

**ORDINANCE NO. 2016-06**

**AN ORDINANCE TO AMEND THE CODE OF  
THE CITY OF FRANKENMUTH BY ADDING A  
NEW SECTION 5.17 OF CHAPTER 51 OF TITLE V OF SAID CODE**

THE CITY OF FRANKENMUTH ORDAINS: The following ordinance amendment pertains to the addition of a newly created Section 5.17 “Special Use Approval” of Chapter 51 of Title V of the Code of the City of Frankenmuth:

**5.17. Special Use Approval.**

(1) Standards for Special Use Approval. Approval of a special use as listed in “Uses Permissible on Special Approval” as specified in this Chapter shall be based upon the determination that the proposed use complies with all applicable requirements of this Chapter, and all of the following standards as deemed applicable to the use by the Planning Commission:

(a) Documented Need Exists for the Proposed Use. A documented need exists for the proposed use within the community.

(b) Compatibility with Adjacent Uses. The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.

(c) Compatibility with the Master Plan. The special use location and character is consistent with the general principles, goals, objectives, and policies of the latest adopted Master Plan or Frankenmuth Joint Growth Management Plan.

(d) Compliance with Applicable Regulations. The proposed special use is in compliance with all applicable Chapter provisions.

(e) Impact upon Public Services. The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.

(f) Traffic Impacts. The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.

(g) Environmental and Public Health, Safety, and Welfare Impacts. The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage or other adverse impacts as set by state, federal or other agencies with jurisdiction.

(h) Isolation of Existing Uses. Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

(2) Compliance with Special Use Approval. It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Chapter and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.

This ordinance shall take effect twenty (20) days after its adoption, as provided in the City Charter.

We, the undersigned, Mayor and Clerk of the City of Frankenmuth, Michigan do hereby certify that the above Ordinance No. 2016-06 of the City of Frankenmuth was introduced at a regular meeting of the City Council held on Tuesday, June 7, 2016, and was thereafter approved at a regular session of the City Council held on Tuesday, July 12, 2016.

Dated this 12th day of July, 2016.

GARY C. RUPPRECHT, MAYOR

PHILLIP W. KERNS, CLERK