

# Article 7: Uses Subject to Special Approval

## Section 7.01 – General Requirements

Uses requiring special 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 7.02 – Uses Subject to Special Approval

### 1. Applications:

Application shall be submitted to the Zoning Administrator. The Zoning Administrator shall review the submitted special approval application to determine if the application is complete (all required information provided). Once the application is determined to be complete, the application shall be forwarded to the Planning Commission to be processed. If the application is not complete, the Zoning Administrator shall send the applicant a letter identifying the application deficiencies.

The application for special approval shall include:

- A. Site plan prepared under the requirements of *Section 6.0 3 – Site Plan Review (All Districts) - Site Plan Data Required.*
- B. If owner and applicant are not the same, proof of the applicant's ownership interest, such as "purchase agreement" or "option to purchase" agreement shall be required.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may require or create.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Village Council.

### 2. Public Hearings:

A public hearing shall be held for all special approval requests. A notice of the special approval request and public hearing as required by the Michigan Zoning Enabling Act, Act 110 of Public Acts 2006, shall be provided. 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 approval request; indicate the subject property, state when and where the special 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 Village.
- 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 to 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, 1 occupant of each dwelling unit or spatial area shall receive notice. In the case of a structure containing more than 4 dwelling units or other distinct spatial areas, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. Standards for Granting Special Approval:

The Planning Commission shall approve, or approve with conditions, an application for a special approval only upon finding that the proposed use complies with all the following standards:

A. Use Allowed by Special Approval

The subject property is located in a zoning district in which the proposed use is allowed subject to special approval.

B. Compatibility with Adjacent Land Uses

- 1) The proposed special approval 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 use will not be hazardous to adjacent property or involve uses, activities, processes, materials, or equipment that will be detrimental to health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors, ground vibration, water runoff, light, glare, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person, or other nuisance.

C. Public Services

- 1) The proposed use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed 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 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 use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole.

F. Compliance with Specific Standards

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

4. Amendment of a Special Approval:

Amendment of a special approval shall be permitted only under the following circumstances:

A. The owner of property for which the special approval has been granted 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 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 as part of the special approval 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 the Village of Central Lake, Antrim 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 approval, nor any specified conditions imposed as part of the original approval.
- 7) All amendments to a special approval shall be approved in writing by the zoning administrator. 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 a special approval that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original special approval application.

5. Inspection:

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