

ARTICLE IX

CONDITIONAL ZONING
REQUIREMENTS

SECTION 900-907

ARTICLE 9

CONDITIONAL ZONING REQUIREMENTS

900 Purpose.

Rather than assign all uses to special individual and limited zoning districts, it is important to provide controllable and reasonable; flexibility in requirements for certain kinds of uses that will maintain adequate provision for the security of the health, safety, convenience and general welfare of the Township's inhabitants. These uses are permitted through the issuance of a conditional Zoning Certificate.

901 Procedures:

A Submission

Any application shall be submitted through the Zoning Inspector to the Zoning Board of Appeals on a special form for that purpose each application shall be accompanied by the payment fee as indicated in Article 3, Section 308.

B. Data required with conditional use.

- 1 Form supplied by Zoning Inspector and completed by applicant.
2. Site plan, plot plan and/or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, proposed structures, type of buildings and their uses, size of area involved, including that for parking and loading, and the proposed planting and landscaped areas.
3. All development features, including the principal buildings, open spaces, service road, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
4. The architectural design outbuildings shall be developed with consideration given to the relationship of adjacent developments in terms of building mass, height, texture, materials, line and pattern character

5. Maximum visual and auditory privacy for surrounding properties and occupants shall be provided through the design of the relationship among the buildings, fences and walls, landscaping dividers, islands, and walkways.
6. Refuse storage and pickup facilities shall be indicated on the site plan and shall be fenced, screened, or landscaped to prevent the blowing or scattering refuse and to provide an adequate visual barrier from locations both on and off site.
7. Grading and surface drainage provisions shall be designated to minimize adverse effects on abutting properties, streams, and public streets and to minimize the possibility of erosion
8. At such times as the site plan is submitted for approval, the contiguous and adjacent property owners shall be notified.
9. Complete plans and specifications for all proposed development and construction where appropriate, i.e. reclamation.
10. A statement supported by the substantiation evidence regarding the requirements enumerated in Section 903.

C. Site Plan Review.

The Zoning Inspector shall review the proposed development of the submitted plans and specifications in terms of the standards established in this resolution and shall make recommendations to the Board within 10 days. Inspector may recommend denial without the public hearing to any applicants for a Conditional Use Certificate if said application does not contain the information as required in this Article.

1. Prior to the issuance of a zoning certificate, the Zoning Inspector and/or Board may seek expert advice or special studies to be made for input to its review of any plans or proposals submitted. Likewise, the applicant may be requested to provide additional information or restudy all or part of the proposal, or to have additional studies done. The cost of securing expert advice or studies shall be borne by the developer/applicant. Funds for such advice or studies shall be placed on deposit with the Trustees upon the request of the Board
2. The Zoning Inspector and/or Board may submit any or all site plans and proposals to the County Planning Commission, and/or any

advisory or other committee of the Township for review and recommendations prior to action on any such plan. The Board shall consider all such recommendations if received within thirty (30) days of referral to said Board.

3. The Zoning Inspector and/or Board shall act on any site plan submitted under this section within sixty (60) days of the time of official submission to the Zoning Inspector or the Zoning Board of Appeals, or if requested, the person submitting a site plan may agree to a longer period of review.
4. In order to promote the orderly and appropriate development of the site plan consistent with the goals and objectives of the Township, the Zoning Inspector may encourage informal discussion by and with the applicant prior to formal submission of the site plan and application for a Zoning or Conditional Zoning Certificate.

D. Hearing

1. After adequate review and study of an application, the Board shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector. The Board shall hold public hearings after notification as in Section 1010 and after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
2. Upon conclusion of the hearing procedures relative to the application and adequate review and study, the Board may issue a "Conditional Zoning Certificate".
3. The Board shall deny the application when information submitted by the applicant and/or presented at a public hearing fails to substantiate such findings to the satisfaction of the Board.

E. Revocation of Conditional Zoning Permit.

The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted. Such violation shall be punishable as per Article 11, Section 1140.

F. No Application for a "Conditional Zoning Certificate" which has been denied wholly or in part by the Board shall be resubmitted until the expiration of two (2) years or more after such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board. Each reapplication shall be accompanied by a fee as specified in Article 3, Section 308.

G. The Conditional Zoning Certificate shall become void at the expiration of one (1) year after date of issuance unless construction is started or use changed.

902 Basis of Determination.

In addition to the information required on the application form supplied by the Zoning Inspector, the Applicant shall be required to establish by clear and convincing evidence that the general standards of this Article and of this Resolution and the specific standards pertinent to each proposed use shall be met throughout the period of the proposed use. The Zoning Inspector and Board shall determine compliance or non-compliance and shall insure that the general standards and the specific standards and other terms of this Resolution pertinent to the proposed use shall be satisfied by the completion and operation of the proposed development.

903 General Standards and Regulations Pertaining to Conditionally Permitted Uses.

The Zoning Inspector and Board shall review the particular facts of the proposed use in terms of the following standards and the application shall substantiate to the satisfaction of the Board that the proposed development and use will meet the following general standards and regulations.

- A. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use or development will not:
1. Adversely effect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.
 2. Be materially detrimental to the use, enjoyment, or valuation of the property or other persons located in the vicinity of the site or the