

## SPECIAL PUBLIC INTEREST(SPI) OVERLAY DISTRICTS

### 8-1 GENERAL PROVISIONS.

#### 8-1.1 Statement of Intent.

An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to, but not necessarily more restrictive than the "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations control.

#### 8-1.2 Definition.

A Special Public Interest (SPI) District is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. These characteristics include natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features, or have physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment, or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban metropolitan areas. An SPI district shall be classified according to an SPI category type, and the characteristics of each SPI district shall be in accord with the characteristics of its type as described in this Chapter.

#### 8-1.3 Purposes.

The purposes of SPI regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site and to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations. SPI regulations are required to protect the public and property owners in the district:

- a. From blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;
- b. From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
- c. From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
- d. From significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- e. From soil erosion, stream situation and development on unstable land;
- f. From the loss or destruction of mature and/or valuable trees and other natural resources;
- g. From the detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:
  1. conservation and correction of the character, integrity, safety, access and circulation;
  2. preservation and enhancement of pedestrian safety and views from the public right-of-way;
  3. balance of convenience and compatibility between residential and nonresidential areas;

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4. coordination of useful and attractive signage and streetscape elements; and
  5. minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

#### **8-1.4 Identification.**

The location of all SPI districts shall be shown on the Zoning Map as an overlay zone superimposed in specific areas over existing zoning district areas.

#### **8-1.5 Applicability.**

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the SPI district. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district, the provisions of the SPI district shall prevail. The adoption of an SPI district shall not have any affect on a previously approved zoning certificate or PUD Plan during the period of validity of such approval.

#### **8-1.6 Creation.**

The Board of Township Trustees may, from time to time, create SPI districts as defined and containing the characteristics, as set forth in Sections 8-2 through 8-5 of this Chapter.

#### **8-1.7 Procedure.**

The establishment or adoption of SPI districts shall be in accordance with the following procedures.

- a. Adoption of Special Public Interest Strategy. Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Public Interest (SPI) Overlay District, an SPI strategy shall be duly adopted by the Regional Planning Commission. The strategy shall contain:
  - a boundary map for the proposed overlay district,
  - justification for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary, and
  - the specific supplemental standards proposed for achieving the SPI strategy.

The strategy shall describe in words and/or illustrations the special and distinctive characteristics of public interest that are to be protected, improved or achieved and the related specific and measurable standards or development features that will be required for coordinated implementation of the plan. The SPI Strategy may contain goals, policies and standards for the following physical elements: location of buildings; architectural character of buildings; signage; public spaces; streetscape; building and land use mix; diversity and unifying elements; perimeter buffers; provision of utilities such as sewage disposal; pedestrian and vehicular circulation; parking; open space, landscaping and other elements essential to the achievement of adopted community goals. Prior to the adoption of any SPI Strategy copies thereof shall be forwarded for review and comment to the appropriate citizen or township groups and township trustees representing the community within the SPI boundary.

- b. Adoption of Zoning Text and Map Amendment. The Board of Township Trustees, pursuant to procedures for zoning amendments in Chapter 16, shall approve, deny or modify such standards and boundary recommended in the SPI strategy and incorporate same in the resolution establishing any specific SPI district as a supplement to this Chapter. In the SPI District the adopted specific standards shall serve as supplemental requirements to the regulations of the underlying district in reviewing all requests for zoning certificates within the Overlay District boundary.

#### **8-1.8 Supplemental SPI District Regulations.**

SPI district standards adopted by the Board of Township Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for specific SPI districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require

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supplemental regulations. Any such supplemental regulations shall be set forth in the resolution establishing such SPI district or in an amendment thereto.

### **8-1.9 Classification.**

SPI districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPI district shall be shown on the official Zoning Map. The two categories of SPI overlay districts include:

- a. Neighborhood Quality (SPI-NQ)
- b. Suburban Center / Corridor (SPI-SC)

## **8-2 SPECIAL PUBLIC INTEREST - NEIGHBORHOOD QUALITY DISTRICTS.**

Special Public Interest (SPI) Neighborhood Quality Districts shall be identified as - SPI-NQ Overlay Districts.

