

Article 15

SPECIAL LAND USES

Section 15.1 Purpose

It is the purpose of this Article to specify the process that shall be followed in the review and approval of "Special Land Uses" as authorized by the Use Tables of Article 3 and elsewhere in this Ordinance, including the standards by which such applications shall be evaluated to ensure conformance with this Ordinance and encourage public health, safety and welfare.

Section 15.2 Review Procedure

- A. Application:** An application for a Special Land Use shall consist of:
1. An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
 2. A site plan prepared according to Sec. 14.3.
 3. A detailed description of the proposed project, in narrative form and part of a document signed by the applicant. Such description shall address, at a minimum, the intended use of the property, typical day-to-day operational features of the proposed use, hours of operation, number of employees by shift, the extent to which there will be indoor or outdoor storage and the materials to be stored, the extent of hazardous materials to be present and for what purpose, the means of waste disposal, and anticipated traffic by volume and type including the extent to which truck traffic will be present in association with customers and deliveries.
- B. Planning Commission Action / Public Hearing:**
1. Application for a zoning permit for a Special Land Use shall follow the same general procedures as delineated for site plan review according to Section 14.3 except that upon finding that the application materials are complete, the Planning Commission shall hold a public hearing on such application before forwarding a recommendation on the application to the Township Board for final action. Notice of the hearing shall comply with Section 2.11.
 2. When evaluating the application, the Planning Commission and Township Board shall refer to the approval standards set forth in Section 15.6 in addition to those specified for site plan approval (Section 14.4). Action on the application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the Special Land Use application that specifies the basis for the decision and any conditions of approval.
 3. An application for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion or resolution of approval, conditional approval or denial. See Section 20.2 regarding conditional approvals.

Section 15.3 Changes

A. Site Plan: Changes to an approved site plan that are classified as "minor" according to Section 14.6 shall be acted upon as provided in Section 14.6. In the case where such change constitutes a "major" change, such change shall be subject to the same review and approval provisions specified in Section 15.2.

B. Use or Activity: A change in the character of the use or activity from what the originally approved special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the establishment of another Special Land Use; the expansion or reduction of the land area comprising the original approved application; and the expansion or increase in intensity of the use including but not necessarily limited to the erection of additional buildings and the extension of authorized hours of operation.

Section 15.4 Appeals

A person aggrieved by a Special Land Use decision may appeal the decision to the circuit court only.

Section 15.5 Reapplication

No application for a Special Land Use which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Township Board. A reapplication shall require a new fee and the process shall follow the provisions of Section 15.2.

Section 15.6 Approval Standards

A. General Standards: No Special Land Use application shall be approved except where the application complies with all of the following standards:

1. The application shall be consistent with the Lake Township Master Plan.
2. The application shall be consistent with the purpose of the zoning district in which it is located.
3. The proposed facility shall be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed buildings and structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
4. The proposed facility shall be served adequately by essential public facilities and services such as roads, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools; and minimizes the impact of traffic generated by the proposed development on adjacent properties.
5. The proposed facility shall not require excessive additional public facilities and services requirements at public cost.
6. The proposed facility shall not be hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as the location of driveways and traffic flow patterns including turning patterns; vehicular and pedestrian safety; the intensity and character of traffic and parking conditions; hours of operation; and the production of noise, glare, vibration, odors, or other external impacts.
7. The proposed facility shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
8. The proposed facility shall be in compliance with the site plan approval standards of Section 14.4.

B. Specific Standards: In addition to compliance with the above general standards in subsection (A), Special Land Uses shall comply with the specific site development standards and regulations of this Ordinance including as may be specified for each District in Article 3 and as may be identified in Article 7.

Section 15.7 Expiration of Special Land Use Approval

A zoning permit issued for a Special Land Use shall not expire except according to Section 2.4(C) and in the case where the Special Land Use has been abandoned or has been otherwise inactive for a period of more than two (2) years. Where such a permit has expired, the use shall not be reinitiated except upon approval of a newly submitted application including site plan approval and a public hearing.

End of Article 15