

ARTICLE 30
Special Land Uses

§ 170-30.1. Intent

This Article sets forth a set of procedures and standards for special uses, which because of their unique characteristics require specific consideration. Special land uses are considered to be more intense, or potentially more disruptive, compared to uses which are permitted by right in a particular zoning district. These review procedures and standards are intended to regulate the use of land and site design based on characteristics of a particular use and to prevent adverse impact on adjoining or nearby properties.

§ 170-30.2. Procedure

- A. Special land uses require public notice and a public hearing as set forth in Section 40.7, Public Notice.
- B. If an ordinance interpretation or variance is needed from the zoning board of appeals, action shall be obtained prior to initiating the special land use review.
- C. At the public hearing, the Planning Commission shall review the special land use application and the preliminary site plan for compliance with the special land use standards of section 30.4.
- D. The planning commission is authorized to approve the special land use, approve the special land use with conditions, deny or postpone action.
- E. The planning commission may, at its discretion, impose conditions on the approval when it deems they are necessary to achieve or assure compatibility with adjacent uses and/or structures or to implement the master plan. The conditions run with the land and will remain through subsequent owners, except an expiration date for the special land use may be specified if the special land use is considered to be temporary.
- F. Final site plan approval is required by the Planning Commission, as defined in Article 33 Site Plan Review. Conditions of the special land use approval must be clearly stipulated on the final site plan.

§ 170-30.3. Special Land Use Submittal Requirements

In addition to the special land use application and required fee, the following shall be submitted to the planning department.

- A. A preliminary site plan identifying the size, configuration and location of existing and proposed buildings, parking, service areas, access drives, landscape, natural features and other significant features of the site.
- B. Written responses to the special land use standards contained in Section 30.4.

§ 170-30.4. Standards

The Planning Commission shall consider the following standards when reviewing a special land use request.

- A. Compatibility with adjacent uses. The proposed special land use shall be designed and constructed in a manner that is harmonious with the character of the adjacent property and the surrounding area. The special land use shall not create a significant detrimental impact, as compared to the impacts of permitted uses.
- B. Compatibility with the master plan. The proposed special land use shall be compatible with and in accordance to the goals and objectives of the township master plan and any associated sub-area and corridor plans.
- C. Traffic Impact. The proposed special land use shall be located and designed in a manner that will minimize the impact on traffic, taking into consideration pedestrian access and safety, vehicle trip generation, types of traffic, access location and design, circulation and parking design, street capacity and traffic operations at nearby intersections and access points.
- D. Impact on Public Services. The proposed special land use shall be adequately served by essential public facilities and services such as streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewerage facilities and schools.
- E. Compliance with Zoning Ordinance Standards. The proposed special land use shall be designed, constructed, operated and maintained to meet the intent of the zoning districts and the site shall be able to comply with all applicable ordinance requirements.
- F. Impact on the Environment. The proposed special land use shall not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.
- G. Specific Special Land Use Requirements. The proposed special land use shall comply with any specific requirements relating to a particular use.

H. The Planning Commission shall also consider the following factors when reviewing a special land use.

- 1) The nature and character of the activities, processes, materials, equipment or conditions of operation typically associated with the use.
- 2) Vehicular circulation and parking areas.
- 3) Outdoor activity, storage and work areas.
- 4) Hours of operation.
- 5) Production of traffic, noise, vibration, smoke, fumes, dust, glare and light.

§ 170-30.5. Amendments, Expansions or change in use

The following provisions apply when there is an amendment or a proposed expansion to an approved special land use or when there is a proposed change from one special land use to another.

- A. In determining whether a proposed site plan amendment or expansion requires a new special land use approval, any site plan changes that are determined by the township to be major changes, as defined in Section 33.8, shall require a new special land use approval.
- B. The applicant shall be responsible for informing the Township of any change in an approved use, operations or activities, prior to the changes taking place.
- C. In determining whether a proposed change to the use requires a new special land use approval, consideration shall be given to a departure from the operation or use as described in the approved application or any change that may cause external impacts such as, but not limited to, additional traffic, changes to traffic patterns, hours of operation, noise, outdoor storage or display.

§ 170-30.6. Variances

The Zoning Board of Appeals shall not have the authority to grant a variance to allow a special land use that was denied by the Planning Commission, nor shall the Zoning Board of Appeals have the authority to grant a variance to any conditions placed on special land use approval.

§ 170-30.7. Effect of Approval

If construction has not commenced within one (1) year of final site plan approval, the special land use and site plan approvals become null and void and a new application for special land use shall be required.

§ 170-30.8. Extensions

A single one (1) year extension may be approved by the Planning Commission. Requests for extensions must be made in writing prior to the expiration date of the approval. An extension shall be granted if the applicant provides evidence that the use and site plan have a reasonable likelihood to be established during the one (1) year extension period. The applicant may be required by the Township to submit a new site plan if the Township finds there have been applicable amendments to this chapter since the special land use was approved.

§ 170-30.9. Inspections

The Township may make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the Planning Commission and this chapter.

§ 170-30.10. Maintenance

The property owner shall be responsible for maintenance of the property in accordance with the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which approval was based or until a new use or site plan is approved. Any property owner who fails to maintain an approved site plan shall be deemed in violation of the provisions of this chapter.

§ 170-30.11. Revocation

Revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions. The procedure for revocation is as follows:

- A. The Township shall notify the recipient in writing of any violations of Township codes or provisions of the special land use.
- B. The recipient shall have 30 days to correct all deficiencies to the satisfaction of the Township.
- C. If deficiencies are not corrected within 30 days, the Township may revoke the special land use or, if the conditions warrant, allow additional time.

D. A repeat violation may cause immediate revocation of the special land use.

§ 170-30.12. Discontinuance

A special land use approval that ceases to operate continuously after one (1) year shall be considered discontinued and the special land use approval shall be deemed null and void.