

# BAY TOWNSHIP – CHARLEVOIX COUNTY

05045 Boyne City Road • Boyne City, Michigan 49712

Phone (231) 582-3594

baytownshipmi.org

## SPECIAL USE PERMIT APPLICATION

- Contact Zoning Administrator (Ron Van Zee) at (231) 497-4701 or [zoning@baytownshipmi.org](mailto:zoning@baytownshipmi.org) for any questions.
- Answer all questions and include all required attachments.
- Attach a check payable to “Bay Township” for **\$250**.
- Return completed application to: Bay Township Zoning Administrator  
05045 Boyne City Rd.  
Boyne City, MI 49712

The applicant shall attach the following information with this Special Use Permit Application:

- Legal description and survey of the property.
- Detailed property boundary map showing existing and planned uses and structures. Indicate any wetlands, lakes or streams on this or adjacent property.
- Ten copies of the proposed site plan (as per Bay Township Zoning Ordinance Article XII)
- Completed Site Plan Review Checklist form, and a completed Environmental Impact Statement.

### 1. GENERAL INFORMATION

Parcel Identification Number: 15-001-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_ Parcel Size: \_\_\_\_\_

Parcel Address: \_\_\_\_\_

Applicant’s Name: \_\_\_\_\_

Applicant’s Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

Landowner’s Name (if not applicant): \_\_\_\_\_

Landowner’s Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

Landowner’s Authorization to proceed (if not applicant): \_\_\_\_\_

### 2. REQUESTED SPECIAL USE

Describe the proposed special use being requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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### 3. ACKNOWLEDGEMENT

I authorize Bay Township (staff, appointed board and/or commissions, or committee members) to enter upon the subject property for purposes of making inspections related to this application. Such inspections or site walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge.

Owner's Signature(s): \_\_\_\_\_

Signature of Applicant, if different than Owner: \_\_\_\_\_

Date: \_\_\_\_\_

**Township Use Only**

Date Application Completed: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Newspaper Publication Date: \_\_\_\_\_

Planning commission Review Date: \_\_\_\_\_

Planning Commission Action: \_\_\_\_\_

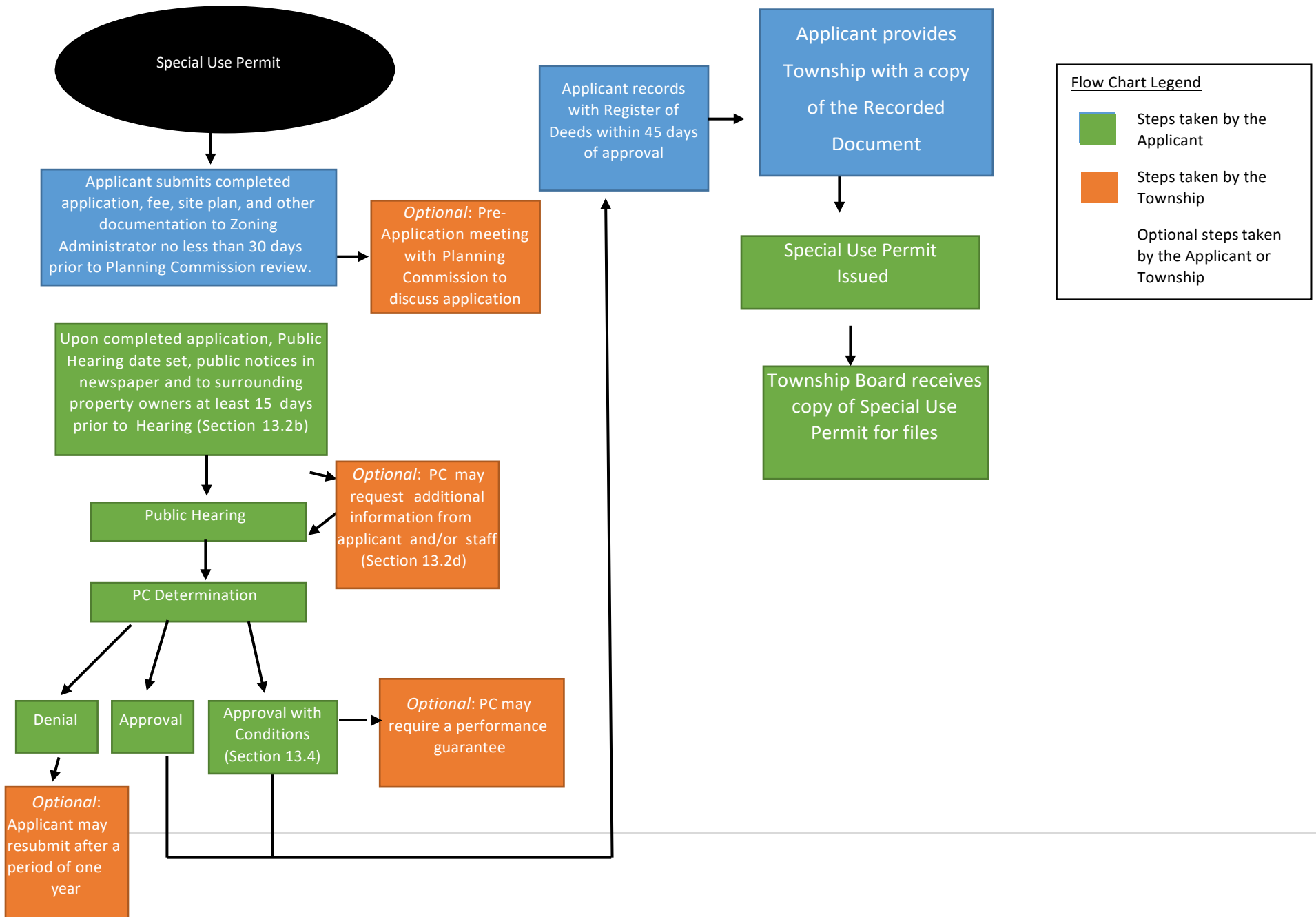
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# Bay Township

