

## **ARTICLE 19**

### **SPECIAL USE PERMIT PROCEDURES**

*(revised March 24, 2011)*

The intent of this section of the Zoning Ordinance is to establish equitable procedures and criteria to be applied in approving or disapproving requests for Special Use permits. As with any Special Use permit approval, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the Township's residents and property owners.

Special land uses are those uses which may possess characteristics or qualities requiring individual review to insure compatibility with permitted uses in the district, with the character of the surrounding area, with available public services and facilities or with adjacent land uses.

#### **SECTION 19.1 SPECIAL USE PERMIT PROCEDURES**

The following steps shall be taken by the applicant, Zoning Administrator and Planning Commission when considering a proposed special land use:

- A. All applications for special use permits shall be filed with the Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a permit.
- B. The Zoning Administrator, after preliminary review for completeness, shall forward the complete application to the Planning Commission for review. Where the Zoning Administrator finds the application or required site plan to be incomplete, the applicant shall provide any information required to complete the submittal prior to Planning Commission review.
- C. The Planning Commission shall review the application for completeness at its next regular meeting, and if it is deemed complete, set a public hearing as provided in Section 19.2.
- D. The Planning Commission shall review the special land use application, and required site plan according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in this article and all other applicable requirements of this ordinance.

#### **SECTION 19.2 PUBLIC HEARING AND NOTICE REQUIREMENTS**

- A. After review of the special land use permit application and site plan for completeness, the Zoning Administrator shall schedule a public hearing on the request before the Planning Commission. If the application is complete, the Zoning Administrator shall send a notice of the public hearing not less than 15 days before the date that the application will be considered to the following persons:
  1. The applicant
  2. The owner of the property, if different.

3. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in Presque Isle Township or not.
  4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the property is located in Presque Isle Township or not.
  5. The general public by publication in a newspaper, which circulates in Presque Isle Township.
  6. The members of the Planning Commission.
- B. The notice shall include:
1. The nature of the Special Use Permit being requested.
  2. The property(ies) for which the request has been made.
  3. A listing of all existing street addresses within the property(ies) which is(are) subject of the Special Use. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, another means of identification may be used.)
  4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
  5. The date, time and location of when the hearing on application will take place.
  6. The address at which written comments should be directed prior to the consideration
  7. For members of the Commission only, a complete copy of the Special Use Permit application and supporting documents in the record.

### **SECTION 19.3 REVIEW STANDARDS**

In reaching its determination, the Planning Commission shall consider the following:

- A. All standards applicable to the district in which the development is to be located.
- B. Any additional standards applicable under Article 20 , "Development Standards for Special Permit Uses."
- C. Adequate location and design of driveways to provide vehicular ingress to and egress from the site.
- D. Traffic circulation features within the site and location of automobile parking areas which insure safety and convenience of both vehicular and pedestrian traffic.
- E. Safe and adequate sewage disposal facilities, water supply, storm water drainage, fire protection and other utility provisions.
- F. Any development modifications necessary to insure the nature of the operation will not be in conflict with the primary permitted uses in the district or neighborhood.
- G. Adequate mitigation of any conditions objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, erosion, pollution, or negative effects upon significant environmental features.
- H. That the use will not discourage or hinder appropriate development and use of adjacent premises and neighborhood.

- I. That the information provided to the Planning Commission in the Application and Site Plan is accurate and factual.
- J. That the proposed special land use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance and Comprehensive Plan (Master Plan).

#### **SECTION 19.4 STATEMENT PERTAINING TO DECISION**

The Planning Commission may deny, approve or approve with conditions, a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings containing the conclusions relative to the special land use under consideration which specified the basis for the decision and any conditions imposed.

#### **SECTION 19.5 REVOCATION OF APPROVAL OF SPECIAL LAND USE**

Approval of a Special Land Use may be revoked by the Planning Commission upon determination that the use has not been constructed, improved, maintained or conducted in compliance with this Ordinance or with approved permits, site plans or conditions of approval. Such action shall be subject to the following:

- A. Public hearing. Such action may be taken only after a public hearing as has been held in accordance with the procedures set forth in Section 19.2 of this Article (Request for a Public Hearing), at which time the owner of an interest in land for which approval is sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to revocation of approval.
- B. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the revocation shall be made, and written notification of such findings shall be provided to said owner or designated agent.
- C. Decision. The decision of the Planning Commission shall be set forth in a Statement of Findings and shall be final in regards to revocation.