

## CHAPTER XIII

### SPECIAL USES

**Section 13.01 Purpose.** Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational 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 consideration.

**Section 13.02 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 through Planning Commission Secretary 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.
- (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 Planning Commission Secretary which has been completed in full by the applicant.
  - (2) A site plan, drawn to a readable scale and accurately dimensioned, of the property involved and adjacent property which describes:
    - (a) All property boundaries
    - (b) The location of all existing and proposed structures
    - (c) The location of all existing and proposed streets, parking lots and driveways
    - (d) Current zoning classifications
  - (1) A statement with regard to compliance with the criteria required for approval in Section 13.03, 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. 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 three hundred (300) feet. The notice shall be given not less than five (5) nor 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.

- (4) Indicate when and where comments will be received concerning the application.
- (d) 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, and other materials submitted in relation to the application, and make a determination on the special use application in accordance with the criteria for approval stated in Section 13.03, and such standards contained in this Ordinance which relate to the special use under consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.

**Section 13.03 Basis of Determination.** Prior to the 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.