

ARTICLE 16

SPECIAL LAND USES

Section 16.01 Purpose.

This Article is intended to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, prevent adverse impacts on neighboring properties and districts, protect natural resources and facilitate development in accordance with the land use objectives of the Master Plan.

Section 16.02 Application Requirements.

Special land use applications shall be submitted in accordance with the following:

- A. **Eligibility.** The application shall be submitted by the owner or operator of the proposed use, the owner of an interest in the lot where the special land use would be located, or by the owner or operator's designated agent. The applicant or agent is required to be present at all scheduled review meetings.
- B. **Requirements.** Special land use applications shall be submitted to the Township on the forms and according to the guidelines provided by the Township, and shall include the following information:
 - 1. The applicant's name, address, telephone and facsimile numbers.
 - 2. The names and addresses of all owners of record, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
 - 3. Legal description, address, location and tax identification number of the property.
 - 4. A detailed description of the proposed use.
 - 5. A site plan that meets the requirements of Article 17 (Site Plan Approval).
 - 6. Appropriate fees, as determined by the Township Board.
 - 7. Any other information, including an impact assessment in compliance with Section 1.12 (Impact Assessments), deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance.

Section 16.03 Review Procedure.

After a complete and accurate application has been received with appropriate review fees, the application shall be reviewed in accordance with following procedure:

- A. **Acceptance for processing.** The application shall be placed on the agenda of the next available regularly-scheduled Planning Commission meeting to set a public hearing date.
- B. **Coordination with site plan review.** Any site plan associated with a special land use application shall not be approved unless the special land use has first been approved by the Township Board.

- C. **Technical review.** Prior to Planning Commission consideration, application materials and plans shall be distributed to appropriate Township officials and staff for review and comment. If deemed necessary by the Planning Commission, the application materials and plans may also be submitted to applicable outside agencies and designated Township consultants for review and comment.
- D. **Public hearing.** A public hearing shall be held by the Planning Commission for all special land uses in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
- E. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special land use, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and Section 16.05 (Special Land Use Standards), and shall provide a recommendation to the Township Board. The Planning Commission may postpone consideration of the special land use application, recommend approval, recommend approval subject to conditions or recommend denial to the Township Board for the special land use as follows:
 - 1. **Postponement.** The Planning Commission may postpone consideration of a special land use application upon determining that the application is not sufficiently complete, or upon a request by the applicant.
 - 2. **Denial.** The Planning Commission may recommend denial of the special land use to the Township Board upon determining that the application is not in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special land use is recommended for denial, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to recommend denying the special land use.
 - 3. **Approval.** The Planning Commission may recommend approval of the special land use upon determining that the use is in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards).
 - 4. **Approval subject to conditions.** The Planning Commission may recommend approval of a special land use subject to reasonable conditions that are in accordance with one or more of the following:
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special land use, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special land use, or necessary to meet the intent and purpose of this Ordinance.
 - c. Conditions shall be related to the standards established in this Ordinance for the special land use under consideration, or necessary for compliance with those standards.

- F. **Township Board Action.** The Planning Commission shall transmit its recommendation, together with reports and public hearing findings to the Township Board for final action. The Township Board may postpone consideration of the application, deny, approve, or approve with conditions a special land use as follows:
1. **Postpone.** The Township Board may postpone consideration of a special land use application upon determining that the application is not sufficiently complete, or upon a request by the applicant
 2. **Denial.** The Township Board may deny the special land use upon determining that the application is not in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special land use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Township Board to deny the special land use.
 3. **Approval.** The Township Board may approve the special land use upon determining that the use is in compliance with the provisions of this Ordinance, including Section 16.05 (Special land Use Standards).
 4. **Approval subject to conditions.** The Township Board may approve a special land use subject to reasonable conditions that are in accordance with one or more of the following:
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special land use, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special land use, or necessary to meet the intent and purpose of this Ordinance.
 - c. Conditions shall be related to the standards established in this Ordinance for the special land use under consideration, or necessary for compliance with those standards.
 5. **Recording of special land use action.** Each action with respect to a special land use shall be recorded in the meeting minutes of the Township Board and Planning Commission, as appropriate. The minutes shall record the findings of fact relevant to each special land use proposal, the grounds for each action taken, and any conditions imposed in conjunction with approval.
 6. **Effect of approval.** Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.

Section 16.04 Special Land Use Resubmission, Appeals, Expiration or Revocation.

- A. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations by the Planning Commission or Township Board.
- C. **Expiration of special land use approval.** Special land use approval shall expire three-hundred sixty-five (365) days after the date of approval, unless the use has been established on the site, or the site plan associated with the special land use has been submitted to the Township for review. Special land uses shall also expire upon expiration of the approved site plan associated with a special land use. Upon written request received by the Township prior to the expiration date, the Township Board may grant one (1) extension of up to one hundred eighty (180) days, provided that the special land use conforms to current Zoning Ordinance standards.
- D. **Rescinding approval of special land uses.** Approval of a special land use may be rescinded by the Township Board upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
 - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner or operator of the use or owner of an interest in land for which the special land use was sought, or the owner or operator's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
 - 2. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

Section 16.05 Special Land Use Standards.

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

- A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the Township.
- B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding area, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the area or Township as a whole.
- C. **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives and policies of the adopted Quincy Township Master Plan.
- D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Township codes and ordinances, federal and state laws and outside agency regulations.

- E. **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.
- F. **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.
- G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
- H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 16.06 Operation and Maintenance

It shall be the responsibility of the owner of the property and the operator of the special land use to develop, improve, operate and maintain the use, (including the site, buildings and all site elements), in accordance with the provisions of this Ordinance and all conditions of approval, until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of this Ordinance.

The Zoning Administrator shall investigate special land uses as necessary to determine continuing compliance with this Ordinance.