

6.

well articulated zoning ordinance, this Commission's review is mute on such matters as:

- Height (Stack) Limitations
- Screening and Landscaping
- Accessory Buildings and Uses
- Off-Street Parking and Loading
- Signage
- Communication Antennas (if any)
- Outdoor Lighting
- Waste Containers, Waste Yards
- Other considerations and developmental stipulations as may be found in and germane to a duly adopted municipal zoning ordinance.

For example, there is, as part of this submittal, a Landscaping Plan that cannot be evaluated by any kind of objective municipal standards that must be met – or exceeded by the development prior being approved by the Township. More importantly, and with the size and scope of this development proposal clearly in mind, a carefully articulated zoning ordinance contains 'districts' for certain uses by right. Other uses are accommodated by Special Exception or Conditional Use.

Generally speaking, Special Exceptions and Conditional Uses are reserved for those land developments and uses that will have a significant impact on the district or the whole community, or for those developments or uses that necessitate more control or additional safeguards. These are not uses that can be excluded from a district, but rather are those uses that the community feels deserve *a closer degree of examination or scrutiny*. In this particular example, the proposed plant development could have been examined for specific performance standards including parking, open space, and other such items including specific performance standards. The prime difference between a Special Exception and a Conditional Use is the entity making the decision. Special exceptions are granted by the zoning hearing board. Conditional uses are granted by the Board of Supervisors. Both uses require a public hearing prior to any approval or disapproval. While there is no rule saying which of these a community should use and for what specific uses each is warranted, *many communities reserve conditional uses only for those permissible uses that will have a significant impact on the entire municipality*. Uses which have a lesser impact on the entire community but which still require a closer review standard. Given the magnitude of this proposal, it would be anticipated that a Conditional Use review would be in order for this proposal.

12. The Commission would point out that several Best Management Practices were included in this submission, and the Commission is pleased that the development team included these in the overall development package. Briefly, these BMP's include the following:

- 5.6.3 Re-vegetation and re-forestation of disturbed areas using native species
- 5.9.1 Street Sweeping