

**ELK RAPIDS TOWNSHIP**  
**PLANNING COMMISSION**

**The Elk Rapids Township Planning Commission will hold a public hearing on Thursday August 7, 2008 at 6:30 PM at the Government Center, 315 Bridge Street, Elk Rapids, Michigan to consider the following amendment to the Elk Rapids Township Zoning Ordinance.**

**Amend Chapter 19 “ADMINISTRATION AND ENFORCEMENT”, Section 19.07 – SPECIAL EXCEPTIONS to read as follows:**

Section 19.07 - SPECIAL EXCEPTIONS

A Special Exception Use is a use that is permitted within a specified zone after meeting specific requirements listed in this Section and in the zone. It is the purpose of this Section to provide a process for dealing with a Special Exception Use application, provide general standards and describe the method for addressing an individual special exception use not listed in the Ordinance. Due to the nature of the use, Special Exception Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

A. Every application for special exception shall be accompanied by:

1. A site plan as specified in Chapter 17.
2. A filing fee as established in the Elk Rapids Township Fee Resolution Schedule.
3. A narrative describing in detail the proposed Special Exception Use and detailing why the location selected is appropriate.
4. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.
5. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, light pollution or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment consistent with Township guidelines.

B. When an application has been filed in proper form and with the required data, the Secretary of the Planning Commission shall immediately place the application upon the calendar for hearing and publish and disseminate notices.

1. A notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township. A notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:
    - a. The applicant.
    - b. All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application.
    - c. The occupants of all structures within three hundred (300) feet of the property that is the subject of the application. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. If the above described three hundred (300) foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the three hundred (300) foot radius, to all persons in the above-stated categories.
  2. The notice of public hearing shall include the following information:
    - a. A description of the nature of the application or request.
    - b. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property.
    - c. State when and where the application or request will be considered.
    - d. Identify when and where written comments will be received concerning the application or request.
  3. Any party may appear at such hearings in person or by agent or attorney.
- C. At any public meeting, the Planning Commission shall consider approval of the special exception under the provisions of Chapter 17 and this Section.
- D. All conditions of approval of the special exception by the Planning Commission shall take effect immediately upon approval. Any application approved by the Planning Commission, either as submitted or resubmitted in modified form, shall constitute a binding agreement by the applicant that the special exception use permitted shall be made, completed and operated as shown on the development plan. Failure to complete the permitted activity in conformance to the agreed upon development plan and conditions or to undertake the activity within one (1) year shall cause loss of special exception status and reversion to former zoning classification.
- E. The Planning Commission decision of approval or disapproval of a special exception application shall not be appealed to the Zoning Board of Appeals.

- F. General Review Standards. The Planning Commission, before acting on a Special Exception Use permit application, shall:
1. Utilize and be guided by standards which shall be consistent with and promote the intent and purpose of this Ordinance,
  2. Ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.
  3. The Planning Commission shall review each application and take action to approve a special exception use application only if it finds that such Special Exception Use meets each of the following standards, together with any and all Special Exception Use standards reflected for the zoning district, and any and all applicable specific review standards found in this Ordinance.
  4. The Planning Commission shall determine that adequate facts and evidence have been presented by the applicant 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 Special Exception Use standards:
    - a. The application is consistent with the adopted Elk Rapids Township Master Plan.
    - b. The project is designed, constructed, operated and maintained to be consistent with the existing character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
    - c. The proposed use is not hazardous to existing or planned uses in the same general vicinity and in the community as a whole.
    - d. The proposed facility is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
    - e. The proposed use does 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 activity does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
    - g. 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.
- G. Conditions and Approval Standards. The Planning Commission may establish reasonable conditions of approval for a Special Exception Use permit. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of:

1. Accommodating increased service and facility loads caused by the land use or activity,
  2. Protecting the natural environment and conserve natural resources and energy,
  3. Insuring compatibility with adjacent uses of land, and
  4. Promoting the use of land in a socially and economically desirable manner.
- H. If a proposed use of land or use of a building is not addressed by this Ordinance, the Zoning Administrator and/or the potential applicant may request a determination by the Planning Commission. If the Planning Commission determines that such use is not addressed by this Ordinance, then the Planning Commission may permit such use as a Special Exception Use only after it develops and adopts specific review standards for the proposed Special Exception Use. Any such conditions imposed or specific review standards employed shall:
1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners in the vicinity of the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the Township Master Plan and the Township Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Public comments in support of, or objection to, a request will be heard at the meeting, or may be made in writing addressed to the Planning Commission, P. O. Box 365, Elk Rapids, Michigan 49629.**

**Emile Sabty, Secretary  
Planning Commission  
7-15-2008**

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