Sec. 36-36. Special use permits.

(a) *Application.* Applications for special use permits authorized in this chapter shall be submitted to the zoning administrator on a special form supplied by the same for such purposes. Applications shall be accompanied by payment of a fee in accordance with the duly adopted schedule of fees, to cover costs of processing the application. Applications for special use permits shall be subject to the provisions of section 36-34. in addition to the provisions stated herein.

(b) *Procedures.*

(1) The zoning administrator shall review the proposed application to determine if all required information has been supplied, and forward completed applications and supporting data in accordance with the provisions of section 36-34(b) to the Township Planning Commission.

(2) Upon receipt of an application for a special land use permit, the planning commission shall hold a public hearing in accordance with the notification procedures described in section 36-40.

(3) Upon conclusion of the public hearing procedures, the Township Planning Commission may issue a special use permit. A copy of the Township Planning Commission's decision, with any conditions or reasons for rejection, shall be sent promptly to the zoning administrator and to the applicant.

(c) *Basis of determinations.* The Township Planning Commission shall review the proposed special use in terms of the standards stated within this chapter and shall establish that such use and the proposed location:

(1) Compatibility with the master plan will be harmonious and in accordance with the general objectives or any specific objectives of the Hamburg Township master plan.

(2) Compatibility with surrounding area will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will not change the essential character of the area, and will not be hazardous or disturbing to existing or future nearby uses. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

a. Use activities, processes, materials, equipment or conditions of operations;

b. Vehicular circulation and parking area;

c. Outdoor activity, storage and work areas;

d. Hours of operation;

e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;

f. Impacts on adjacent property values; and

g. The relative ease by which the impacts above will be mitigated.

(3) Improvement to the immediate vicinity will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.

(4) Impact of traffic on the street system. The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volumes), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require submittal of a traffic impact study to

ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures and prepared by a qualified traffic professional. The Township may require mitigation to maintain traffic operations at a level that is consistent with other types of permitted uses in the district. Route and operational restrictions (such as hours, cleaning of dust or debris) may be established for construction traffic to minimize negative impacts.

(5) Impact on the overall environment. The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. The planning commission may require a quantitative comparison of the impacts of typical permitted uses and the special land use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the requested use.

(6) Public services impact will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility, will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township. Public facilities shall include, but not be limited to, streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, water and sewage facilities, and schools.

(7) Compliance with zoning ordinance standards will be consistent with the intent and purposes of this chapter and be designed, constructed, operated and maintained to meet the stated intent of the zoning district.

(d) *Conditions and safeguards.* The planning commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the purposes of this chapter and the general spirit and purpose of the district in which the special land use is proposed will be observed. Special land use permits may be issued for specific time periods as determined by the planning commission.

(e) *Voiding of permit.* Unless otherwise specified by the planning commission, any special land use permit granted under this section shall be null and void unless the development proposed shall have its first zoning inspection within one year from the date of the granting of the permit. The zoning administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. The zoning administrator may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this chapter or of any other ordinances or regulations of the Township.

(f) *Reapplication.* No application for a special land use permit which has been denied wholly or in part shall be re-submitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the planning commission.

(g) *Appeals, jurisdiction of Township Board.* In the event the planning commission denies an application for a special land use permit, the applicant shall have the right to appeal said decision to the Township Board. The appeal shall be exclusive and de novo.

(h) *Existing special land uses.* An existing special land use shall be considered conforming, provided such use conforms to the site plan and conditions upon which it was approved. An existing special land use shall be considered a use of land which was approved under the provisions of this section; or was in existence at the time that the schedule of use regulations was amended to list the use as requiring a special land use permit.

The landowner shall notify the zoning administrator of any change in an existing special land use and such change shall comply with the following requirements:

(1) *Major amendments.* Any major amendment to an existing special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article. Amendments to the site plan shall bring the site into compliance with all zoning ordinance requirements determined to be reasonable by the planning commission in proportion with the extent of the change at the site and in consideration with the physical constraints of the site. The zoning administrator shall determine whether the proposed amendment constitutes a minor or major amendment, based on the standards below. Changes or expansions in the use shall be considered cumulatively since the date the last special land use permit was issued. A change shall constitute a major amendment where any one of the following apply:

   a. Changes increase the buildings usable floor area by more than 25 percent;

   b. Parking lots are expanded by more than 25 percent;

   c. The occupancy, capacity or membership of the use is increased by more than 25 percent; or

   d. The use is expanded to occupy an additional 25 percent or more of land area.

(2) *Minor amendment.* Minor amendment to an existing special land use does not require submittal of a new application for a special land use permit.

(3) *Change in use.* Change to another special land use shall require submittal of a new application for special land use permit and follow the review procedures contained in this article.

(4) *Required site plan.* Any changes, whether it is deemed minor and major, shall require submittal of a site plan in accordance with article III of this chapter.

(Zoning Ord. 2020, § 3.5, 1-5-2021)