

## **Special Use Permit**

The Cascade Charter Township Zoning Ordinance identifies certain land uses, which because of the nature or method of operation, require specific safeguards or design constraints to be in place prior to their development. These land uses, called “special uses”, are allowed provided specific standards and guidelines are met. These standards and guidelines are established as a means of eliminating or reducing any of the anticipated negative impacts a “special use” may have on its surrounding neighbors.

The Cascade Charter Township Zoning Ordinance classifies special uses into two (2) categories: “Type I” and “Type II”. “Type I” special uses are those land uses which may impact their neighbors in a slightly negative fashion. A “Type I” special use is reviewed by the Planning Commission only, unless the applicant appeals their decision to the Township Board. A “Type II” special use is reviewed by the Planning Commission for a recommendation, then forwarded to the Township Board for final action.

### **Application Procedures**

1. An applicant for a Special Use Permit must submit an application for the proposed use, a site plan and the appropriate application fee.
2. At a minimum the applicant for a Special Use Permit must also provide a written statement which provides the following information:
  - a. A statement summarizing the operation procedures of the proposed use requiring the Special Use Permit.
  - b. A summary explaining how the proposed use will be “designed, constructed, operated and maintained” to be harmonious with the existing character of the surrounding area.
  - c. If the operation procedures of the proposed use involve the emission of noise, smoke, fumes, glare, vibration, odor or increased traffic, please explain how these items will be reduced or mitigated to assure they are not detrimental to the surrounding area.
3. If the proposed use does not require Site Plan Review as set forth in Chapter 21 of the Zoning Ordinance, an abbreviated site plan is still necessary for Special Use Permit review purposes. This abbreviated site plan must show the following information:
  - a. Property boundary lines
  - b. Location of existing buildings and structures

- c. Location of any proposed buildings or structures
  - d. Location of abutting streets and driveways
  - e. Existing zoning on the subject property and the adjacent properties.
4. Once the application is submitted with the necessary attachments the Planning Department will set up the required public hearing as required by State law.
  5. According to state law, all property owners within 300 feet of the subject property requesting a Special Use Permit, must be notified of a public hearing. State law requires that they be notified no less than 5 days before nor no more than 15 days before the scheduled public hearing.
  6. With notification requirements in mind, the Planning Department requires all applications to be submitted four (4) weeks prior to a scheduled Planning Commission meeting.
  7. The Planning Department will review the submitted application materials for sufficiency during the first 7-10 days after submittal. If the application materials are deficient the applicant will be notified in writing. During the second 7-10 day period the applicant has the opportunity to correct the deficiencies noted by the Planning Department and submit any revisions. It is during this same time frame the notices of public hearing are being processed to assure they are properly advertised and processed for later distribution.
  8. About five days before the public hearing, the Planning Department will have the Planning Commission agenda available for all applicants.
  9. About four days before the public hearing, the Planning Department will have a Staff Report regarding the request available to the applicant and the public. The agenda and Staff Report will mailed to the applicant in time for the scheduled public hearing.
  10. In reviewing the application for a Special Use Permit, the Planning Commission is required to determine if the following general standards are satisfied:
    - a. The proposed use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
    - b. The proposed use be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities and schools.

- c. The proposed use not create excessive additional requirements at public cost for public facilities and services.
  - d. The proposed use not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
  - e. The proposed use not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.
11. In order to avoid any unnecessary delays for your project, THE APPLICANT (OR REPRESENTATIVE) IS REQUIRED TO ATTEND THE PLANNING COMMISSION MEETING to entertain questions and/or comments regarding the request.
12. In addition to the general standards cited above, the proposed special use must demonstrate that it complies with its specific design standards contained in the Zoning Ordinance, if any.
13. Upon review and completion of the public hearing, the Planning Commission will make a recommendation regarding the proposed Special Use Permit. In the case of a “Type 1” special use, the Planning Commission’s action will be final unless appealed to the Township Board. In the case of a “Type 2” special use, the Planning Commission’s recommendation is forwarded to the Township Board, who has final authority. A decision by the Township Board is final unless the decision is reversed or modified by a court of competent jurisdiction.