



# AGENDA

## ZONING COMMITTEE

March 4, 2025

10 AM - Noon

Community Room

1. Call to Order
2. Updates
  - a. Planning Commission comments/revisions on Articles 5, 12, and 13.
3. Start Review
  - a. Article 7 – Supplemental Uses .....1
  - b. Article 9 – Special Uses ..... 13
4. Next Meeting

# Article 7: Supplemental Use Regulations

## 7.1 INTENT AND PURPOSE

Those uses permitted by right and uses allowed by special land use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in Article 3.

## 7.2 SUPPLEMENTAL USE REGULATIONS

### 7.2.1 Amplified Musical Instruments Prohibited

Music or sound that would violate the City's noise ordinances and restrictions or would exceed seventy (70) decibels measured at the property line of the property where the deck or patio is located is prohibited. Rooftop deck usage is permitted only between 7:00 a.m. and 11:00 p.m., except for special events approved by the City Council.

### 7.2.2 Accessory Buildings

Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and, must conform to, all regulations of this ordinance applicable to main building.
- B. Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.
- C. The floor area of any accessory building that exceeds 576 square feet shall not exceed 75% of its corresponding principal building's first floor footprint, except when approved as a special land use. If there is more than one accessory building on a lot, the total footprint of all accessory buildings on the lot shall not exceed 75% of the footprint of the principal building, except when approved as a special land use.
- D. A single-story detached building not exceeding 14 feet in height, accessory to a residential building shall be located no closer than three feet from any side or rear lot line.
- E. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- F. An accessory building shall not exceed twenty-five (25) feet in height and shall not exceed the height of the principal building on the lot.

47 G. A detached accessory structure greater than 14 feet in height shall have a setback of no  
48 less than five feet.

49  
50 H. When an accessory building is located on a corner lot, the side lot line of which is  
51 substantially a continuation of the front lot line of the lot to its rear, said building shall not  
52 project beyond the front yard setback required on the lot in rear of such corner lot. In no  
53 instance shall an accessory building be located nearer than ten feet to a street right-of-  
54 way line.

55  
56 I. Accessory buildings in residential districts may only be used for storage, hobby, home  
57 business use, or as an accessory dwelling unit (ADU) as regulated by Article 3.

### 58 59 7.2.3 Accessory Dwelling Units

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61 A. Applicable Zoning Districts: ADUs are a permitted use in the [INSERT DISTRICTS] Zoning  
62 Districts and are subject to Administrative Site Plan Review per the requirements of  
63 Article 8.

64  
65 B. General Standards: ADUs are subject to the following standards:

66  
67 1. ADUs shall have their own separate entrance, kitchen, sleeping area, and full  
68 bathroom facilities.

69  
70 2. All ADUs shall meet applicable building and fire codes.

71  
72 3. ADUs may be attached to a single-dwelling unit and may occupy a basement, first  
73 floor, or second floor of the principal dwelling or a separate, detached accessory  
74 building in the rear of the main residential structure.

75  
76 4. Building materials and designs used on detached ADUs or additions to the principal  
77 dwelling for an attached ADU shall be of a similar architectural style as that of the  
78 main dwelling.

79  
80 5. The minimum size of the ADU shall be three hundred and fifty (350) square feet.

81  
82 6. The maximum size of the ADU shall be determined by Section 7.2.2 B.3

83  
84 7. An ADU shall not be used as a Short-Term Rental.

85  
86 8. Parking for the ADU shall be provided on the same property as the principal  
87 residential structure and include one (1) off-street parking space per ADU.

#### 7.2.4 Accessory Uses

Each parcel shall contain one (1) primary use unless allowed by this Ordinance. Accessory uses may be permitted if allowed by the Regulated Uses Table and shall comply with the approval process and requirements as an individual use.

#### 7.2.5 Auto Washes

##### A. Auto washes shall be required to meet the following standards:

1. The car wash stalls or structures shall be set back at least 50 feet from the front property line.
2. There shall be a minimum front yard green lawn area of ten feet with landscaping materials meeting the landscaping requirements of this ordinance.

#### 7.2.6 Bed and Breakfast Establishments

Bed and breakfast establishments shall be allowed in the [INSERT DISTRICTS] RM zoning districts, but only as a special land use subject to the requirements and standards of Article 9 of this Ordinance.

