

CHAPTER 27 SPECIAL LAND USE REVIEW

SECTION 27.10 INTENT

Special land uses are generally consistent with the purpose of the zoning district in which they are located, but due to unique operational characteristics or specific circumstances surrounding the use, they may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, visual impact, odor, intensity of use, or similar potential effects require that special land uses be evaluated for appropriateness on a case-by-case basis. Special land uses may be authorized after Planning Commission review and approval, following a review of the use and its potential impact on its surroundings. This chapter establishes the review procedures for special land uses and the general standards that must be met for all special land uses.

SECTION 27.20 APPLICABILITY

A. APPLICABILITY

1. **Designation.** Land uses classified as special land uses in Chapter 15 shall only be established in accordance with this chapter.
2. **Reclassification.** Any use that was established as a permitted use and subsequently reclassified as a special land use may continue and is not considered to be a nonconforming use. However, any change to the use or its associated building or site shall require special land use review, regardless of how minor.

B. CONCURRENT SITE PLAN REVIEW

Site plan review in accordance with Chapter 26 or preliminary plan review in accordance with Section 27.30 B is required for all special land uses. The site plan approved in conjunction with the special land use approval shall become part of the approval record. Ongoing conformance with the terms and conditions of the approval is required.

SECTION 27.30 REVIEW PROCESS

A. APPLICATION REQUIREMENTS

See Chapter 25 for general processes for submitting special land use and site plan applications. Special land use and site plan review shall be processed concurrently under subsection B, or may occur in a two-step process in accordance with subsection C. At the discretion of the applicant, they may seek special land use approval with a preliminary plan or with a final site plan in accordance with subsections B and C.

B. SPECIAL LAND USE AND PRELIMINARY PLAN REVIEW OPTION

1. **Authority.** The Planning Commission shall review all details of the application and submittal to ensure the satisfaction of special land use approval standards (Section 27.40) and to provide a cursory authorization of the general site layout (see Section 36.10 for checklist).
2. **Final Zoning Compliance.** Preliminary plan review and approval shall not be construed as a final confirmation of zoning compliance.
3. **Process.** The application shall be reviewed in accordance with the following process in Figure 27-1:

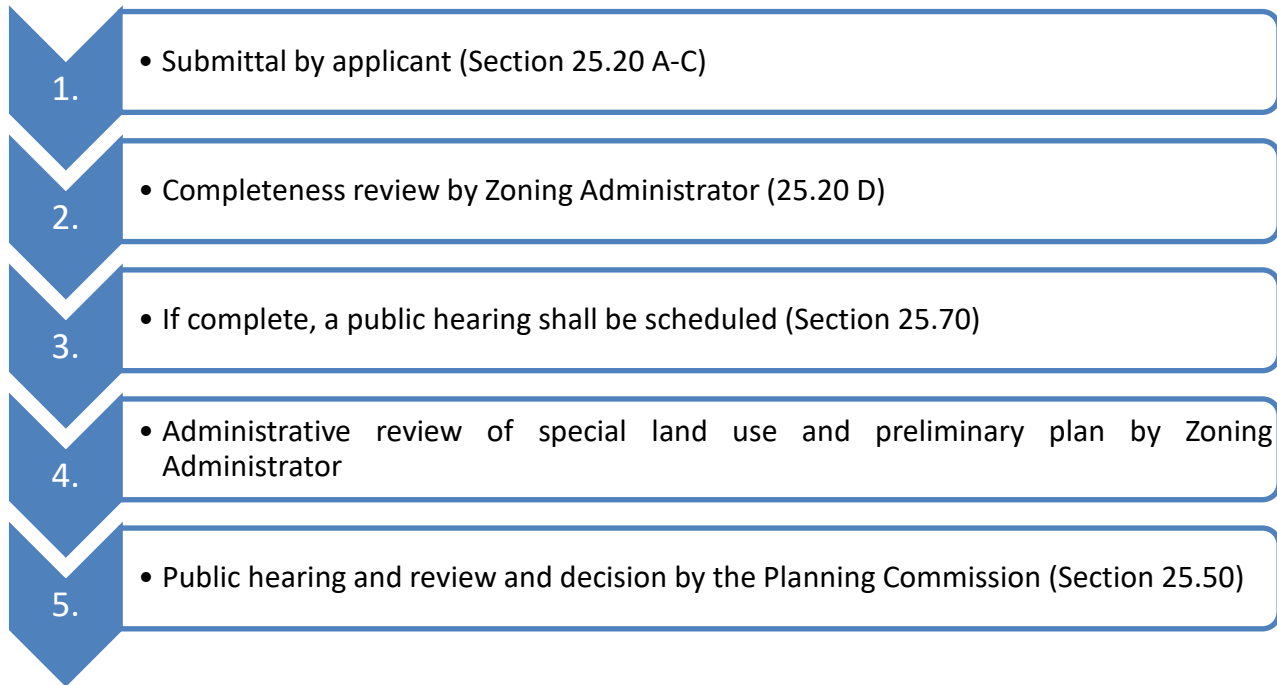


Figure 27-1 Process for Special Land Use and Preliminary Plan Review

4. **Final Plan.**
 - a. A final site plan shall be submitted by the applicant by the published deadline within one (1) year of special land use approval and preliminary plan approval. If not submitted within one (1) year, the preliminary plan is determined to have expired.
 - b. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 26.40). The final plan shall generally reflect the preliminary plan, or a new public hearing shall be necessary (see Section 36.50 for the checklist).
 - c. The application shall be reviewed in accordance with the following process in Figure 27-2:

