

**120.420 Special Exceptions.**

**A. Special Exception, Explanation:**

1. In order to allow this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of these uses designated as Special Exception Uses within the various zoning classifications set forth in the Ordinance.
2. Such Special Exception Uses have been so designated because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.
3. With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its discretion, is satisfied that the same, under conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, would meet the special condition set forth in the Ordinance text which designates the Special Exception Use and general conditions hereafter set forth.

**B. Special Exception, Application and Notice:**

1. Application for a special exception use permit shall be filed with the Township Zoning Administrator or other designated official. Applicant shall submit a site plan containing plans and specifications or other data or explanatory material required by the Ordinance and also stating the methods by which the use will comply with the conditions specified for each grant of special exception.
2. When Application for a special exception use permit is submitted, the applicant shall pay a fee determined by the Township Board, which from time to time may be amended, to help defray expenses in connection with the application.

3. The Planning Commission, upon receipt of the application and fees, shall schedule and hold a public hearing. The public hearing notice shall comply with the requirements under Act No. 110 of the Public Acts of 2006, as amended, and shall be published in a newspaper circulated within the Township and by a similar notice mailed or personally delivered to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures with 300 feet thereof. The notice shall be given not less than 15 days prior to the date of such hearing. The notice shall:
  - a. Describe the nature of the special land use request.
  - b. Indicate the property which is the subject of the special land use request.
  - c. State when and where the public hearing will be held.
  - d. Indicate when and where written comments will be received concerning the request.
  - e. Indicate that anyone so wishing will be heard at the public hearing.

**C. Special Exception, Hearing Procedure.**

In hearing a request for special exception use permit the Planning Commission shall be governed by the following principles and procedure:

1. The applicant for a special exception use permit shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all question of fact, which are to be determined by the Planning Commission.
2. A special exception may be granted if the Planning Commission finds from the evidence produced at the hearing:
  - a. That all special conditions and limitations set forth in the text of the Ordinance accompanying the special use designation within a zone classification can and will be complied with.
  - b. That public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- c. That the proposed land use or activity will not unreasonably interfere with protection of the natural environment and conserve natural resources and energy.
- d. That the proposed land use or activity will be compatible with the adjacent uses of land and promote the use of land in a socially and economically desirable manner.

**D. Special Exception Use Permits, Special Provisions.**

The Planning Commission may, and is hereby empowered to, add to the specific conditions and limitations enumerated in the Ordinance, others that it may deem necessary to protect adjacent properties, the general neighborhood, the residents and workers therein and to make the use comply with the intent and purpose of the special exception use provisions of this Ordinance, other Township Ordinances and state and federal statutes. In addition, such special conditions shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those persons who will use the land use or activity under consideration, the residents and land owners 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 the purposes, which are affected by the proposed use of 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.

**E. Minimum Standards Required of Special Exception Uses.**

Special exception uses shall comply with all of the standards as specified herein. The Planning Commission may add to the standards, as provided, where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein as above provided.

<b>Special Exception Use</b>	<b>Minimum Required Standards</b>
Adult foster care facilities	3, 5b
Agricultural crop farming	8
Asphalt and concrete ready-mix plant	1, 4, 5f
Auto-body and frame shop	2, 4, 5d, 8
Automobile and truck repair garage	2, 4, 5c, 8
Bar, tavern and night club	2, 4, 5e
Bus or travel terminal	1, 4, 5e
Care home	3, 5a
Cemetery	2, 3, 5a
Children's nurseries and licensed day care center	2, 4, 5b
Church	2, 5b
Club, private non-commercial	2, 4, 5b
Commercial recreation enterprises	2,4,5c
Contractor's equipment yard	2, 4, 5f, 9
Contractors' work shops	2, 3, 5b, 8
Drive-in theater	1, 5f, 9
Essential services	2, 3, 5d, 6
Gasoline service station	1, 4, 5d, 7
Hospital	1, 3, 5c
Institutions, charitable, eleemosynary, philanthropic	2, 3, 5c
Junk yards, building material salvage yard	2, 4, 5f, 9
Liquor, package sale	2, 5d

Machinery and heavy equipment sales	2, 3, 5c, 8
Medical clinic	2, 4, 5a
Mini-warehouse business	2, 3, 5c
Mobile home sales	1, 4, 5e
More than one Principal Commercial Use, Building or Structure on one parcel	4, 5c, 7, 8, 9, 10
Nurseries and greenhouses	4, 5b, 9
Offices, incidental to allowable uses within zoning district	2, 3, 5b
Outdoor Storage	5c, 8, 9
Nursery, Children's	2, 4, 5a
Public utility buildings and structures	2, 4, 5a, 9
Recreational equipment sales	2, 3, 5c, 8
Riding stable, race track, commercial	2, 4, 5f
Sanitary landfill	1, 5f, 9
School, parochial, private and public	2, 5b
Shooting ranges (club)	2, 11, 12
Shooting ranges (commercial)	2, 5f
Small manufacturing compounding and assembling facilities in the I-1 zone	1, 3, 5b, 8
Slaughter house	1, 4, 5f
Truck terminal	1, 4, 5e

**\*The minimum required standards enumerated below are referred to by the numbers following each special exception use.**

1. The use shall have frontage on a paved primary road.
2. The use shall have frontage on a secondary road or greater.

3. The use shall have off-street parking facilities to satisfy average parking needs.
4. The use shall have off-street parking facilities to satisfy peak parking needs.
5. Building and activities (including, but not limited to, parking, drive aisles, etc.) shall not be closer than the specified number of feet to adjacent residentially-zoned properties.
  - a. 25 feet.
  - b. 50 feet.
  - c. 100 feet.
  - d. 200 feet.
  - e. 500 feet.
  - f. 1000 feet.
6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Planning Commission.
7. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the Planning Commission and shall not be less than 6 feet in height.
10. Adequate ingress and egress required to accommodate normal traffic. Driveways and parking areas must be of concrete or asphalt materials, to reduce dust and noise to adjacent properties.

11. Target areas, buildings and activities (including, but not limited to, parking, drive aisles, etc.) shall be set back at least 1,000 feet from adjacent dwellings and at least 500 feet from any adjacent property line of property not owned by the same owner.
12. The site shall be a minimum of 65 acres in size.

**F. Record of Conditions.**

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 a rehearing of the special exception use.

Any property which is the subject of a special exception use permit which has not been used for a period of 1 year (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception use shall thereupon terminate.

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