

120.420 Special Exceptions.

A. Special Exception, Description:

1. In order to allow flexibility but 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 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.
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, and imposed by said Commission, would meet the special conditions set forth in the Ordinance text which designates the Special Exception Use and general conditions.

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 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 questions 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 landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of 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 ensure compliance with those standards.

E. 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.

[Ord. No. 249, eff 01/29/2019]

[Ord. No. 265, eff 08/31/2023]