

## CHAPTER XVII

### SPECIAL USES

**SECTION 17.01 PURPOSE.** SPECIAL USES are those uses of land which are not essentially incompatible with uses permitted in a zoning district, but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish SPECIAL USES. The criteria for decision and requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this ordinance which are applicable to the SPECIAL USE under consideration.

**SECTION 17.02 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 thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Inspector 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 of processing the application. (Amendment Ordinance No. 145, 2-14-07)
- (b) Required Information - An application for a SPECIAL USE PERMIT shall be accompanied by the following documents and information:
  - (1) A SPECIAL USE application form supplied by the Zoning Inspector which has been completed in full by the applicant.
  - (2) A SITE PLAN, as specified in Chapter XV.
  - (3) A statement with regard to compliance with the criteria required for approval in Section 17.03, and other criteria imposed by this Ordinance affecting the SPECIAL USE under consideration.

- (c) 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. The public hearing shall be noticed in the manner required by law. (Amendment Ordinance No. 145, 2-14-07)
- (d) Review and Approval - 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, and make a determination on the SPECIAL USE application in Section 17.03, and such standards contained in this Ordinance which relate to the SPECIAL USES under consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a BUILDING permit. (Amendment Ordinance No.105, 5-12-99)

**SECTION 17.03 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 with the character of adjacent property and the surrounding area.
  - (2) The SPECIAL USE shall not change the essential character of the surrounding area.
  - (3) 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 or glare.

- (4) The SPECIAL USE shall not place demands on public services and facilities in excess of current capacity.
- (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 Inspector.

**SECTION 17.04 EXISTING SPECIAL SITUATIONS.** Uses of land and/or development projects granted special exception status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions of the special exception are met.