

## ARTICLE 9 CONDITIONAL USES

### SECTION 9.0 INTENT

The intent of conditional use approval is to allow the proper integration into the community of uses which may be suitable only under certain conditions and at appropriate locations. Because of their special characteristics, or the special characteristics of the area in which they are to be located, conditional uses require specific considerations so that they may be properly located with respect to the objectives of this Ordinance and their effect on surrounding properties.

### SECTION 9.1 AUTHORIZATION; EXPANSIONS; CHANGES

All conditional uses, expansions of conditional uses, and changes of conditional uses shall require a zoning permit in accord with this Article 9, Article 10 and Article 15. The Applicant shall be responsible to provide all the information required by the Township to determine compliance with the requirements of this Ordinance.

- A. Authorization - Section 603-(c)-(2) of the Pennsylvania Municipalities Planning Code authorizes the governing body of a municipality to grant or deny applications for conditional uses upon recommendations from the planning agency. Prior to issuing a zoning permit for the construction, expansion, or change in use of any conditional use, a site plan and supporting documentation shall be submitted to the Planning Commission who shall evaluate the application and make a recommendation to the Township Supervisors prior to their final action.
- B. Expansions - A proposed expansion of any legally existing conditional use shall also require conditional use approval if the expansion involves:
  - 1. An increase of fifty (50) percent or more of the impervious lot area devoted to the use, as measured cumulatively from the effective date of this provision. Upon approval of an expansion exceeding the 50-percent threshold, the calculation of the next 50-percent threshold shall be cumulative from the date of the most recent conditional use approval and shall be based upon the impervious surface area subsequent to the approval; or,
  - 2. Any expansion involving the construction of, or addition to, any building where the new construction or addition exceeds:
    - a. twenty thousand (20,000) square feet total floor area on any story in the AR and R-1 Districts
    - b. one hundred thousand (100,000) square feet total floor area on any story in the I District.
- C. Changes - A proposed change in any legally existing conditional use shall also require conditional use approval unless the proposed use is a use permitted by right.

### SECTION 9.2 PERMITTING A CONDITIONAL USE

The conditional uses listed in Article 4 of this Ordinance may be permitted upon review by the Planning Commission and approval by the Township Supervisors in accordance with the standards and procedures set forth in this Ordinance. Conditional uses may also be enlarged or otherwise altered by such authorization. In permitting a conditional use or the modification of a conditional use, the Planning Commission may recommend (in addition to those standards and requirements expressly specified by the Ordinance) the imposition of additional conditions deemed necessary to protect the interests of the surrounding property, the neighborhood, or the Township as a whole. These conditions may include, but are not limited to, limiting the height of buildings, traffic control, increasing street width, fencing, size and location of signs, and other measures which mitigate any potential adverse impact that use may have on adjoining uses.

### SECTION 9.3 APPLICATION FOR CONDITIONAL USES

A landowner(s) or his agent(s) may initiate a request for a conditional use by filing an application with the Zoning Officer. Such application shall be accompanied by a site plan in conformance with Article 10. An application fee set by the Township Supervisors, no part of which is returnable, shall also be required upon submission of the application.

### SECTION 9.4 STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall comply with the procedures and standards set forth in Articles 10 and 11 except as these standards have been modified in the site plan review process or as otherwise modified when consideration is given to the following:

- A. The submission of a site plan documentation in accordance with Article 10 is required before any consideration can be given for a conditional use.
- B. In order to recommend approval of any conditional use, the Planning Commission shall find that the proposed use (and maintenance and operation of said use) at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, whether as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- C. In order to recommend approval of any conditional use, the Planning Commission shall find that the proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing any such site improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval, the applicant shall be responsible for establishing the ability and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Township.
- D. The Applicant shall have the burden of proving to the Township that his application meets the objectives of this section, and all applicable requirements of this Ordinance, by a preponderance of the evidence.
- E. A conditional use approval shall become void one year after approval or after such time as may be specified as a condition of approval, if no construction or use activity has begun. The conditional use permit shall be void if the original use shall cease for more than one year for any reason.
- F. The Township Supervisors, upon recommendation of the Planning Commission, may revoke any approval of a conditional use for noncompliance with conditions set forth in the approval of such use after first holding a public hearing and giving notice of such hearing as defined in Article 2. It shall be unlawful and punishable hereunder for any person to violate any condition imposed for an approved conditional use.