- 1. 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.
- 2. Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. 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:
  - a. Use activities, processes, materials, equipment, or conditions of operation;
  - b. Vehicular circulation and parking areas;
  - c. Outdoor activity, storage and work areas;
  - d. Hours of operation;
  - e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
  - f. Impacts on adjacent property values; and
  - g. The relative ease by which the impacts above will be mitigated.
- 3. Public Services:**
  - a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
  - b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
- 4. 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.
- 5. 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.
- 6. 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.

7. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be 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.
8. **Compliance with Supplemental Site Development Standards:** The proposed special land use complies with all applicable supplemental site development standards as contained in **Article 9** of this Ordinance.

**C. Decision:**

After a public hearing, site plan review, and deliberation, the decision of the Planning Commission on a Special Land Use shall be incorporated into a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

**D. Amendment of Approved Special Land Use:**

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

1. 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 violate any of the specified conditions imposed as part of the original approval or violate any part of this Ordinance. Minor changes shall include the following:
  - a. Reduction of the size of any building and/or sign.
  - b. Movement of buildings and/or signs by no more the ten (10) feet.
  - c. Landscaping approved in the special land use that is replaced by similar landscaping to an equal or greater extent.
  - d. 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.
  - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- f. Changes which are required or requested by Secord Township, Gladwin 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 violate any of the specified conditions imposed as part of the original approval.
        - g. 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.
- 2. An amendment to an approved special land use that cannot be processed by the zoning administrator under **§8.1.D.1** above shall be processed in the same manner as an original Special Land Use application.

**E. Inspection:**

The Zoning Administrator or Township official shall have the right to inspect any special land use, to ensure continued compliance with the conditions of the special land use and this Ordinance.

- F. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of Special Land Use approval and the continuance thereof.
- G. As a minimum, or unless specifically modified by the provisions of **Article 9**, 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 various 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 9** or the approving body.
- H. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in **§10.2**.

**I. Expiration of a Special Land Use:**

- 1. 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.
  - 2. 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.

**3.** 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:

- a.** Whether utilities such as water, gas, and electricity to the property have been disconnected.
- b.** Whether the property, buildings, and grounds have fallen into disrepair.
- c.** Whether signs or other indications of the existence of the Special Land Use have been removed.
- d.** Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
- e.** Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

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