

ARTICLE XIII SPECIAL USE PERMITS

SECTION 13.01 - PURPOSE

Certain land use activities entitled "Special Permit Uses" may be authorized in the various zoning districts but only if adequate safeguards are provided to ensure the protection of the public health, safety and general welfare. The uses that may be authorized are listed in the "Special Permit Uses" section of each zoning district. Special uses are authorized by the Township Planning Commission by the issuance of a special use permit provided:

- A. The proposed use is one listed as a special permit use for the district in which the use is to be located.
- B. The provisions of this Article are complied with.
- C. The standards for the particular use as stated in the provisions for that district in which the use is located are fulfilled, and all other applicable standards or other requirements of this Ordinance are met.

SECTION 13.02 - PROCEDURE

- A. Applications for special use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of the fee established by the Township Board (Section 16.03) and a site plan meeting the requirements of Article XII.
- B. An application for a special use permit shall be processed in the following manner:
 1. The Zoning Administrator shall forward the complete application and supporting data to the Township Planning Commission. If all required information is not provided the Zoning Administrator may deny the application on that basis.
 2. The Township Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
 3. After review of the application by the Planning Commission, a public hearing shall be held within five (5) weeks of receipt of the application and all required materials. A notice that a request for special use permit has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet.
 4. The notice shall be given not less than fifteen (15) days before the date the application will be considered. (*Amendment effective date December 1, 2006*) If the name of the occupant is not known, the term "occupant" may be used in making notifications. 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, each shall receive notice. In the case of a single structure containing more than four (4) dwelling units, 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. The notice shall:

- a. Describe the nature of the special land use request.
 - b. Indicate the property, which is the subject of the special use permit request.
 - c. State when and where the public hearing will be held and the special use permit request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- C. Within three (3) months following the public hearing, the Planning Commission shall approve, deny, or approve with conditions the application for the special use permit. The Planning Commission's decision must:
1. Be made in writing, and include a finding of fact describing how the special use permit does or does not comply with the provisions of this Article.
 2. Clearly specify any conditions attached to an approval of a special use permit and the basis for those conditions (Section 16.05).
 3. If the Planning Commission denies the application, the reasons for its denial must be clearly specified. A copy of the Planning Commission's decision must be provided to the applicant.

SECTION 13.03 - BASIS OF DETERMINATION

The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall approve the special use permit if the application meets off the following standards.

- A. The use will be designed, constructed, operated and maintained so as to be harmonious 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 to be located.
- B. The use will not be hazardous or disturbing to existing or future nearby uses.
- C. The use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- D. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- E. The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the *Lovells Township Comprehensive Plan*.

SECTION 13.04 - REAPPLICATION

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the Planning Commission.

SECTION 13.05 - SPECIAL USE PERMIT VALIDITY

- A. Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.

- B. In instances where development authorized by a special use permit has not commenced within one (1) year from the date of issuance, the permit shall expire.
- C. A special use permit shall become invalid when the use of the property for which the permit was granted is discontinued for a period of six (6) months. However, the Planning Commission shall not invalidate a special use permit unless intent to discontinue the operation is evident. Intent to discontinue is demonstrated by disconnected utilities, sign removal, fixture and furniture removal or inventory removal.

SECTION 13.06 - JURISDICTION OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the denial or revocation of special use permits.

LOVELLS TOWNSHIP
Ordinance No. 04/08 of 2014

AN ORDINANCE TO AMEND THE LOVELLS TOWNSHIP ZONING ORDINANCE TO
PERMIT SHORT TERM RENTALS

LOVELLS TOWNSHIP HEREBY ORDAINS:

Section 1. Amendment of Section 2.02.

The definition of SHORT TERM RENTAL within Section 2.02 of the Lovells Township Zoning Ordinance is hereby amended to read in its entirety as follows:

SHORT TERM RENTAL: The lease or rental of a dwelling unit for
monetary compensation for a period of less than thirty (30) days.

Section 2. Amendment of Article III.

Article III of the Lovells Township Zoning Ordinance is hereby amended to add a new Section 3.22, which shall read in its entirety as follows:

SECTION 3.22 – SHORT TERM RENTAL

- A. Short term rentals as defined in this Ordinance shall be permitted in the Green Belt District (G-B), Recreational & Residential District (R-R), and Residential District (R) pursuant to a special use permit.
- B. A person who desires to operate a short term rental shall submit an application under the procedures specified by Section 13.02 of this Ordinance. In addition to the application requirements specified in Section 13.02, an application for a short term rental shall include all information necessary to show compliance with the specific short term rental standards specified in subsection C below.
- C. The Planning Commission shall approve, or approve with conditions, an application for a short term rental only upon a finding that the proposed short term rental complies with all of the general standards for special use permit approval specified in Section 13.03 of this Ordinance and all of the following specific short term rental standards:
 - 1. The dwelling unit used for the short term rental shall meet all residential building, health department, and safety codes.
 - 2. The operator of the short term rental shall provide off street parking to accommodate the vehicles of all occupants of the short term rental dwelling unit.
 - 3. The appearance of the short term rental dwelling unit shall not conflict with the residential character of the neighborhood. The short term rental dwelling unit shall be properly maintained, and kept in good repair, in order that the use in no way detracts from the general appearance of the neighborhood. Garbage shall be kept in a closed container and disposed of on a regular weekly schedule.

