

ARTICLE 7

SPECIAL USE PERMITS

SECTION 7.1 PURPOSE

Certain non-customary land use activities entitled "special 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.

SECTION 7.2 PROCEDURE

An application for a special use permit shall be processed in the following manner:

- A. Applications for special use permits shall be submitted to the Zoning Administrator on a form supplied for such purpose. The application shall include a site plan with all information required under Section 8.3 and shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the item is to be considered.
- B. The Zoning Administrator and any designated outside consulting reviewers shall determine, within a reasonable period of time, whether the application is complete.
- C. If the application is found to be incomplete, it shall be returned to the applicant with a list of deficiencies. When an application is found to be complete, the Zoning Administrator shall forward the application and supporting data to the Township Planning Commission no less than fifteen (15) days prior to its next regularly or specially scheduled meeting.
- D. At such meeting, the Planning Commission shall set a public hearing.
 1. The Township shall publish notice of the request and hearing in a newspaper of general circulation in the Township.
 2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
 3. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.

- c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
4. Meeting notice must be posted at the meeting hall in compliance with the Open Meetings Act, P.A. 267 of 1976.
- E. The Township Planning Commission and, at its option, designated outside consulting reviewers, shall review the proposal as presented in the application and in terms of the standards and requirements established in the Ordinance.
 - F. After adequate review and study of an application, and after the Township Planning Commission has held a public hearing, the Township Planning Commission may issue a special use permit. The Planning Commission may also deny the application, approve it subject to conditions, or it may table the application for further study. A copy of the decision, with any conditions or reasons for rejection, shall be sent promptly to the Zoning Administrator and to the applicant.
 - G. The Zoning Board of Appeals shall review any decision made by the Eveline Township Planning Commission regarding a special use permit, provided an application for appeal is made to said Board of Appeals. The applicant, Zoning Administrator, Township Board, or any aggrieved persons may file such an appeal.

SECTION 7.3 BASIS OF DETERMINATION

- A. The Township Planning Commission shall review the proposed special use in terms of standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location meets the following general standards:
 - 1. 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.
 - 2. Will not be hazardous or disturbing to existing or future nearby uses.
 - 3. Will be equal to or an improvement in relation to property in the immediate vicinity and to the Township as a whole.
 - 4. 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.
 - 5. Will not create additional public costs and will not be detrimental to the health, safety, and general welfare of the Township.
 - 6. Is listed as an allowed special use in the district in which it is proposed.
- B. In addition, some special land uses are subject to additional specific standards as listed in Section 2.8, please refer to this Section. No special land use will be approved unless these and all other applicable standards have been met.

SECTION 7.4 VALIDITY OF PERMIT

- A. Where physical construction of a substantial nature of structures authorized by a special land use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate.
- B. Upon written application filed prior to the termination of the one (1) year period as provided above, the Township Board may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing and completing construction within the one (1) year extension. The Township Board may require compliance with any amendments to the Zoning Ordinance since the special land use was originally approved.

Section 7.4 Validity of Permit

SECTION 7.5 AMENDMENTS, EXPANSIONS OR CHANGE IN USE

Amendments to Existing Special Uses. Any proposed expansion, change in use, building addition, new use, or addition of a use on any site operating under a special use permit shall be subject to special land use review under the procedures of this Article for the original special land use. All portions of the site and component uses on the site shall be subject to review and subject to conditions as allowed under this Article. The Planning Commission may attach conditions or changes to the existing uses or components as well as to the proposed new uses or components. Conditions or changes attached to existing uses or components shall be related to total impact or to rectifying nonconformities but shall be proportionate to the level of the proposed expansion, change, or addition.

Section 7.5

SECTION 7.6 CONDITIONS

The Township Planning Commission may attach reasonable conditions with the approval of a special use permit. See Section 5.6.

Section 7.6