## Special Use Permit Application



Figure 13.1 Special Uses: Approval Process, Article 13



## 12.8 Content of Site Plans

Site plans shall illustrate the following features and information, unless waived by the Planning Commission for good cause:

- a. North arrow, scale, and date of original submittal and last revision;
- b. A vicinity map;
- c. A legal description of the property;
- d. The acreage of the property subject to the application;
- e. The zoning classifications of the subject parcel and adjoining parcels, including those parcels which are adjoining but are separated from the subject property by a road right-of-way;
- f. The location of proposed and/or existing lot lines and dimensions of same;
- g. Building setbacks;
- h. A grading plan showing finished contours at a minimum interval of 2 feet, and correlated with existing contours so as to clearly indicate cut and fill required (all finished contour lines are to be connected to existing contour lines at or before the lot lines);
- i. A detailed description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location of proposed retaining walls, dimension and materials of same, fill materials, typical vertical section, and plans for restoration of adjacent properties, where applicable;
- j. The location and type of significant vegetation, including woodlots and individual trees twelve inches and larger in diameter at breast height;
- k. The location and elevations of existing water courses and water bodies, including county drains, man- made surface drainage ways, 100-year flood plains, and wetlands;
- l. The location of existing and proposed buildings, as well as the length, width, height, and area (in square feet) of each building;
- m. The location of all existing buildings or structures within 50 feet of the subject property;
- n. The proposed location of accessory structures, buildings, and uses, including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators, and similar equipment (details of the method of screening, where applicable, shall be included);
- o. The name, location, dimensions, and associated right-of-way of all existing and proposed streets (public or private) and typical cross section of same (cross section shall show surface, base, and sub- base materials); location and typical details of curbs; location, dimensions, and details of all passing lanes and deceleration/acceleration tapers or lanes; and the location, width, surface elevations, radii, and grade of all access points to the site;
- p. All driveways located within 100 feet of the site;
- q. The location and design of parking areas and number of parking spaces and unloading areas, including information on proposed curbing, barrier-free access