#### 7.2.7 Deck or Patio Usage

The following provisions are intended to regulate deck or patio usage to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and the community generally.

##### A. Use of decks or patios for residential uses such as sunning, lounging, and small social gatherings is permitted in all residential districts and the {INSERT DISTRICTS} Zoning Districts. Use of decks (including rooftop decks) or patios for residential purposes in these districts is subject to the following restrictions:

1. A zoning and building permit for any deck must be first obtained from the City and Emmet County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Emmet County Building Code.
2. Amplified musical instruments are prohibited. Any other music or sound that would violate the City's noise ordinances and restrictions or would exceed seventy (70) decibels measured at the property line of the property where the deck or patio is located, is prohibited.
3. Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties.
4. Any structure on a deck or patio must be permitted under this Ordinance.

## 7.2.8 Duplex, Triplex and Quad-Plex

A. Intent. To allow duplex, tri-plex, and quad-plex as a housing type in residential neighborhoods in order to provide for additional housing consistent with the existing development patterns, encourage high-quality development and provide creative design solutions and options.

B. Design Considerations:

1. Setbacks and Orientation: The front setback and the placement of the home on the lot should consider the prevailing setbacks of adjacent homes and the overall composition should contribute to established rhythms and design character of the street.
  - a) Homes shall comply with the lot coverage and setbacks of the [INSERT DISTRICTS] district in which the property is located.
  - b) Homes should be oriented toward the front of the lot to encourage an active visual relationship with the street.
  - c) The front setback of an infill home or addition will comply with the standards of the zoning district..
2. Scale and Mass: When designing a new infill home or addition to an existing home, consider the compatibility with the overall scale mass, orientation, setbacks and rhythm of other adjacent homes.
  - a) Height and setback shall be consistent with the zoning code
3. Number of Stories:
  - a) Homes shall comply with the story and height requirements of the [INSERT DISTRICTS] district in which the property is located.
4. Garages and Parking:
  - a) The garage and/or parking should be placed at the side or rear of the home to minimize its visibility from the street and should be compatible with the character and materials of the primary residence.
5. Building Design: Architectural elements include the detailing of the home, such as roofing, siding, windows, and doors. Infill homes and additions or renovations to existing homes should recognize the architectural style of established homes on the block.
  - a) Architectural features and detailing should be proportional to the scale of the home, as well as to other homes on the block.
  - b) Homes should take into consideration the primary gable orientation of most of the neighboring homes.
  - c) Elements of the building design, such as materials, colors, textures, porches, columns, balustrades, brackets, rafters, and decorative trim, light fixtures, outdoor furniture, and other features of the project should provide a cohesive theme and work together for design consistency.

- d) Homes and additions to the front facade of the home should have an entry-feature that is readily identifiable from the streetscape view of a home.

## 6. Dimensional Requirements.

		Front-Loaded		
		Duplex	Tri-Plex	Quad-Plex
<b>Lot</b>				
	Width	55-75	40-65	50-75
	Depth	100-150	100-150	100-150
	Area-Feet	5,000 - 11,250	4,000 - 9,750	5,000 - 11,250
	Area-Acres	0.12 - 0.26	.09 - 0.22	0.12 - 0.26
<b>Units</b>				
	Number	2	3	4
	Size-Range	600 - 2,400 sq. ft.	700 - 1,600 sq. ft.	500 - 1,200 sq. ft.
<b>Density</b>				
	Net	8 - 17 du/acre	13 - 32 du/acre	18 - 29 du/acre
	Gross	6 - 13 du/acre	11 - 30 du/acre	14 - 22 du/acre
<b>Parking</b>				
	Ratio		1-2 per unit	1-2 per unit
	On-Street	2-3/du	1-2/du	1 per unit
	Off-Street	1/max	1/max	1 per unit
<b>Setbacks</b>				
	Front	10-25 ft.	10-25 ft.	10 - 25 ft.
	Side	5 - 12 ft.	5 - 12 ft.	5 - 12 ft.
	Rear	30 -60 ft.	30 -60 ft.	30 -60 ft.
	Between Main and Accessory Building	10 - 20 ft.	10 - 20 ft.	10 - 20 ft.
<b>Building</b>				
	Width	28 - 55 ft.	24 -40 ft.	34 - 56 ft.
	Depth	28 - 60 ft.	40 - 55 ft.	32 - 60 ft.
	Height (eave)	14 - 24 ft.	30 - 45 ft.	20 - 80 ft.
	Floors	1 - 2 stories	3 - 3.5 stories	2 - 2.5 stories

