

111.2200

SPECIAL LAND USES

111.2201

Purpose Special land uses are uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or location qualities which require individual review and possible restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses. The Criteria for decisions and requirements provided for under the provisions of the Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the special use under consideration.

111.2202

Application Procedures. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

(a) **Application.** Applications for a special use shall be submitted through the Zoning Administrator who will review the application for completeness, then transmit to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs for processing the application.

(b) **Required information.** An application for a special use shall be accompanied by the following documents and information:

1. A special use application form supplied by the Zoning Administrator which has been completed in full by the applicant.
2. A site plan, as required in Article XXIV.
3. A statement with regard to compliance with the criteria required for approval in Section 3 (111.2203), and other criteria imposed by this Ordinance affecting the special use under consideration.

(c) **Optional preliminary meeting.** If it is considered appropriate by the Planning Commission, a meeting may be scheduled to review preliminary information for a special land use. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final special land use approval.

(d) **Public hearing.** Upon receipt of an application for a special use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the special use application. A notice shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to all persons to whom real property is assessed within hundred (500) feet of the boundary of the property in question and to the occupants of all structures within five hundred (500) feet. The notice shall be given not less than five (5) or more than fifteen (15) days before the date the application will be considered. The notice shall:

- (1) Describe the nature of the special use application;
- (2) Indicate the property which is the subject of the special use application;

- (3) State when and where the special use application will be considered; and
- (4) Indicate when and where written comments will be received concerning the application.

(e) **Review and approval.** Within thirty (30) days following the public hearing, the Planning Commission shall review the application for a special use, comments received at the public hearing the site plan, and other materials submitted in relation to the application in accordance with the criteria for approval stated in Section 3 (111.2203), and such standards contained in this Ordinance which relate to the special use consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

111.2203

Basis of determination Prior to approval of a special use application, the Planning Commission shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance shall be satisfied by the completion and operation of the special use under consideration.

(a) **General standards.** The Planning Commission shall review the particular circumstances of the special use application under consideration in terms of the following standards and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

(1) The special use shall be designed, constructed, operated and maintained in a manner harmonious and appropriate in appearance with the existing or intended character of adjacent property and the surrounding area and will not change the essential character of the area.

(2) The special use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors or glare.

(3) The special use shall not place demands on public services and facilities in excess of current capacity.

(4) The special use shall not directly or indirectly have a substantial adverse impact on the natural resources of the Township, including but not limited to, prime agricultural spoils, water recharge areas, lakes, rivers, streams, major forests, wetlands, wildlife areas and major sand, gravel or mineral deposits.

(5) The special use shall not have substantial and permanent adverse effects on the market value of surrounding property.

(6) The special use shall be designed so that on site sanitation facilities for sewage disposal, potable water supply, storm water, and solid waste disposal are properly designed and capable of handling the long term needs of the proposed project.

(b) **Conditions.** The Planning Commission may impose conditions with the approval of a special use which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use application and shall be enforced by the Zoning Ordinance Enforcement Officer.

(c) {Appeals} Decisions of the Planning Commission may be appealed to the Township Board.
(Amended 11/06)

111.2204 **Repeal.** All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

111.2205 **Effective date.** This Ordinance shall be effective after legal publication and in accordance with the Act governing the same. (Adopted: Ord. No. 21, 3-9-93)