

Zoning Ordinance passages:

Noise. No use except a temporary construction operation shall be permitted which creates a noise level of which exceeds five decibels (as defined in the Occupational Safety and Health Act of 1970) above the ambient level of the area measured at the property line.

SECTION 5.13 TEMPORARY OUTDOOR USES

Temporary outdoor uses may be permitted in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. Any other temporary outdoor uses require a review by the Planning Commission and may

require an approved site plan at the Commission's discretion in accordance with Chapter 8.

A Land Use Permit identifying the location, sponsoring group or individual, and the beginning

and ending dates of the use must be obtained from the Zoning Administrator by the event

sponsor. The Zoning Administrator shall determine the off street parking requirements for the event.

SECTION 7.15 OTHER SPECIAL LAND USES

Land and structural uses that are not specified in any other section of this Ordinance, but,

upon being applied for under the provisions of Chapter 7, may be considered by the Planning Commission as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

SECTION 7.4 APPLICATION AND FEE

An application for a Special Use Permit shall be submitted to the Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with twelve (12) copies of the application, and twelve (12) sets of all required data. Each application shall be made by the owner(s) of record of the property on which the proposed Special Land Use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee set forth in the schedule established by the Township

Board to cover the cost of processing the Special Use Permit application.

SECTION 7.5 DATA REQUIRED

A. Each application shall include the following information:

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1. The name, address, telephone number and signature of the property owner and applicant;

2. A full legal description of the property on which the proposed Special Land Use is to exist or be conducted, including the property tax parcel numbers(s), together with proof of property ownership and applicable options on the

property, if any;

3. A detailed description of the proposed Special Land Use for which the permit is requested;

4. Project schedule and development plans;

5. A vicinity map with north point indicated;

6. Land uses and existing structures on the subject parcel and adjoining parcels within three hundred (300) feet of the subject parcel; and

7. Written statements relative to project impact on existing infrastructure, including but not limited to traffic, capacity of roads, schools and existing utilities, and upon the natural environment.

8. Applicants must clearly demonstrate that all standards of this ordinance, including those in Section 7.7 - Basis for Determination, have been met. It is solely the responsibility of the applicant to procure and present adequate professional expert testimony and/or other information, as may be required by the Planning Commission during the review of the application, describing the methods, proposed conditions, and safeguards that are to be put into place to satisfy all applicable standards.

B. A site plan in accordance with Chapter 8

APPLICATION

Upon receipt of a Special Use Permit application, which is supported by all the data and fees

required above, the application shall be put on the agenda for preliminary consideration at the earliest Commission meeting practicable.

A. Notice Requirements. Notice that a Special Use Permit application has been received and will be considered by the Commission and shall meet the following requirements:

1. Content. The content of the notice shall:

a. Describe the nature of the Special Land Use request.

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b. Indicate the property which is the subject of the Special Use Permit request.

c. State when and where the Special Use Permit request will be considered.

d. Indicate when and where written comments will be received concerning the request.

e. State where and when a copy of the Special Use Permit may be inspected.

2. Published Notice. The notice shall be published in a newspaper of general circulation in the Township not less than 15 days before the date the application will be considered for approval.

3. Required Party Notice. The above notice shall be mailed by first class mail to the following persons:

a. The owners of property for which approval is being considered.

b. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.

c. The occupants of all structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification

need not be given to more than one (1) occupant of a structure; except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, 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.

4. An affidavit of notice as to the manner and date of service to all required parties shall be filed with the Commission before the meeting at which the Special Use Permit is considered.

B. The Planning Commission shall hold a public hearing on the Special Use Permit request.

C. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.

D. Following its review of the request, the Planning Commission shall take one of the following actions:

SECTION 7.7 BASIS FOR DETERMINATION

Before approval of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed Special Land Uses on the proposed location shall:

A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.

B. Not be hazardous or disturbing to existing uses in the same general vicinity, and will not have adverse effects on the market value of surrounding property and to the community as a whole.

C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.

D. Not create excessive additional requirements at public costs for public facilities and services.

E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise odors or dust

F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.

G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas and major sand, gravel or mineral deposits.

H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau
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County Drainage Commission requirements.

I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

J. Phases of development must also be in compliance with the requirements of the district

in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, Agricultural Soil Conservation Service, area fire departments, the DNR and other applicable township, county, state and federal statutes.

SECTION 7.8 CONDITIONS AND SAFEGUARDS

Additional conditions and safeguards may be imposed by the Commission if reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of land in a

socially and economically desirable manner, and to insure that public services and facilities

affected by the proposed use or activity will be capable of accommodating the increased activity. Any condition so imposed shall meet the following requirements:

A. To insure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity;

B. To protect the natural environment and conserve natural resources and energy;

C. To insure compatibility with adjacent uses of land;

D. To promote the use land in a socially and economically desirable manner;

E. To protect the health, safety, welfare, social and economic well-being of those who will be using the proposed Special Land Use or activity under consideration;

F. To protect the health, safety, welfare, social and economic well-being of Township residents, and lot owners adjoining the proposed Special Land Use or activity, including, but not limited to, requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which construction may occur or during which Special Land Use activities may be carried on;

G. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to insure compliance with those standards;

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H. Be necessary to insure compliance with any part of the application received and approved by the Commission; and

I. Be recorded as part of the Special Use Permit.

J. When so doing, the following finding shall be made and documented as part of the Special Land Use reviewed:

1. That such fencing, screening, buffering or landscaping or limitations on the time of day would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking, or other similar impact on adjoining parcels;
2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

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