### 7.2.9 EV Charging Stations

The intent of these provisions are to facilitate and encourage the use of electric vehicles and to expedite the establishment of convenient, cost-effective electrical vehicle infrastructure that such use necessitates.

1. **Definitions.** For purposes of this provision, unless otherwise expressly stated, the following words and phrases shall be defined as follows:
- a) *ADA Accessible electric vehicle charging station.* An electric vehicle charging station where the battery charging station is adjacent to an ADA access aisle and electric vehicle parking space.
  - b) *Battery charging station.* An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
  - c) *Battery electric vehicle.* Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery, and produces zero emissions or pollution when stationary or operating.
  - d) *Charging.* An electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
  - e) *Charging levels.* The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the most common charging levels, and include the following specifications:
    - 1) Level 1 is considered slow charging. Voltage includes the range from zero (0) through one hundred twenty (120).
    - 2) Level 2 is considered medium charging. Voltage is greater than one hundred twenty (120) and includes voltage up to and including two hundred forty (240).
    - 3) Level 3 is considered fast or rapid charging. Voltage is greater than two hundred forty (240).
  - f) *Electric vehicle.* Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and is powered either partially or exclusively on electrical energy from the grid or from an off-board source that is stored on-board via a battery for purposes of producing physical and mechanical motion. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
  - g) *Electric vehicle charging station.* A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
  - h) *Electric vehicle charging station—private restricted use.* An electric vehicle charging station that is (1) privately owned with restrictive access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted from public access (e.g., fleet parking with no access to the general public).
  - i) *Electric vehicle charging station—public use.* An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park and Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors for use (e.g., shopping center parking).
  - j) *Electric vehicle infrastructure.* Wiring conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations. (E.g. Level 3)
  - k) *Electric vehicle parking space.* Any designated parking space that identifies the use to be exclusively for the parking of an electric vehicle.

l) *Non-electric vehicle*. Any motor vehicle that does not meet the definition of an electric vehicle.

m) *Plug-in hybrid electric vehicle*. An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal combustion-driven generator; and (4) has the ability to travel powered by electricity.

2. Compliance. It is unlawful to construct or install, or cause to be constructed or installed, any electric vehicle charging station upon any property within the City in violation of the requirements of this section. Any charging station installed prior to the adoption of this section shall be grandfathered until its replacement, provided it is in compliance with the electrical code.

3. Permit Required. It shall be unlawful for any person to construct or erect an electric vehicle charging station upon any property within the city without obtaining a zoning permit from the City of Petoskey Zoning Administrator or other designated city official. The permit application shall be accompanied by a plot plan prepared by a licensed professional architect, engineer, landscape architect, professional community planner, or land surveyor showing the type, size, and proposed location of the electric vehicle charging station and payment of the permit fee established by resolution adopted by City Council. The requirement for submission of an official plot plan is not required for properties zoned residential when the electric vehicle charging station is located inside a structure. If the electric vehicle charging station is located outside of the structure for properties zoned residential, a plot plan drawn to scale by the owner, occupant or interested party is required.

4. Permitted Locations.

a) Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, multifamily, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to review by the Zoning Administrator. Permit and inspection approval process shall be administered by the Emmet County Building Department.

b) Level 3 electric vehicle charging stations are permitted in every zoning district except in any residential zone, or residential properties located in non-residential zoning districts. Installation shall be subject to review by the Zoning Administrator. Permit and inspection approval process shall be administered by the Emmet County Building Department.

c) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station (also known as vehicle fueling station) for zoning purposes. Installation shall be located in and subject to approval in zoning districts which permit gasoline service stations.

5. Development Standards

a) Parking.



