

ARTICLE XX

CONDITIONAL USES

2000. Compliance

Nothing in this Ordinance shall relieve the Owner or his agent, the developer, or the applicant for a Conditional Use Permit from receiving a Subdivision Plan Approval in accordance with the Township Subdivision and Land Development Ordinance, if applicable.

2001. Conditional Use Objectives

In acting upon any such use, the Supervisors shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of all the following objectives:

- (1.) That all proposed structures, equipment, or material shall be readily accessible for fire and police protection; and
- (2.) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties; and
- (3.) That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District.
 - (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
 - (b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

2002. Conditional Use Procedure

Requests for Conditional Use shall be submitted, together with all required fees, in a written application setting forth the grounds for the request in detail. Upon receipt of a complete Conditional Use Application and Development Plan (see Section 2003) the following procedure shall prevail.

- (1.) Where the governing body, in the zoning ordinances, has stated conditional uses to be granted or denied by the governing body pursuant to express standards and criteria, the governing body shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. The

hearing shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the board. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act in the zoning ordinance.

- (2.) The governing body shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusion based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (3.) Where the governing body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 908(1.2) of the Municipalities Planning Code, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.
- (4.) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- (5.) In the event of conflict between the provisions set forth herein and the Municipalities Planning Code, the Municipalities Planning Code shall control. The provisions in the Municipalities Planning Code pertaining to conditional use applications, procedures and requirements are incorporated herein as though fully set forth. The conflicting provisions contained herein shall be deemed, repealed and amended by such provisions in the Municipalities Planning Code.

2003. Renewal Requirements

The Supervisors may require that conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing(s), and may be withheld only upon a determination by the Supervisors that such conditions as may have been prescribed by the Supervisors in conjunction with the issuance of the original permit have not been, or are no longer being complied with. In such cases, a period of

60 days shall be granted the applicant for full compliance prior to the revocation of said permit.

2004. The applicant shall bear the burden of proof that the proposed use meets all requirements and objectives of this Ordinance.

2005. Development Plan

A plan for the integrated development of the total area to be included in the Development, which shall be drawn to scale and shall accompany and be part of the Conditional Use Application and contain the following:

- (1.) The location, boundaries, dimensions and ownership of the land.
- (2.) In the case of commercial or industrial development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, development schedule staging plan.
- (3.) The location, use, and ground area of such proposed building and other structure.
- (4.) The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, access ways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.
- (5.) The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway.
- (6.) The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.
- (7.) A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.
- (8.) A description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.
- (9.) The names and addresses of all adjoining property owners.

2006. Application for Conditional Use

An application for conditional use shall include one (1) completed copy of the application form and other supplemental documentation, four (4) sets (full size) of plans (to scale), in addition to an electronic submission.

2007. Standards and Criteria

The express standards and criteria by which the governing body considers when approving or denying a conditional use application in accordance with Section 913. 2 (a) of the MPC shall be those standards and criteria listed in Article XVI (Supplemental Regulations) and elsewhere in the ordinance specific to a particular use.

2008. Effect of Conditional Use Approval

Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

2009. Time Limitations

The applicant of an application for a conditional use approved by the Board of Supervisors shall be entitled to proceed with the submission of either a subdivision or land development plan or building permit within a period of three (3) years following the date of such approval. The deadline for submission of a subdivision or land development plan or building permit may be extended, at the discretion of the Board of Supervisors, either prior to approval of the application or by written request to the Board of Supervisors prior to the deadline.

2010. Fees

The Board of Supervisors shall establish a fee schedule for conditional use applications which may be amended from time to time.