- design, and dimensions for parking spaces, circulation aisles, and unloading spaces;
- r. The design and dimensions for all exterior lighting, including any element relative to shielding light spillover onto adjacent properties and road-ways;
  - s. The location and design of all sidewalks, walkways, bicycle paths, and areas for public use;
  - t. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site, including, but not limited to:
    - 1. Water lines and fire hydrants;
    - 2. Storm sewers;
    - 3. Sanitary sewer lines;
    - 4. Septic systems, if applicable; and
    - 5. Stormwater retention and detention areas.
  - u. The location, size, and specifications of all signs (freestanding and signs placed on or attached to buildings);
  - v. The location and specifications for all fences, walls, and other screening features with cross sections;
  - w. The location and specifications for all proposed perimeter and internal landscaping, and other buffering features (for each new landscape material, the proposed size at the time of planting must be indicated). All vegetation to be retained on the site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate;
  - x. The location, size, and specification for screening of all trash receptacles and other solid waste disposal facilities; and
  - y. The number of employees on largest shift (If shifts overlap, indicate the number of employees for the largest 2 shifts which overlap).

## 12.11 Standards for Site Plan Approval

The Planning Commission's decision to approve, approve with conditions, or deny a site plan shall be based on the following criteria:

**a. Compliance with Zoning District Regulations**

All buildings, structures, uses and improvements shall comply with land use, lot area, setback, parking, sign, landscaping, screening and other regulations and standards established by zoning district regulations and all other applicable regulations contained in this Ordinance.

**b. Organization of Elements**

All buildings, uses and improvements illustrated on the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character and use of adjoining property and the type and size of buildings.

The site shall be developed so as not to impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in this ordinance. All buildings, structures, driveways, internal circulation routes, parking and storage areas shall be designed and located to minimize potential adverse effects and impacts on adjacent and nearby properties.

**c. Preservation of Natural Features and Natural Landscape**

Natural features (woodlots, wetlands, watercourses, ponds, shorelines, attractive vegetation etc.) shall be preserved and protected to the greatest extent possible. As many natural features of the landscape shall be incorporated into the design and layout of the site as possible so as to buffer it from adjacent incompatible land uses, to preserve the character of the surrounding area and community as a whole and to control soil erosion and stormwater runoff.

**d. Drainage Provisions**

Special attention shall be given to proper site drainage so that stormwater runoff will not affect neighboring properties or overload watercourses in the area. Stormwater management systems shall be designed in accordance with professionally accepted principles and shall provide on-site retention or detention facilities designed to hold runoff from a 50-year frequency storm event. Naturally occurring and pre-existing drainage ways shall be used for the movement of stormwater.

Discharge of stormwater runoff from any site which may contain oil, grease, toxic chemicals, or other hazardous substances or polluting materials is prohibited unless measures to trap pollutants meet the requirements of the Michigan Department of Environmental Quality, based upon professionally accepted principles.

**e. Soil Erosion**

Proposed developments or uses shall not result in soil erosion or sedimentation problems.

**f. Screening and Buffering**

Screening and buffering, in the form of native vegetative landscape plantings, existing vegetation, screen fences, and the like, may be required at the discretion of the Planning Commission to insure compatibility between a site and adjoining land uses.



**g. Emergency Vehicle Access**

All buildings, groups of buildings, and uses shall be arranged to allow emergency vehicle access to all improved areas during all seasons of the year under all weather conditions.

**h. Pedestrian and Vehicular Circulation**

Proposed driveway entrances and exits, parking areas, service drive and other internal circulation routes are located and arranged so as to insure the safety and convenience of pedestrian and vehicular traffic. If proposed by an applicant, or required at the discretion of the Planning Commission, or as otherwise provided in this Ordinance, pedestrian and bicycle pathways shall be insulated as completely as reasonably possible from the vehicular circulation system.

**i. Compliance with Applicable County, State and Federal Statutes**

Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits applicable to wetlands, lakes, streams, floodplains, hazardous substances, groundwater discharges, stormwater discharges, and the like.

