

ARTICLE XVIII SPECIAL USE PERMITS

SECTION 18.01 – 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 18.02– 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 and a site plan meeting the requirements of Article XIX.
- B. An application for a special use permit shall be processed in the following manner:
 - 1. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission.
 - 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 five (5) nor more than fifteen (15) days before the date of application will be considered. 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. Any conditions imposed, however, shall meet the following requirements:
 - a. Be designed to protect the health, safety, and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
 - b. Be related to the valid exercise of police power, and for purposes that are affected by the proposed use or activity.
 - c. Insure that public services, such as transportation, police, fire, ambulance, and similar services are capable of accommodating increased service or facility loads caused by the land use or activity.
 - d. Protect the natural environment and conserve natural resources and energy.
 - e. Insure the Special Use Permit is compatible with adjacent uses of land and to promote the use of land in a socially and economically desirable manner
 - 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 18.03 – BASIS OF DETERMINATION

- A. The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance.
- B. 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.
- C. The use will not be hazardous or disturbing to existing or future nearby uses.
- D. 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.
- E. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- F. The use will be consistent with the intent and purposes of this Ordinance.

SECTION 18.04 – 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 18.05 – 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 granting of special use permits.