

ARTICLE IX

CONDITIONAL ZONING
REQUIREMENTS

SECTIONS 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 community as a whole.
 3. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare by being hazardous or disturbing to neighboring uses.

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping or other development features prescribed in this Resolution, or as otherwise required in order to integrate said use with the used in the surrounding area.
- C. The proposed site is adequately served by:
1. Highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate.
 2. Essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, sanitary and water facilities or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately all such services.
- D. In granting a Conditional Zoning Certificate the Board may prescribe the height limit, maximum lot coverage, or floor area ratios for the use approved. Where the Board fails to specify said height limit, maximum lot coverage or floor area ratio, the provisions applicable to the principle permitted use in the specific district shall be deemed to be so specified.
- E. The Board in approving an application for a Conditional Zoning Certificate may impose such conditions as it deems necessary to insure that such use will be in accordance with the findings and that the use will meet the general and specific standards of this Resolution.

904 General Standards for All Conditional Uses.

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of the districts Resolutions.
2. Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the Zoning Resolution.
3. 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 will not change the essential character of the same area.

4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors.
8. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

905 Conformance with Approved Site Plans.

All aspects of the development shall conform to the approved site plan. No injuries or offensive effects shall result from the development or operation of the proposed use. The control of effects, such as noise, smoke, dust, fumes, electrical interference's, storage, and disposal of wastes, shall meet accepted current standards. It shall be a violation of this Resolution for any building or premises to be occupied or used prior to conformance with all applicable requirements of this Resolution and completion of all specifications of this section including, but not limited to, the required landscaping, drainage, parking area, road and driveway improvements according to the plans approved by the Zoning Inspector and/or Board. A performance bond or other financial guarantee shall be placed on deposit with the Trustees to insure that the landscaping, buffer strip, parking areas, private drive, drainage improvements, traffic controls, fences, walls, and activity areas, and all development items shall be installed, all in conformance with the approved plans.

906 Variance Procedures.

Variances from the provisions and specifications of an approved site plan shall be made only upon the approval by the Board of the revised plans and specifications submitted under the provision of Article 8 hereof.

907 Form of Approval for Projects.

Where the Zoning Inspector and/or Board considers it necessary, in order to assure that a project will be developed consistent with the purposes of the Resolution, they may require or agree that the site plan(s) for a project be submitted indicating development in phases. They shall review the entire project for conformance with all applicable regulations in this Resolution and shall give preliminary approval to the entire project if it so conforms. However, they shall have the power to limit final approval or Conditional Zoning Certificates to one section or phase of the total development at a time. Approval of subsequent phases shall be given subject to the following:

1. Upon substantial compliance with the site plan(s) preliminary approval.
2. Upon conformance with all applicable regulations of this Resolution.
3. Upon a finding by the Zoning Inspector and/or Board that all preceding phases conform to all requirements of this Resolution, and conform to approved site plans including complete installation of improvements required in the approval of preceding phases, or, in lieu of complete installation, the submission of a performance bond or other financial guarantee acceptable the Trustees assuring that the improvements will be installed within one (1) year of the submission of said guarantee.