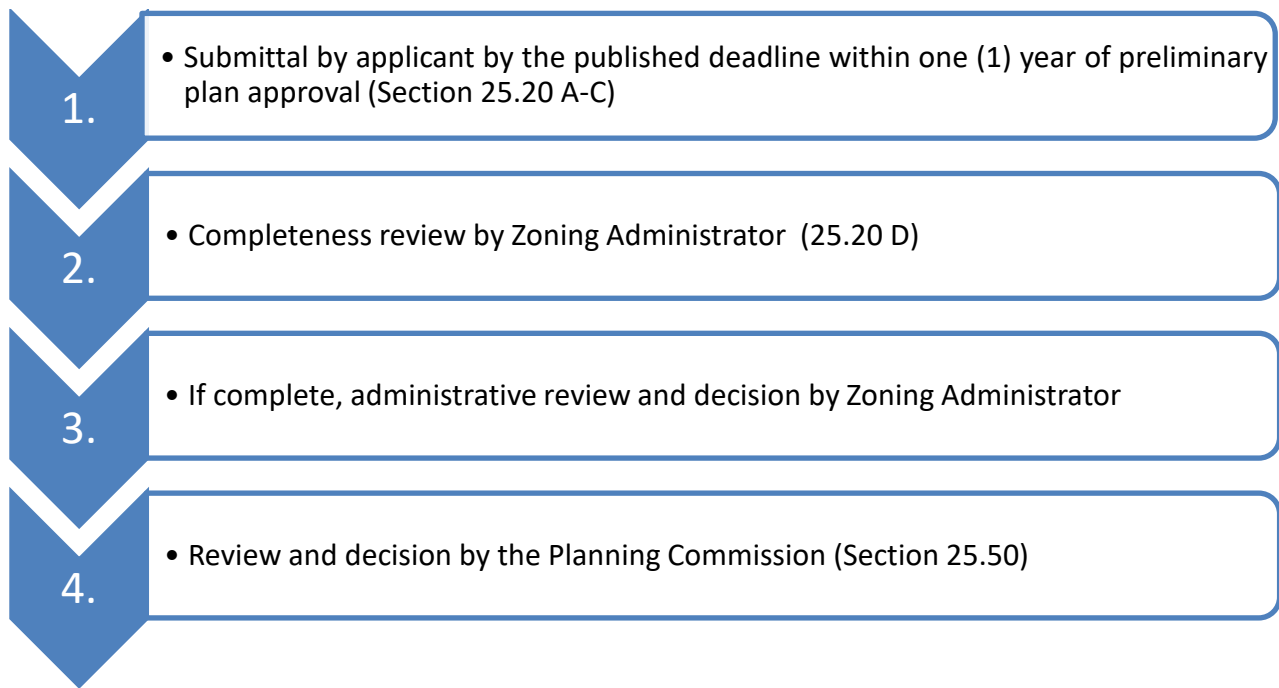


Figure 27-2 Process for Special Land Use Final Plan Review

C. COMBINED SPECIAL LAND USE AND SITE PLAN REVIEW

The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 26.40) and special land use approval standards (Section 27.40). See Section 36.50 for the submittal checklist. The application shall be reviewed in accordance with the following process in Figure 27-3.

