

**ARTICLE 20
SPECIAL USE PERMITS**

Updated January 22, 2007

Section 20.01 PURPOSE.

The development and execution of this Ordinance is based upon the division of the Township into zoning districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special land uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and the public need for the particular use or the particular location. This Article provides the procedures, requirements and conditions for issuance of special use permits.

Section 20.02 PERMITTED USES.

Special Land Use Designation. Those uses which may be designated as special land uses are identified under Article 3 of this ordinance (General Provisions), or are listed in the district regulations for each of the zoning districts, being Articles 5 through 18 of this ordinance. Such uses are permitted only after the Planning Commission finds that the standards of Section 20.06 will be achieved by the proposed use.

Section 20.03 APPLICATION FOR A SPECIAL USE PERMIT.

- A. Application for a special land use shall be filed with the Zoning Administrator on the proper form supplied by the Township.
- B. The application shall be accompanied by a preliminary site plan as specified in Article 24, and any other data required by the Zoning Administrator.
- C. In addition, the applicant shall present a statement indicating how the proposed use will conform to the requirements set forth in Article 23 for the particular land use, if applicable.
- D. The application shall be accompanied by a fee to be established by resolution of the Township Board to cover the expense of public hearings.

Section 20.04 HEARING ON APPLICATION.

Upon receipt in proper form of the application and accompanying documents, the Planning Commission shall hold a public hearing on the proposed special land use not more than forty five (45) days following the date of the receipt of the application by the Zoning Administrator. Not less than fifteen (15) days before the public hearing, notice shall be published in a local newspaper of general circulation and shall be 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 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. The notice of public hearing must contain the following information: a description of the nature of the request (the use being proposed), a description of the property in question (using the street address if available), the time and place of the hearing, and when and where written comments will be received concerning the request.

Section 20.05 DECISION ON APPLICATION.

Following the public hearing, the Planning Commission may deny, approve, or approve with conditions any application for a special land use. A final decision on the special land use application shall be made within 100 days of receipt of the application by the Zoning Administrator. The Planning Commission's decision shall be incorporated in a statement of findings and conclusions relative to the special land use and shall specify the basis for the decision and any conditions imposed.

Section 20.06 STANDARDS.

No special land use shall be approved by the Planning Commission unless the Commission finds:

- A. That the establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, or general welfare.
- B. That the special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values in the neighborhood.
- C. That the establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and necessary facilities have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- F. That the special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in Article 23.

Section 20.07 CONDITIONS AND GUARANTEES.

Prior to the granting of any special land use, the Planning Commission shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special land use as deemed necessary for the

protection of the public interest and to secure compliance with the standards and requirements specified in this Article. In all cases in which special land uses are granted, the Planning Commission shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Section 20.08 EFFECT OF DENIAL.

No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of said order of denial.

Section 20.09 NULLIFICATION.

In any case where a special land use has not been established within one year after the date of granting such use, the special land use shall automatically be declared null and void without further action by the Planning Commission. In addition, any use established as a special land use that is discontinued for one year or longer shall not

be reestablished without application to and approval by the Planning Commission.

Section 20.10 APPEAL.

An appeal of the decision of the Planning Commission may be taken to the Charter Township Board if such appeal is filed with the Township Clerk within fifteen (15) days of the decision by the Planning Commission. The appeal may be filed by the applicant, or by any property owner or occupant within three hundred (300) feet of the property in question. The Township Board shall decide the appeal on the basis of the standards provided in Section 20.06.

Section 20.11 ADDITIONAL REGULATIONS.

- A.** Nonconforming uses that are Special Land Uses - see Section 26.08.
- B.** Standards for Specific Uses - see Article 23.