

MILTON TOWNSHIP

SPECIAL USE PERMIT APPLICATION

Fee: \$500 not including escrow

P.O. Box 309, 7023 Cherry Avenue, Kewadin, MI 49648

(231) 264-6697 / fax: (231) 264-6728

miltonzoning@gmail.com

Parcel #: 05-12-_____

Property Address: _____

Waterfront: Torch Lake GT Bay Elk Lake None

Zoning District: R1 A/R R3 V M PDZ E A Fee Paid: _____/Escrow? _____

SPECIAL USE: (describe the nature of the request)

Lot: width: _____ depth: _____ area: _____

APPLICANT INFORMATION

Owner Name: _____ Phone: _____

Mailing Address: _____ Email: _____

A Special Land Use is a use that may be permitted within a specified zoning district after meeting specific requirements listed in this Chapter 16. It is the purpose of this Chapter to set forth the procedures that will apply to the consideration, review and evaluation of special land uses. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

Issuance of a Zoning Permit. A Zoning Permit shall be issued by the Zoning Administrator in accordance with Section 117.2300 upon approval of the Special Land Use by the Planning Commission. The Zoning Permit shall list all the conditions of approval stipulated by the Planning Commission. A Site Plan submitted as an attachment to a Special Land Use application may be considered and reviewed in conjunction with said Special Land Use application and shall be processed according to the procedures of Chapter 21.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent. I hereby certify that this application complies with all provisions of the Milton Township Zoning Ordinance and other applicable laws and requirements.

Applicant/Agent: _____

Date: _____

OFFICE USE ONLY:

Date of Public Hearing: _____

Approved: Denied:

Zoning Administrator: _____

Date: _____

COMMENTS:

Chapter 16 - SPECIFIC STANDARDS AND REQUIREMENTS FOR Special Land Uses

117.1600 SPECIAL Land Uses

A Special Land Use is a use that may be permitted within a specified zoning district after meeting specific requirements listed in this Chapter 16. It is the purpose of this Chapter to set forth the procedures that will apply to the consideration, review and evaluation of special land uses. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

117.1601 SPECIAL Land Use Procedures

A Special Land Use application shall be submitted and processed according to the following procedures:

- A. Submission of Application: An application for a special land use shall be submitted to the Zoning Administrator on a Special Land Use Permit Application form. Upon receipt of a complete application, the Zoning Administrator shall place the request on the agenda for the Planning Commission scheduled not less than thirty (30) days hence. A complete application under this Section shall be one that specifically addresses the items set forth in this Section.
- A. Data Required: A Special Land Use Application shall include the following information.
 1. A complete Special Land Use Application including the following information:
 - a. Name and address of applicant.
 - b. Legal description, property parcel number and street address of the subject parcel of land.
 - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
 - d. Present zoning classification on parcel.
 - e. Present and proposed land use.
 - f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns, and local traffic volumes.
 - g. Any additional material information necessary to consider the impact of the project upon adjacent properties, regulated wetlands, streams, lakes and the general public as may be required by the Township Zoning Administrator or the Planning Commission.
 2. A complete Site Plan containing all the applicable data required by Chapter 21, Site Plan Review.
 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for evaluating Special Land Use Applications as provided in Section 117.1602. In addition, supporting statements, evidence, data, information and exhibits that address any Specific Review Standards for the particular special land uses sought, as provided in this Chapter.
 4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Land Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

- e. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the application.
- B. Special Land Use Review Procedures. An application for Special Land Use Approval shall be processed as follows:
1. Planning Commission Review. A complete application for special land use approval shall be submitted not less than thirty (30) days prior to the date on which the Planning Commission shall first consider it. The Zoning Administrator shall determine whether the application is complete and, if it is determined to be complete, shall schedule a public hearing. An applicant may request an advisory sketch plan review with the Planning Commission in accordance with Section 117.2102, prior to development and submittal of a complete special use application.
 2. Public Hearing Procedures. Once the Zoning Administrator has determined that a complete Special Land Use Application has been received, the Zoning Administrator shall schedule a public hearing according to Section 117.2304, Hearing Notice Procedures.
 3. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Land Use Application, the Planning Commission may deny, approve, or approve with conditions the Special Land Use Application. Except as provided in Section 117.1616, E, the decision of the Planning Commission shall be final. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Land Use which specifies the findings of fact as the basis for the decision and any conditions imposed.
 4. Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Land Use do not establish by preponderance of the evidence that the standards and requirements set forth in the Article can and will be met by the proposed Special Land Use, the Planning Commission shall deny the Special Land Use Application.
 5. Attachment of Conditions. The Planning Commission may recommend additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.
 6. Required Approval of Special Land Use. A request for approval of a Special Land Use Application which is in compliance with all the standards of this Ordinance, other applicable Ordinances, and state and federal statutes shall be approved.
- D. Issuance of a Zoning Permit. A Zoning Permit shall be issued by the Zoning Administrator in accordance with Section 117.2300 upon approval of the Special Land Use by the Planning Commission. The Zoning Permit shall list all the conditions of approval stipulated by the Planning Commission. A Site Plan submitted as an attachment to a Special Land Use application may be considered and reviewed in conjunction with said Special Land Use application and shall be processed according to the procedures of Chapter 21.
- E. Appeals. No decision or condition related to a Special Land Use Application shall be taken to the Zoning Board of Appeals. An appeal of a Special Land Use decision or condition may be taken to the Circuit Court.
- F. Expiration of Special Land Use Permits, and Extensions
1. Except as provided in Section 117.1616, E, an approved Special Land Use Permit shall expire two (2) years following approval by the Planning Commission. Upon written request stating the reasons therefore, the Planning Commission shall extend a Special Land User Permit for an