### **8-2.1 Legislative Findings and Specific Purpose.**

Balancing the benefits of growth and development of institutions and neighborhood support services with the livability of adjacent residential neighborhoods requires protection over and above the protection provided by conventional zoning regulations as follows:

- a. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions;
- b. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;
- c. To require the development and maintenance of buffer yards on institutional and other nonresidential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;
- d. To promote compatibility between nonresidential uses and surrounding residential uses, and
- e. To plan for unusual intensity or density of development.

### **8-2.2 Characteristics.**

SPI-NQ districts shall be limited to geographic areas included in an SPI-Neighborhood Quality Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain all of the following characteristics:

- a. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses;
- b. Close proximity of diverse land uses to a residential neighborhood.

### **8-2.3 Designation.**

The SPI-Neighborhood Quality Districts, which meet the characteristics, contained in Section 8-2.2 is listed below and is illustrated on the official zoning map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[NEIGHBORHOOD QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF TOWNSHIP TRUSTEES]  
[LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC OVERLAY DISTRICT]

## **8-3 SPECIAL PUBLIC INTEREST-SUBURBAN CENTER/CORRIDOR DISTRICTS.**

Special Public Interest (SPI) Suburban Center or Suburban Corridor Districts shall be identified as SPI-SC Overlay Districts.

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### **8-3.1 Legislative Findings and Specific Purpose.**

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community orientation. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

- a. Preventing the deterioration of property and the extension of blighting conditions;
- b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
- c. Preventing the creation of influences adverse to the physical character of the area.

### **8-3.2 Characteristics.**

SPI-SC districts shall be limited to geographic areas included in a SPI-Suburban Center or SPI-Suburban Corridor Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain the following characteristics:

- a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a sociogeographic neighborhood, community, or region;
- b. An area that has received or been approved for substantial public investment.
- c. An area that is planned for unusual intensity or density of development.

### **8-3.3 Designation.**

The SPI-Suburban Center Districts and Suburban Corridor District which meet the characteristics contained in Section 8-2.2 is listed below and is illustrated on the official zoning map. The adopted specific standards for each Suburban Center/Corridor District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[SUBURBAN CENTER/CORRIDOR QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF TOWNSHIP TRUSTEES LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC OVERLAY DISTRICT]

## **8-4 DEVELOPMENT AUTHORIZATION**

### **8-4.1 Applications; Contents.**

Applications for zoning certificates in SPI districts shall be made to the Administrative Official Inspector pursuant to Chapter 20. Said applications shall be made on such form or forms as may be provided. The information required for submission shall demonstrate the compliance of the proposed improvement, construction or development with the specific standards for the SPI district as well as all requirements of the underlying district not in conflict with the SPI standards.

### **8-4.2 Modification Procedure.**

Any supplemental regulations adopted pursuant to this Chapter may be modified as provided in Section 8-6.3 after public hearing upon a finding by the Zoning Commission that the modifications will result in public benefit through substantial improvements related to any of the following conditions:

- a. Provision will be made for substantial usable open space where the slope does not exceed 10 percent for the use of the occupants of the area;
- b. Usable open space will be created for the public by the dedication of public areas or space;
- c. The restoration of plant materials will be accomplished by the planting of trees, shrubs, and ground covers;
- d. Utility and other service distribution lines will be placed underground;
- e. An improvement in public safety will result;

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- f. An improvement in energy conservation will result;
  - g. The use of creative site planning and design in order to provide for efficient use of land and an improved environment will result.

### **8-4.3 Modification Limits.**

Upon having made the findings set forth in Section 8-4.2 the regulations set forth therein may be modified by the Zoning Commission up to the following limits:

- a. The gross dwelling unit density and floor area limitations of any area proposed for development shall remain unchanged and conform to the basic overall density and floor area limitations of the supplemental regulations in the SPI District. However, lot dimensions, building height, building setbacks, parking requirements, front, side, and rear yard requirements or other specific development standards may be modified to provide for a more functional and desirable use of the property.
- b. Height limitations may be removed, provided such additional stories to dwelling structures:
  - 1. Shall not increase gross dwelling unit densities or floor area as set forth in the approved development plan;
  - 2. Shall result in appropriate reduction in building coverage and adherence to the objectives set forth in this chapter; and
  - 3. Shall not adversely affect surrounding structures.

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