### 13.3 General Standards for Approval of Special Uses

Before approving, approving with conditions, or denying an application under the provisions of this Article, the Planning Commission must find that a proposed special use complies with the following standards and any other standards for specific special uses provided elsewhere in this Ordinance:

- a. The property subject to the application is in a zoning district in which the special use is allowed by district regulations;
  
- b. The special use, as proposed, complies with any specific standards applicable to that special use appearing elsewhere in this Ordinance;
  
- c. The proposed special use will be consistent with the intent and purpose of the Township's Land Use Plan, as well as the intent and purpose of the zoning district in which it will be located;
  
- d. The proposed special use will not result in the creation of demands on police and fire services or on other public services or facilities, in excess of the Township's financial ability to provide same;

- e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their property as zoned;
  
- f. The proposed special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area;
  
  
  
  
  
  
  
  
  
  
- g. The proposed special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap materials; and
  
  
  
  
  
  
  
  
  
  
- h. The proposed special use will be harmonious with the existing or intended character of the general vicinity and will not be hazardous to existing or future nearby uses.

#### **4.7g Accessory Building without a principal residence**

- a. This subsection is to provide the opportunity to establish accessory buildings without a principal structure through a special use permit so long as the use is consistent with existing and surrounding uses. This provision shall not allow new uses that are commercial in nature. In all zoning districts, accessory buildings without a principal structure may be established through a special use permit, subject to the provisions of Article XIII (Special Uses), and the following requirements:
  1. The accessory building is consistent with surrounding uses, based on the following considerations:
    - a. The building is well-screened from public view;
    - b. The building is an appropriate size compatible with surrounding buildings;
    - c. The use is compatible with surrounding uses;
    - d. The placement of the building is appropriate relative to surrounding roads, buildings, and natural features;
    - e. The outdoor storage of goods and/or materials of any kind is prohibited unless screened if the Planning Commission finds that such screens are necessary to mitigate any adverse impacts outdoor storage may have on adjoining properties and road rights-of-way.

2. A future development envelope for a principal structure is preserved in full compliance with all applicable setback requirements in the district.
  - a. If the lot on which the accessory building is located does not have sufficient lot area for the future development envelope, then the accessory building may be constructed on the lot under consideration only if the owner of the lot owns another lot with sufficient area for the future development envelope that is either:
    - i. contiguous to the lot under consideration; or
    - ii. separated from the lot under consideration by a public or private road and the owner(s) of the two lots records deed restrictions (or other legal instruments) acceptable to the township attorney with the county Register of Deeds Office requiring the two lots to be used and/or sold as one development site.
3. Upon site plan review, the planning commission may determine a performance guarantee is required as set forth in Article XII, Section 12.17
4. Upon site plan review, the planning commission may determine it is necessary for the property owner to enter into a deed restriction or other means to restrict certain activities when/if the property changes hands, before issuing a zoning permit.

#### **4.34 Accessory Dwelling Units**

This subsection is established to provide the opportunity for Accessory Dwelling Units (ADUs) in Bay Township through a special use permit as a way of providing more housing choices for Bay Township residents, increasing affordability and flexibility, and supporting multigenerational housing in single family neighborhoods; while still preserving the rural character of the Township and high quality neighborhoods.

a) ADUs may not be appropriate on every residential parcel and are subject to the provisions of Article XIII (Special Uses), and the following specific requirements:

1. ADUs are permitted only as an accessory use to an owner occupied single-family dwelling.
2. A maximum of one ADU is permitted per parcel.
3. An ADU must be established as a permanent structure.
4. An ADU may be incorporated into an existing dwelling on any lot meeting the minimum lot size and dimensional standards of the zoning district in which it is proposed. When proposed as a separate structure from the existing dwelling unit, an ADU shall comply with the standards of Section 4.7. (Accessory Buildings)

5. In no case shall an ADU be larger than 800 square feet and it must comply with minimum building occupancy standards established by the Charlevoix County Department of Building Safety.
  
6. An ADU may not be placed on a non-conforming lot or on a lot with a non-conforming primary structure if the non-conformity is because the lot or structure is too small.
  
7. On-site parking accessed through an existing driveway shall be required for an ADU.
  
8. Applicants for an ADU shall provide certification from the Health Department of Northwest Michigan that the water supply and sewage disposal facilities are adequate for the projected number of residents.
  
9. Upon site plan review, the planning commission may enter into a deed restriction or other means to restrict certain activities when/if the property changes hands, before issuing a zoning permit.