- i. For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for the maximum required parking spaces required in accordance with Section 1704. For an existing parcel, an approved existing parking space (except an ADA accessible space) may be converted to an electric vehicle parking space without being in violation of the requirements in Section 1704.
- ii. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- b) ADA Accessible electric vehicle spaces. An ADA accessible electric vehicle charging station, if provided, shall be located in close proximity to the building or facility entrance.
- c) Lighting. Lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only or on residential zoned properties or residential properties located in non-residential zoning districts. Lighting shall not encroach upon abutting properties.
- d) Equipment standards and protection.
- i. Battery charging station outlets and connector devices shall be no less than thirty-six (36) inches above grade and no higher than forty-eight (48) inches above grade where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.
- ii. Adequate battery charging station protection, such as concrete-filled steel bollards shall be used and shall be in accordance with Section 312 of the International Fire Code (IFC). Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of twenty-four (24) inches from the face of the curb.
- iii. Electric vehicle charging stations shall be installed not less than 10 Feet from any building or structure and have a means of emergency power disconnect (Knox Remote Power Box) in non-residential structures.
- iv. Electric vehicle charging systems shall be installed in accordance with NFPA 70. Electric Vehicle charging systems equipment shall be listed and labeled in accordance with Underwriters Laboratory (U.L), 2022. Electric vehicle supply equipment shall be listed and labeled in accordance with U.L. 2594.
- e) Usage fees. Commercially zoned or occupied properties are not restricted from collecting a service fee for the use of an electric vehicle charging station made available to employees or visitors of the property.
- f) Signage.
- i. Design specifications for signage shall be obtained from the Zoning Administrator.
- ii. Information shall be posted identifying voltage and amperage levels or safety information related to the electric vehicle charging station. Commercial use shall include hours of operation and fees.

iii. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes.

g) Maintenance. Information shall be posted identifying voltage and amperage levels or safety information related to the electric vehicle charging station. Commercial use shall include hours of operation and fees.

#### 7.2.10 Home Occupation

- A. A home occupation which is not otherwise required to be licensed under the City Code is permitted in all residential Zoning Districts.
- B. If a home occupation has members of the public coming to the residence for purposes of transacting business, or, has signage on the residence indicating that a business is operated from the residence; or, involves the delivery or shipment of goods for sale or transfer beyond that customary for a residence, then such home occupation shall meet the following standards, and is permitted only where specifically allowed within a Zoning District after review and approval by the Administrative Review Committee:
1. The occupation or profession must be carried on wholly within the principal building.
  2. No person(s) other than a resident(s) of the property shall be employed.
  3. No exterior sign shall be visible from the street except one (1) non-illuminated name plate attached to the building which shall not exceed two (2) square feet in area.
  4. No more than 25% of the total floor area of any one (1) floor of the principal building shall be used for the home occupation.
  5. No home occupation shall prove offensive by reason of noise, odor, dust, fumes, smoke, glare, or comparable nuisances.
  6. No commodity sales shall be permitted on the premises except those clearly accessory to the permitted home occupation.

#### 7.2.11 Mobile Homes and Trailer Courts.

- A. Mobile home courts may be permitted in the "I" districts provided the following conditions are satisfied:
1. Trailer courts for the parking of two or more trailers shall be developed pursuant to the requirements of Act 243 of the Public Acts of the State of Michigan, 1959, as amended [MCL § 125.-1001 et seq.].
  2. No land shall hereafter be utilized for the erection, construction, operation and/or maintenance of a residential mobile home or trailer coach park as defined by the laws of the State of Michigan, except upon application for a permit from the city

signed by the person, firm or corporation seeking the permit and by the owner and legal title holder of the property sought to be used for such purposes.

