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| Article | Special Land Use Approval Requirements |
| XVIII | |

Section 18.01 — Intent:

The formulation and enactment of this Ordinance is based upon the division of the Township into districts in each of which are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses that may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impacts on neighboring uses or public facilities there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.

Section 18.02 — Authority to Grant Permits:

The Planning Commission, as hereinafter provided, shall have the authority to grant special approval use permits, subject to such conditions of design, operation, and safeguards as may be determined for all special approval uses specified in the various provisions of this Ordinance.

Section 18.03 — Application and Fee:

Application for any special approval use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township.

**Section 18.04 — Data, Exhibits and Information Required in
Application:**

An application for a special approval use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan in accordance with Section 22.06 and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

Section 18.05 — Public Hearings and Notices:

Upon receipt of a application for a special land use which requires a decision on discretionary grounds, one (1) notice that a request for special land use approval 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. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date the application will be considered. If the name of the occupants is not known, the term "occupant" may be used in making notification.

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 owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different 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:

1. Describe the nature of the special land use request.
2. Indicate the property that is the subject of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the date, time and place where the public hearing on the special land use will be held.

Section 18.06 — Required Standards and Findings:

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
 - A. Will be consistent with maintenance of the public health, safety, and welfare.
 - B. Will be of such location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for establishment of the proposed use shall be able to provide adequately any such service.
3. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
4. Will be compatible with adjacent uses of land and the natural environment.
 - A. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - B. Will be designed such that the location, size, intensity, site layout and periods of operation of any such proposed use shall eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.
 - C. Will be designed such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings.

- D. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
- 5. Will promote the use of land in a socially and economically desirable manner.
- 6. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

Section 18.07 — Determination and Imposition of Conditions:

If the facts in the case establish that the findings and standards set forth in this ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission may impose such reasonable conditions of use as is determined necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this ordinance. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

Section 18.08 — Approval and Appeal Procedures:

1. *Approval, Grant of Permit.* Upon holding a public hearing, and findings that the requirements of this Article have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days grant special approval. The Planning Commission's decision on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk, and Zoning Administrator. This record shall be on file in the Clerk's Office as well as being made a part of the site plan or building records for that parcel.
2. *Appeal to Township Zoning Board of Appeals.* A person having an interest affected by a special land use decision of the Township Planning Commission may appeal to the Township Zoning Board of Appeals. (See Article XXIII, especially sections 23.02 and 23.03)