

# Mason County Special Use or New Use Permit

## SPECIAL USES UNDER SPECIAL CONDITIONS

### WHAT IS A SPECIAL LAND USE?

Some property uses may not always be in harmony with those that are permitted in a standard zoning district classification. These uses, referred to as "Special Land Uses" require additional attention during the site plan process to make sure that neighboring properties are protected and the site functions properly. Through the site plan process and public hearing, the Mason County Planning Commission may require additional conditions or standards to ensure that the health, safety, and welfare of the community are protected. *Examples* of land uses that frequently require a Special Use Permit include:

\* Motels, public facilities, wind turbine generators, wireless communication towers, sand mining operations, boarding stables, bed and breakfast operations, automobile repair garage, service station and drive-thru restaurant.

### APPLYING FOR A SPECIAL USE PERMIT

**Starting the Process:** A pre-application conference with the Zoning Administrator is recommended. This conference will provide information regarding the County's regulations, site plan requirements, and special land use policies related to the proposed project. Bring the address and legal description of the property and a rough sketch plan of your proposal for the property. The Zoning Administrator will explain what types of information must be submitted with your application and explain the process for the public hearing.

**Staff Review:** Upon taking the application, staff will provide comments and request any necessary additional information or clarifications. The applicant must respond to these comments and supply the requested information before the application will be put on the Planning Commission agenda. The Planning Commission meeting times, application deadlines, and application forms are available in the Zoning Department.

#### Filing your Application:

- ✓ Submit the completed Special Use Permit application along with any other information specified at the pre-application conference. Applications and payment are due 3 weeks prior to the meeting date.

A nonrefundable \$375 application fee must be paid when the Special Land Use application is filed.

- ✓ **SITE PLAN:** All new use, addition to an existing use, and special land use applications are required to include a survey of the property along with a site plan prepared by a licensed engineer, landscape architect, or land surveyor.

### THE REVIEW PROCESS

**1) Public Notification:** The County will publish the Public Hearing notice in the Ludington Daily News.

**2) Not less than 15 days prior to the Planning Commission meeting:** all owners of property within 300 feet of the subject property will be notified. The Zoning department will research, write, and mail the notification for the applicant- this service is included in the application fee.

**3) At least 15 days prior to the Planning Commission meeting:** Place stakes on your property locating the proposed buildings or other features that are significant to the special land use permit (such as data or cell phone towers, utilities, stables, campground etc.). Zoning staff will come to your property and take photos to present to the Planning Commission.

**4) At least 21 days before the meeting:** One (1) Copy of the Site Plan must be submitted to the Zoning Administrator for review. Upon approval of the Zoning Administrator, the Special Use and Site Plan will be placed on the Planning Commission agenda. Eight (8) copies of the site plan must be submitted no less than eight (8) days prior to the meeting.

**5) The Public Hearing:** It is strongly recommended that the applicant be available to present their information and answer questions pertinent to the application. The Planning Commission will conduct a Public Hearing to allow interested parties to speak for or against the proposal. The Applicant will have the opportunity to respond to points or issues raised during the Public Hearing. The Commission will consider the Review Criteria as well as information provided by the applicant and the public, and will then make decision to approved or deny the special use permit.

## REVIEW CRITERIA

There may be specific review criteria for the special land use you are requesting. The following are general criteria that the Planning Commission will use in making a decision- in addition to criteria specific to the special use request. Please be prepared to respond to questions regarding the following criteria:

1. Will be in accordance with the goals and objectives of the Mason County Comprehensive Plan.
2. Will be designed, constructed, operated, and maintained in harmony 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.
3. Will not be hazardous or disturbing to existing or future permitted uses in the same general vicinity and in the community as a whole.
4. Will be 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 be able to provide adequately for such services.
5. Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. Will 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.
7. Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, adequate setback from water courses, and by topographic modifications which result in maximum harmony with adjacent areas.
8. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted within the Zoning District.
9. Will comply with any specific use requirements found in the Zoning Ordinance.

## THE OUTCOME

**Approval as Submitted:** If the Planning Commission approves the request, the applicant may come to the Zoning office to fill out the necessary permits (Zoning, Building) the following day.

**Approval with Conditions:** Conditions may be placed on an approval. Examples of conditions include accommodation of public services, compatibility with adjacent land uses, or the protection of healthy, safety and welfare. The applicant has one year to obtain a zoning permit related to the special land use or the permit shall automatically be revoked.

**Appeals:** If an application is denied a special land use permit, the applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Planning Commission to the Board of Appeals. The applicant has 30 days from the date of the meeting to file an appeal. Upon the filing of an appeal, the application, all relevant documents and testimony, and the findings and decision of the Planning Commission shall be transmitted to the Board of Appeals. For more information on appeals, contact the Zoning Office at 757-9272.

**Board of Appeals:** After the protest period, the Board of Appeals may deny or approve the application, in whole or in part, or return it to the Planning Commission for further study and consideration.

**Reapplication:** If denied, an identical application may not be resubmitted for one year, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication shall be processed in the same manner as the original application.

## CAN A SPECIAL USE PERMIT BE REVOKED?

A Special Use Permit may be revoked if any terms or conditions of the permit are not met or if construction does not proceed in conformance with the approved site plan.

## FOR MORE INFORMATION

If you have any questions about a Special Use Permit please contact the Mason County Zoning and Building Office:

102 E. 5<sup>th</sup> Street, Scottville, MI 49454

(231) 757-9272

mreilly@masoncounty.net