4. No sign shall be posted to advertise the availability of the short term rental dwelling unit to the public.
5. The operator of the short term rental shall keep on file with the Zoning Administrator the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short term rental. This information shall be kept current. This information shall also be posted in a conspicuous location within the short term rental dwelling unit. The contact person shall be available to accept telephone calls on a 24 hour basis at all times that the short term rental is rented and occupied. The contact person shall have a key to the short term rental dwelling unit and be able to respond to the short term rental dwelling unit within thirty (30) minutes to address issues or shall have arranged for another person to address issues within the same time frame. The operator of the short term rental shall also notify the owners and occupants of neighboring dwelling units within 300 feet from the short term rental dwelling unit in writing that the property is a permitted short term rental and shall provide the name and telephone number of the contact person who is responsible for responding to questions or concerns regarding the operation of the short term rental. The information provided to the owners and occupants of neighboring dwelling units shall be kept current.
6. The operator of the short term rental shall provide a written plan demonstrating how the operator will ensure that the occupants of a short term rental comply with the following rules and regulations:
 - a. No trespassing shall be permitted on neighboring properties.
 - b. No litter shall be allowed to blow or be deposited onto neighboring properties.
 - c. The vehicles of all occupants of a short term rental dwelling unit shall be parked on site and not on a public or private road.
 - d. All campfires shall be located in designated "fire pit" areas away from water's edge, trees, and property lines. Fires shall be attended at all times and properly extinguished after use.
 - e. The occupants of a short term rental dwelling unit shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any violation of the Lovells Township Anti-Noise and Public Nuisance Ordinance, Ordinance # 6/11 of 2013.
7. The operator of the short term rental shall provide the tenant of a short term rental with the following information in writing prior to occupancy of the short term rental dwelling unit and shall post this information in writing in a conspicuous place within the short term rental dwelling unit:

- a. The name and telephone number of the contact person who is responsible for responding to questions or concerns regarding the operation of the short term rental.
 - b. The rules and regulations specified in subsection 6 above.
 - c. Notification that an occupant of the short term rental dwelling unit may be cited by the Township for violating any of the rules and regulations specified in subsection 6 above.
- D. Any occupant of a short term rental dwelling unit who violates any of the rules and regulations specified in subsection C.6 above shall be in violation of this Ordinance and shall be subject to enforcement action as provided in Section 16.02.F of this Ordinance.

Section 3. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 4. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF LOVELLS

By: *Gary Neumann*
Gary Neumann

Its: Supervisor

By: *Cynthia Infante*
Cynthia Infante

Its: Clerk

LOVELLS TOWNSHIP

PLANNING COMMISSION
8405 Twin Bridge Road
Grayling, Michigan 49738
PHONE # 989-348-9215 – FAX # 989-348-6437
lovellstownship@gmail.com

APPLICATION FOR SPECIAL USE PERMIT
under the Lovells Township Zoning Ordinance
Lovells Township, Crawford County, Michigan

You **MUST** answer all questions and include all attachments or the application will be considered incomplete. (A complete application, including a complete site plan and appropriate fee, must be submitted prior to the meeting of the Lovells Township Planning Commission.)

- A. Property Owner(s): _____
Address: _____
Phone Number(s) Include Area Code: _____
Work/Cell Number(s) Include Area Code: _____
Applicant (if not property owner(s)): _____
Applicant's Address: _____
Applicant's Phone Number(s) Include Area Code: _____

PROPERTY TAX ID. NO. _____

Property Address: _____

Subdivision/Site Condominium: _____ Lot/Unit # _____

Zoning District: _____

Legal Description (copy of most recent deed is sufficient), attach as Exhibit A.

- B. Article(s) and Section(s) of Ordinance under which Special Use Permit is requested _____

- C. Attached site plan meeting the requirements of Section 12.01.B of the zoning Ordinance.
- D. Basis of Determination: In order to obtain a special use permit the applicant must meet **all** the specific standards listed in Section 13.03 of the zoning ordinance. Therefore, the applicant must answer the following questions, which are directly related to the standards for granting a special use permit.
 - 1. Will the use be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and not change the essential character of the area in which it is proposed to be located?

- 2. Will the use be hazardous or disturbing to existing or future nearby uses?

- 3. Will the use be served adequately by essential public services and facilities or will the persons responsible for the establishment of the proposed use provide adequately any such service or facility?

4. Will the use create excessive additional public costs and not be detrimental to the economic welfare of the Township?

5. Will the use be consistent with the intent and purposes of this Lovells Township Zoning Ordinance and meet the goals and objectives of the Lovells Township Master Plan?

**** Please feel free to attach documents or other exhibits as you deem appropriate ****

I hereby grant permission for the board members of the Lovells Township Planning Commission to enter the above described property for the purposes of gathering information related to this application. (Note to Applicant: This is optional and will not affect any decision on your application.)

(Signature of Property Owner) Date: _____, 20__.

I agree the statements made above are true, and if found not to be true, this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided by the Lovells Township Zoning Ordinance No. 10-14-03, as amended, and any conditions set forth by the decision of the Lovells Township Planning Commission.

Property Owner's Signature(s): _____ Date: _____, 20__ .
(Required)

Applicant's Signature(s): _____ Date: _____, 20__ .
(Required when applicable)

For Office Use Only

Zoning Administrator Review

(Signature Required) _____ Date: _____ 20 ____

Date application filed: _____ Fee amount: _____ Date paid: _____

Date of Planning Commission Meeting: _____

Advertised: _____ Property Notices Sent: _____
