

A. In hearing requests for special exceptions, the Board shall:

(1) Give consideration to the size, scope, extent, and character of the exception desired and assure itself that such request is consistent with the plan for future land use in the Township, and with the spirit, purpose and intent of this Chapter.

(2) Consider the suitability of the property for the use desired, and find that the new or expanded use, if approved, will be susceptible of regulation or restriction by appropriate conditions and safeguard.

(3) Assure that the specific performance standards set forth in §§27-1814 through 27-1825 shall be made applicable to regulate the nature, intensity, density, design, layout, and operation of the proposed land use permitted as a special exception. The Zoning Hearing Board may waive the requirements for certain specific performance standards if the generic type of use poses no potential for significant impact upon such standards. The burden of proof shall be placed on the applicant.

(4) Consider, where pertinent, that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking space.

(5) Consider, where pertinent, that adequate screening is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view, preclude any glare from lighting or noise from being ascertained beyond the boundaries of the property.

(6) Consider, where pertinent, the adequacy of security and supervision including, but not limited to, information of an adequate supervisor to student or patient ratio and such other evidence as may be required to establish this condition to the satisfaction of the Board.

(7) Consider, where pertinent, the effects of the proposal with respect to congestion on the roads or highways, the most appropriate use of the land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light and air, the prevention of overcrowding of land, congestion of population and adequacy of public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

(8) Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including but not limited to public water, sewers, police and fire protection, transportation and public schools.

(9) Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water and/or sewer service, and any other facility or service proposed are consistent with Township goals, practices, and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

(10) Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

(11) Guide the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal access roads or on roads perpendicular to the highway.

(12) Consider the probable effects of proposed development on highway congestion and insure that adequate access arrangements are provided in order to protect major highways from undue congestion and hazard.

(13) Impose such conditions, in addition to those required as are necessary to assure that the intent of this Chapter is complied with, and which are reasonably necessary to safeguard the health, safety, morals and general welfare of the Township at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and minimizing noxious, offensive or hazardous elements.

(14) Consider the impact the exception will have upon on-site and adjacent historic resources of the Township.

(15) In addition to conforming with the general conditions contained in §§27-2208.A.1 to §27-2208.A.15, all applications for special exception for a automobile service station and/or automobile repair facility must conform with all of the special conditions specified in this Section:

(a) All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed building.

(b) Fuel pumps, oiling or greasing mechanisms, or other service appliances installed in connection with any gasoline service station, or repair facility may be placed within the front yard, but in no case closer than 30 feet from any street line or property line.

(c) Automobiles taken to a service station or repair facility for outside storage because of an accident shall remain no longer than 15 days from the day the car arrives at the station unless otherwise extended by the Zoning Officer.

(d) All automobile parts and inoperable motor vehicles shall be stored within a building.

(e) No portion of the lot shall be used for private parking or the parking of other vehicles except for employees and customers.

(f) An automobile service station or automobile repair facility must have adequate fire extinguisher, ample non-smoking signs posted and any other appropriate safeguards deemed necessary for the public safety. A permit shall be obtained from the State Fire Marshal. The Hearing Board

may specify screening to be provided in front of the gasoline pumps, the number and sizes of permitted signs, display of merchandise for sale, and exclusion of canopies from setback requirements.

(Ord. 74, 3/30/1995, §2107)

§27-2209. Time Limitations.

1. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate officer, agency or body of London Grove Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to §27-2206.1.A or MPC §916.2 shall preclude an appeal from a final or preliminary approval, based upon a challenge to this Chapter validity.

2. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

(Ord. 74, 3/30/1995, §2108)

§27-2210. Validity of Ordinance - Substantive Questions.

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge either:

A. To the Zoning Hearing Board under §27-2206.

B. To the Board of Supervisors under §27-2311, together with a request for a curative amendment under MPC §609.1

2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under §27-2206.

3. The submissions referred to in subsections .1 and .2 shall be governed by the following:

A. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment before the Board of Supervisors under §27-2311, his application to London Grove Township shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary or final approval or for the issuance of a permit, so long as they provide reasonable