additional one (1) year period if the evidence shows the following:

- a. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - b. The requirements and standards, including those of the zoning Ordinance that are reasonably related to the development, have not changed.
 - c. Development or redevelopment in the proximity of the approved Special Land Use Permit has not resulted in changed conditions impacting the site.
 - d. There has not been a change in state or federal law, local charter, or other local Ordinance prohibiting the construction or further construction of the approved project.
2. An application for an extension of a Special Land Use Permit must be filed at least 60 (sixty) days prior to the expiration of the original Special Land Use Permit or the expiration of any extension previously approved by the township, whichever is applicable. The application form for requesting an extension shall be provided by the Township and can be obtained from the Zoning Administrator. An application fee for an extension is required and shall be non-refundable. The Township Board shall by resolution, establish the amount of the application fee for the renewal. The renewal is only applicable to the property subject to the originally approved Special Land Use Permit.
 3. Any such application for an extension is subject to reasonable conditions established by the Planning Commission, including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to Section 117.2109.
 4. If a Special Land Use Permit expires pursuant to subsection 1 above, no work pursuant to a Special Land Use Permit may be undertaken until a new Special Land Use Permit is obtained following the procedures contained in the Zoning Ordinance for a new Special Land Use Permit.

117.1602 Special Land Use Review Standards.

- A. General Review Standards. The Planning Commission, before acting on a Special Land Use Application, shall employ and be guided by standards of this Chapter and the intent and purpose of this Zoning Ordinance, and the Milton Township Master Plan. The Planning Commission shall review each application and shall approve such Special Land Use only if it finds that such Special Land Use application meets each of the following standards, together with any and all Special Land Use standards reflected for the zoning district, and any and all applicable specific review standards found in this Article. The Planning Commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:
 - a. The proposed use shall be consistent with the adopted Township Master Plan.
 - b. The proposed use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - c. The proposed use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 - d. The proposed use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - e. The proposed use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
 - f. The proposed use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by

- reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
- g. The proposed use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
 - h. The proposed use shall meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.
- C. **Specific Review Standards.** Certain Special Land Uses may generate objectionable off-site impacts which may be effectively mitigated with appropriate design measures. To address such impacts, in addition to the general review standards set forth in Section 117.1602, 1, of this Chapter, the Planning Commission, shall apply the applicable specific review standards set forth in this Chapter 16 for any such named Special Land Use.

117.1604 Bed and Breakfast

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed Bed and Breakfast shall meet the following specific Special Land Use standards.

- A. **Basic Standards.** It is the intent to establish reasonable standards for Bed and Breakfast Establishments to assure that:
 1. The property is suitable for transient lodging facilities.
 2. The proposed use shall be compatible with other allowed uses in the vicinity.
 3. Lands in these districts shall not be subject to increased trespass.
 4. The impact of the establishment shall be no greater than that of a private home with house guests.
 5. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.
 6. Landscaping and Buffering shall be provided in accordance with Section 117.311 of this Zoning Ordinance.
- B. **Specific Standards.** The following requirements together with any other applicable requirements of this Ordinance shall be complied with:
 1. The minimum lot size shall be one (1) acre except in the Village zoning district where the minimum lot area shall be consistent with the District minimum for Single Family Dwellings.
 2. Not less than one (1) parking space per rental sleeping room shall be provided plus one (1) per owner occupant. Parking areas shall be screened from view from all off-site locations.
 3. One (1) non-illuminated sign identifying the establishment not to exceed four (4) square feet in area located not closer than ten (10) feet from the right-of-way shall be allowed.
 4. The establishment shall have at least two (2) door exits to the outdoors.
 5. The establishment shall be limited to no more than three (3) guest rooms and be the principal dwelling unit on the property and shall be owner-occupied at all times.
 6. The on-site wastewater treatment system shall be approved by the Health Department for the proposed use and occupancy.
 7. Guest stays shall not exceed seven (7) nights.
 8. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
 9. The guest rooms shall have a minimum floor area of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum

of four (4) occupants per room.

10. Special land use approval shall not be granted if the essential character of the lot, or structure, or neighborhood in terms of traffic generation, ~~or~~ appearance, or activity will be changed substantially.
11. The site plan shall incorporate a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.