

Section 15

Overall, 'Interim Use Permit' will need to be added throughout the entire ordinance in the respective instances it needs to appear.

Section 15 B: Rewrite

B. Conditional Use Permit/Interim Use Permits. An Interim Use Permit may be recommended in lieu of a Conditional Use Permit to regulate land use activities that the Town Board, at its sole discretion, determines should be permitted for a limited duration. Applications for a Conditional Use Permit/ or Interim Use Permit must be submitted, and shall be processed, in accordance with the following.

1. **Applying for a Conditional Use Permit/Interim Use Permit.** An application for a Conditional Use Permit/Interim Use Permit shall be submitted to the Zoning Administrator with the required fees. The application must contain sufficient information for the Planning Commission and Town Board to determine whether the proposal will meet all applicable development standards if the Conditional Use Permit/Interim Use Permit is granted.
2. **Processing Applications for a Conditional Use Permit/Interim Use Permit.**
 - a. The township shall provide at least 10 days' published notice of a public hearing to be held concerning the requested permit. Property owners contiguous to the subject property shall be mailed notice of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings. The Planning Commission shall hold the public hearing. The applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested permit. The applicant has an affirmative duty to show that its proposed use satisfies the criteria for granting a Conditional Use Permit/Interim Use Permit established herein.
 - b. At the conclusion of the hearing, the Planning Commission shall make a recommendation to the Town Board regarding the requested permit together with its findings to support its recommendation. If the recommendation is to approve the permit, the Planning Commission shall include any conditions it recommends be placed on the permit. The Planning Commission's recommendation shall be forwarded to the Town Board.
 - c. The Town Board shall make the final decision on whether to grant the requested permit. If it grants the Conditional Use Permit/Interim Use Permit, the Town Board may impose conditions on the permit it considers necessary to protect the public health, safety and welfare. The applicant shall be responsible for the costs the township incurs to record the permit with the Town Recorder's office.
 - d. Conditional Use Permit/Interim Use Permits are subject to regular compliance reviews by the township to ensure the conditions have been maintained.
3. **Criteria for Conditional Use Permit/Interim Use Permit.** All applications shall address items A through C below to be considered a complete application.
 - a. Property Information.
 - i. The name and address of the applicant(s).

- ii. The legal description of the parcel(s) involved in the request.
 - iii. The names and addresses of the fee-title owner(s) of the parcel(s) or authorized agent(s).
 - iv. Evidence that property taxes are current on the parcel(s) involved in the request.
- b. Graphic Representation.
- i. A site plan
 - ii. Photographs: the application may be accompanied by un-mounted photographs, large enough to show the nature of the property but not larger than 11x17 inches.
- c. Proposal Summary.
- i. Description of purpose and planned scope of operations (including retail/wholesale activities).
 - ii. Planned use of existing buildings and proposed new structures associated with the proposal.
 - iii. Proposed number of non-resident employees.
 - iv. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.
 - v. Planned maximum capacity/occupancy.
 - vi. Traffic generation and congestion, loading and unloading areas, and site access.
 - vii. Off-street parking provisions (number of spaces, location, and surface materials).
 - viii. Proposed solid waste disposal provisions.
 - ix. Proposed sanitary sewage disposal systems, potable water systems, and utility services.
 - x. Existing and proposed exterior lighting.
 - xi. Existing and proposed exterior signage.
 - xii. Existing and proposed exterior storage.
 - xiii. Proposed safety and security measures.
 - xiv. Adequacy of accessibility for emergency services to the site.
 - xv. Potential for generation of noise, odor, or dust and proposed mitigation measures.
 - xvi. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.
 - xvii. Existing and proposed surface-water drainage provisions.
 - xviii. Description of food and liquor preparation, serving, and handling provisions.
 - xix. Any such other information necessary and reasonable to adequately review the proposal.
4. **Findings.** No Conditional Use Permit/Interim Use Permit shall be recommended for approval to the Town Board unless said Planning Commission specifies in their findings, the facts in each case which shall establish:

- a. That the Conditional Use Permit/Interim Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
 - b. That the establishment of the Conditional Use Permit/Interim Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
 - c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - e. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
5. **Conditional Use Permit/Interim Use Permit within Floodplains, Shoreland Areas and Wetlands.**
- a. These areas are referred to and have additional regulations at the local county and state jurisdictions.
6. **Additional Considerations**
- a. If it is determined that any damage or deterioration to the township infrastructure will likely occur as a result of the proposed use, then a plan to mitigate or eliminate the damage must be presented to the Planning Commission and the Town Board. The complete cost of said plan will be the full responsibility of the applicant. If the damages are not paid the conditional use may be revoked. The township may deny an application if it determines a township road that provides access to the property is not structurally sufficient to safely accommodate the amount of traffic or the weight of the vehicles the proposed use is anticipated to generate.
 - b. An application may also be denied if the township determines the proposed use would create health, safety, or welfare concerns that cannot reasonably be mitigated through the imposition of conditions on the permit.
7. **Amended Conditional Use Permit/Interim Use Permits.** Any proposed change to a use issued a Conditional Use Permit/Interim Use Permit including, but not limited to, alteration or enlargement of structures or the change, intensification or expansion of the use beyond what is allowed by the Conditional Use Permit/Interim Use Permit issued for the property, shall require an amended Conditional Use Permit/Interim Use Permit. The same procedures and requirements for applying for a new Conditional Use Permit/Interim Use Permit shall apply to those seeking an amended Conditional Use Permit/Interim Use Permit. Furthermore, the township may add to or amend the conditions imposed on the use if it issues the amended Conditional Use Permit/Interim Use Permit.