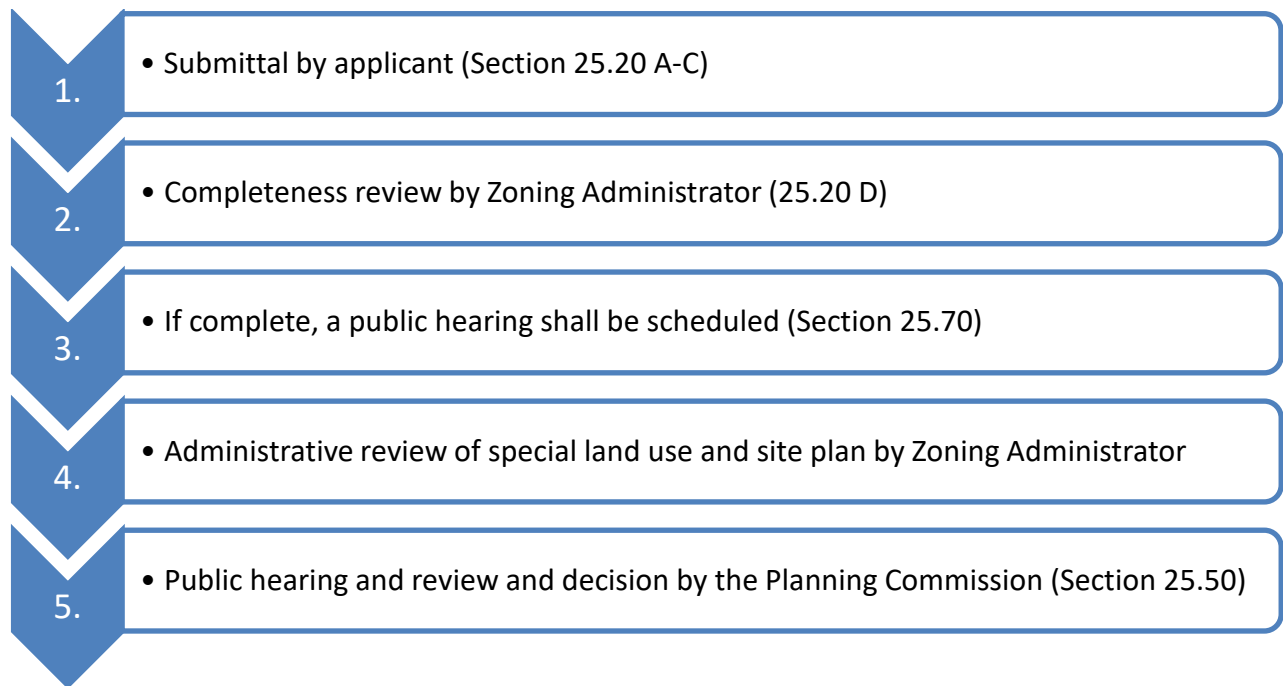


Figure 27-3 Process for Combined Special Land Use and Site Plan Review

D. DECISIONS

1. **Action.** Unless action is tabled or postponed, the Planning Commission shall decide upon special land use requests as follows:
 - a. **Approval.** The motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
 - b. **Denial.** In the case of a denial, the motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. **Resolution.** A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
3. **Conditions.** Reasonable conditions may be imposed by the Planning Commission on a special land use approval in accordance with Section 25.60.

E. APPEALS

The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on special land uses except for interpretations.

SECTION 27.40 SPECIAL LAND USE APPROVAL STANDARDS

The following special land use approval standards shall be considered by the Planning Commission.

A. ZONING ORDINANCE AND MASTER PLAN

The special land use will be consistent with the goals, intent, and purposes of the Zoning Ordinance and the Master Plan. The associated site plan will comply with all requirements of this Ordinance and satisfy all site plan standards of approval.

B. USE COMPATIBILITY AND CHARACTER

The site plan and buildings associated with the use will be designed and constructed, and the use will be operated and maintained in ways to ensure compatibility with adjacent and nearby land uses. Establishment of the use will not degrade the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property and shall not have significant adverse impacts upon adjoining properties or uses.

C. PUBLIC SERVICES AND INFRASTRUCTURE

The use and its associated buildings and site improvements will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; and will not be detrimental to the economic welfare of the community.

D. IMPACT AND NUISANCES

The use and its associated buildings and site improvements will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.

E. ENVIRONMENTAL IMPACT

The use and its associated buildings and site improvements will not cause environmental degradation or significant change to landscapes, topography, and sensitive natural resources.

F. TRAFFIC

The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel and shall not create or substantially add to traffic hazards in the area.

G. PRECEDENCE AND REASONABLE LAND USE

The proposed use shall not set precedents for development, which could adversely affect the long-term plans or policies of the Township. The proposed use will be reasonable.

SECTION 27.50 TERM, VALIDITY, AND COMPLIANCE

A. OWNERSHIP

Special land use approval, with all associated benefits and conditions, shall run with the land. Change in property ownership does not invalidate the special land use approval, provided all conditions of approval continue to be met during operation.

B. VALIDITY

A special land use approval shall be valid for as long as the approved special land use continues in accordance with the terms and conditions of the approval. The special land use approval shall expire on the occurrence of one (1) or more of the following conditions:

1. If replaced or superseded by a subsequent special land use approval.
2. If replaced or superseded by a permitted use.
3. If the applicant requests the rescinding of the special land use approval.
4. If the site plan associated with the special land use expires per Section 26.50 or the preliminary plan expires per Section 27.30 B.4.
5. The permitted special land use ceases operation for 12 consecutive months.

C. TERM AND VALIDITY

See 25.30 D.

D. REVOCATION

The Planning Commission may revoke a special land use approval in accordance with Section 25.30 E if there is a violation of the site plan approval or this Ordinance.

SECTION 27.60 AMENDMENTS

All changes to special land use operation or any specific condition of approval shall be processed in the same manner as the original application. However, the Zoning Administrator may approve amendments to site plans associated with special land uses if determined to be minor per the criteria of Section 26.20 B.