3. The land parcel being proposed for trailer courts shall be of such land areas as to provide for a minimum of at least 20 trailer coach sites.
4. Trailer coach sites shall contain a minimum area of at least 4,000 square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.
5. All trailer courts shall have access to major or secondary thoroughfares within the city by directly abutting thereon. Frontage on said thoroughfare shall be equal to at least 200 feet in width.
6. A wall, or obscuring fence four feet and six inches in height shall be provided on all sides of the trailer court, with the exception of that portion providing ingress and egress to the site.
7. Fences when provided around trailer lots shall be uniform in height and shall not exceed 30 inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each trailer.
8. Recreation space and landscaping as follows:
  - a) There shall be provided an area of not less than 100 square feet for recreation, for each trailer space in the trailer park, with a minimum area of not less than 5,000 square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children housed in the mobile home park.
  - b) The front yard and the side yard adjacent to a street shall be landscaped and the entire trailer park shall be maintained in a clean, presentable condition at all times.
9. The sum of the side yards at the entry side of and non-entry side of a mobile home stand shall be not less than 20 feet; provided however, there shall be a side yard of not less than 15 feet at the entry side of the mobile home stand and a side yard of not less than five feet at the non-entry side of the mobile home stand. There shall be a rear yard of not less than five feet at the rear end of the stand and a front yard of not less than ten feet at the front end of the mobile home stand. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums above are maintained at all points in the side yard.
10. No mobile home shall be located closer than 50 feet to the right-of-way line of a major thoroughfare, or 20 feet to any mobile home park property line.

#### 7.2.12 Open Air Retail Merchandise Display.

A. Commercial retail operations with open air display of lawn and garden furniture of equipment, nursery stock and landscaping products, outdoor sporting goods, recreational vehicles, automobiles and trucks, boats and similar such products shall be permitted subject to:

1. The layout and arrangement of the outdoor display shall be presented to the planning commission for review and approval during site plan review. The planning commission shall consider such factors as the amount of front yard proposed to be utilized for display and the arrangement of the display to assure that it is aesthetically pleasing to the street view and its impact upon the value of adjacent properties.
2. The commission may require introduction of landscaping islands, walkways or other amenities necessary to improve appearance of such a use.
3. When the display abuts an adjacent property, a semi-opaque screening barrier shall be provided.
4. Repair and service facilities for such uses shall only be accessory and shall have service bays or doors in the side or rear yard only.

#### 7.2.13 Service Stations

A. Service stations shall be required to meet the following standards:

1. An automobile service station shall be located on a lot having a frontage along a state highway or major street, and having a minimum lot area of not less than 30,000 square feet.
2. All driveways providing ingress to or egress from an automobile service station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 75 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any intersecting street rights-of-way or adjacent to residential property. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
3. A service station having its fuel pumps and canopy in other than the side or rear yard setback shall provided a fifteen-foot landscaped front yard with a berm, a fence, a wall, or vegetation at the interior edge providing screening of the pump islands drives to a height of 42 inches.
4. Incidental repair services for vehicles, as defined in Article 3 of this ordinance, may be provided within two or less service bays located in the side or rear yard. Vehicles stored for service may only be located in a side or rear yard and shall be screened from view.
5. There shall be no outdoor storage of automobiles, parts, or equipment after business hours.

483 7.2.14 Wireless Communications, Antennas, and Towers

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485 Wireless communications equipment shall be governed by the provisions outlined in PA 110  
486 of 2006, as amended, known as the Michigan Zoning Enabling Act, specifically MCL 125.3514  
487 wireless communications equipment as permitted use of property; application for special  
488 land use approval; approval or denial; authorization by local unit of government; definitions.  
489

# Article 9: Special Land Use Approvals

## 9.1 INTENT AND PURPOSE

This Article provides review procedures and standards instituted to provide an opportunity to use a lot or parcel for an activity that, under certain circumstances, might be detrimental to other permitted land uses or which contain unique features. The procedures and standards apply to those special land uses designated explicitly as such in this Ordinance.

## 9.2 SPECIAL LAND USE APPLICATION REQUIREMENTS

Applications for special land use approval shall be submitted using a form provided by the City. Applications shall include a complete site plan satisfying all the text and graphic requirements in Article 8.

## 9.3 PUBLIC HEARING

Before conducting a Public Hearing, a public notice stating the time and place of the hearing shall be published at least fifteen (15) days before the Hearing date in a newspaper of general circulation in the County. Written notices stating the time and place of the Hearing shall be sent by mail at least fifteen (15) days before the hearing date to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet per Public Act 110 of 2006, as amended.

