

## ARTICLE: 6.0 - CONDITIONAL USES

**ARTICLE 6.0  
CONDITIONAL USES****SECTION 6.01 - GENERAL PROVISIONS**

The formulation and enactment of this Ordinance is based upon the division of Freedom Township into districts in each of which certain specified, mutually compatible uses are permitted by right. In addition to such uses, however, there are certain other uses, which are essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are entirely appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems presented by the use or its particular location in relation to neighboring properties from a zoning standpoint.

This Ordinance, therefore, requires approval as to location of all uses listed in the several zoning districts as conditional uses and specifies in this Article the procedures and standards to be followed in granting permits to allow such uses. If compliance with the procedures and standards set forth in ARTICLE 1 and in ARTICLE 10, if applicable, and this Article are found, then the right to a conditional use permit shall exist, subject to such specific safeguarding conditions as may be imposed by reason of the nature, location and external effects of such use. No conditional use shall commence until a conditional use permit is issued therefore in accordance with this Ordinance.

**SECTION 6.02 - AUTHORITY TO GRANT PERMITS**

The Township Planning Commission shall have the authority to grant conditional use permits and to attach conditions to a permit. Only those uses listed in each zoning district, as conditional uses shall be considered for conditional use permit review and approval.

**SECTION 6.03 - APPLICATION AND FEE**

Application for a conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission by filing in the official conditional use permit application form, submitting required data, exhibits, information, and depositing the required fee with the Township Clerk. The application fee shall be set by resolution of the Freedom Township Board, except that no fee shall be required for a conditional use application for a single-family residence or of any governmental body or agency. No part of such fee shall be returnable to the applicant. The Clerk shall transmit a copy of the application form and the required information to the Chairman of the Planning Commission within three (3) days of the filing date.

**SECTION 6.04 - DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION**

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner or is acting on the owner's behalf, the name and address of the owner(s) of record if the applicant is not the owner of record, the address and/or parcel number of the property, an accurate survey drawing and plan of said property, showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses, and a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance. A written statement prepared by the applicant and reviewed by the Planning Commission regarding the existing conditions of the property and its compliance with the Zoning Ordinance shall be submitted.

**SECTION 6.05 - PUBLIC HEARINGS****A. Notification Requirements**

Upon receipt of the application and information from the Township Clerk, the Planning Commission shall set a date for a public hearing thereon, and shall notify the Township Clerk and applicant of the date.

*Effective Date: 1/25/2001*

## ARTICLE: 6.0-CONDITIONAL USES

The Planning Commission shall hold a public hearing, or hearings, upon any application for a conditional use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, within fifteen (15) days but not less than five (5) nor more than fifteen (15) days before the date of the public hearing.

**B. Contents of Notification**

The notice of public hearing shall:

1. Describe the nature of the conditional use request.
2. Describe the property, which is the subject of the conditional use request.
3. State when and where the public hearing will be held.
4. Indicate when and where written comments will be received concerning the request.

**SECTION 6.06 - REQUIRED STANDARDS AND FINDINGS**

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the regulations and standards in ARTICLE 10, if applicable, and the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed lot meets the following standards:

- A. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- C. The proposed use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
- D. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- F. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- G. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which

**ARTICLE: 6.0-CONDITIONAL USES**

it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District and/or the present and/or intended character of the area.

- H. The proposed use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- I. The proposed use shall not unreasonably burden the capacity of public services and/or facilities.
- J. The proposed use is consistent with the Township's Growth Management Plan/Master Plan.
- K. The proposed use will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.

If the facts do not establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not grant a conditional use permit.

**SECTION 6.07 – CONDITIONS OF APPROVAL**

In granting of any conditional use permit the Planning Commission shall impose such conditions, as it deems necessary to protect the public interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. The breach of any such condition of safeguard shall be considered a violation of this Ordinance.

**SECTION 6.08 – CONTINUATION AND EXPANSION**

- A. **Continuation** – Any use lawfully existing on the date of adoption of this Ordinance or an amendment thereof and that is permitted as a conditional use under this Ordinance or amendment shall be deemed a conforming use, and may continue without approvals required in this Article.
- B. **Expansion** – Any expansion of a conditional use shall require a conditional use permit.

**SECTION 6.09 – RE-APPLICATION**

No application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred and sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**SECTION 6.10 – REVOCATION OF PERMIT**

The Planning Commission may, after hearing and cause shown, revoke a conditional use permit in case of false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan or any conditions of the permit.