## 9.4 SPECIAL LAND USE REVIEW STANDARDS

The Planning Commission shall review all requests for special land use approval on an individual basis for conformity and compliance with the provisions of this Article and applicable standards of this Ordinance. In consideration of all applications, the Planning Commission shall review each of the following standards and determine that each has been satisfied before its approval of a proposed special land use:

- A. The proposed special land use meets all standards for site plan review per Article 8.
- B. The proposed special land use meets this Ordinance's general objectives, intent, and purposes.
- C. The proposed special land use is of such location, size, and character that it will be harmonious with neighboring uses and relate with the physical and economic aspects of adjacent uses in relation to prevailing shopping habits, convenience of access by prospective customers, continuity of development, and the need for particular services or facilities in specific areas of the City.
- D. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- E. The proposed special land use shall not create a nuisance or be hazardous to the public health, safety, or welfare.

- F. The proposed special land use shall not create excessive additional requirements at public expense for public facilities and services.
- G. The proposed special land use shall be by all required conditions of the Zoning District in which it is proposed to be located.
- H. The proposed special land use shall not harm the value of other property in the surrounding area in which it is to be located. It will not be detrimental to existing, future, and other permitted land uses in the applicable Zoning District.

## 9.5 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for application submittal for a special land use approval shall follow those for site plan review in Article 8, with the following modifications:

### 9.5.1 Planning Commission Review

The Planning Commission shall:

- A. Review the application to determine if it satisfies the standards for special land uses and all other applicable standards of this Ordinance. Administrative review shall not be an option for special land use approval.
- B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in Section 9.3.
- C. The Planning Commission shall prepare a finding of fact concerning the standards provided in this Article and decide to approve, approve with conditions, or deny a proposed special land use.

### 9.5.2 Planning Commission Approval

Approval of a proposed special land use or approval with conditions will require a minimum of six (6) affirmative votes of the Planning Commission. If six (6) affirmative votes on a motion to approve a proposal are not received, the proposal will be deemed to have been denied.

If the Planning Commission determines that a special land use shall be approved, it shall authorize the Zoning Administrator to issue a special land use permit in conformity with such approval. A special land use permit shall be valid as long as the use continues following the terms stated in the approved permit. A special land use permit shall expire and become null and void if the corresponding special land use has not been initiated within one (1) year from the Planning Commission's approval date.

### 9.5.3 Planning Commission Denial

If the Planning Commission determines that a special land use does not meet the standards of this Article, it shall deny the application and provide in writing the reasons for such denial.

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86       **9.5.4 Planning Commission Approval with Conditions**  
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88       The Planning Commission may impose conditions in granting approval that it deems necessary to  
89       fulfill the spirit and purpose of this Article and this Ordinance. Such conditions may include  
90       conditions necessary:

- 91  
92           A. To ensure that public services and facilities can accommodate increased service and facility  
93           loads caused by the proposed special land use.  
94  
95           B. To protect the natural environment and conserve natural resources and energy.  
96  
97           C. To ensure compatibility with adjacent uses of land.  
98  
99           D. To promote land use in a socially and economically desirable manner.  
100

101       **9.6 RECORD OF ACTIONS**

102       All decisions on a special land use shall be incorporated in a statement of conclusions relative to the special  
103       land use under consideration. The decision shall specify the basis for the decision and any conditions  
104       imposed.  
105

106       **9.7 EXPIRATION, REVOCATION, AND REAPPLICATION**

107       Except as otherwise provided in this Article, the standards and procedures for expiration and revocation of  
108       an approved special land use permit or the reapplication for special land use that has expired or been denied  
109       shall be the same as those for site plan review in Article 8.  
110

111       **9.8 AMENDMENTS AND MODIFICATIONS**

112       The standards and procedures for amending or modifying an approved special land use permit shall be the  
113       same as those for site plan review in Article 8, with the exception that a major amendment to an approved  
114       special land use permit will require a new public hearing before the Planning Commission following the  
115       standards and process in Article 12.  
116

117       **9.9 FEES AND GUARANTEES**

118       Fees and performance guarantees associated with reviewing and approving a special land use application  
119       shall be consistent with the requirements in Article 12.  
120

121       **9.10 APPEAL**

122       An application that the Planning Commission has denied under this Article may not be appealed to the  
123       Zoning Board of Appeals.  
124