

**§ 365-191. Standards and criteria for approval of conditional uses by Board of Supervisors.**

A. In evaluating an application to the Board of Supervisors for a conditional use, or to the Zoning Hearing Board for a special exception, the applicant shall provide a narrative along with all necessary information set forth below, as well as any other ordinance provisions setting forth standards and criteria for specific conditional uses, demonstrating that:

- (1) The proposed use is consistent with the purpose of the article whereby it is permitted, the overall purpose of this chapter as contained in Article I, and all applicable provisions of this chapter.
- (2) The proposed use will satisfy all of the relevant provisions and requirements of this chapter and Chapter 305, Subdivision and Land Development, and any other applicable ordinance, code and/or regulation. A plan with sufficient detail shall be submitted to enable its evaluation relative to pertinent ordinance provisions.
- (3) The proposed use and its location are consistent with and responsive to the Comprehensive Plan and the Comprehensive Recreation, Park and Open Space Plan, in particular, the plans for land use, circulation, community facilities, utilities, and the maps depicting areas of environmental concern/primary conservation areas and secondary conservation areas.
- (4) The proposed use will not adversely effect the health, safety, morals and general welfare of the Township.
- (5) The proposed land use is consistent with the nature of the land uses existing on any immediately adjacent properties, and it will not detract from or cause harm to neighboring properties and will be maintained in a manner in keeping with the character of the neighborhood.
- (6) The proposed use is located in an area or areas for which the site is suited.
- (7) The proposed use will be served by public water and public sewer where and when available and will not have a negative effect to the public services and utilities of the surrounding properties, or to private individual or community water supply wells or private individual on-site sewage disposal systems.

- (8) Proposed construction will be consistent with sound design, engineering and land development practices, and is in keeping with the character of construction within the neighborhood.
- (9) The proposed use will provide safe and adequate access to roads (existing or proposed), and will not result in excessive traffic volumes, and will involve improvements which may be needed to guarantee compatibility with adjacent roads.
- (10) The proposed use will provide for effective sanitation.
- (11) The proposed use will create the required screening and landscaping as required in this chapter and Chapter 305, Subdivision and Land Development.
- (12) The proposed use, as depicted in the plans for subdivision and/or land development, includes proposals for landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks or trails, and in other places where the use of trees, shrubs and ground covers would be functional and appropriate.
- (13) The proposed use will be properly sited and not be disruptive to streams, ponds, wetlands, and vegetation within the Flood Hazard District and the Steep Slope Conservation District.
- (14) The proposed use will provide for adequate off-street parking and loading in accordance with Article XX.
- (15) The proposed use will provide for adequate signage in accordance with Article XXI.
- (16) The proposed use will provide for adequate environmental controls in accordance with Article XXIII.
- (17) A satisfactory environmental impact assessment (EIA) report is submitted for any proposed use for which a conditional use application has been prepared and submitted, in accordance with the requirements of Article XXII.
- (18) The proposed use will be developed using stormwater management techniques, and soil erosion and sedimentation control techniques in accordance with prevailing regulations.
- (19) To the extent practicable, the proposed use is consistent with the comprehensive recreation, park and open space plan

contained in Appendix I of Chapter 305, Subdivision and Land Development.

- (20) To the extent practicable, the proposed use will promote preservation or adaptive reuse of the sites and/or structures identified on the Historic Resources Map and List of Historic Resources referenced thereon contained in Appendix H of Chapter 305, Subdivision and Land Development.
- B. The Boards may impose such conditions as are necessary to ensure any or all of the above standards and criteria are met as well as compliance with all other relevant ordinances, regulations and codes.
- C. Conditional uses related to the Flood Hazard District shall also be evaluated in accordance with the provisions of § 365-127. Conditional uses related to the Steep Slope Conservation District shall also be evaluated in accordance with the provisions of § 365-134.
- D. General procedures for conditional use.
- (1) The Board of Supervisors shall, in the case of an application for conditional use, conduct all hearings, render decisions where required, and issue findings of fact and conclusions of law in accordance with the provisions of the Pennsylvania Municipalities Planning Code,<sup>1</sup> as amended.
- (2) In the event of approval, should the applicant fail to obtain the necessary Township approvals and permits within 12 months of notification or, having obtained the necessary approvals and permits, fails to commence work thereunder within six additional months, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his/her appeal or application, and all provisions, conditional use(s) and permits granted to him/her shall be deemed automatically rescinded by the Board of Supervisors. If the Board of Supervisors finds that a good reason exists for the failure to comply with the time periods specified above, an extension may be granted.
- (3) The grant of approval by the Board of Supervisors for a conditional use shall in no way release the applicant from his/her obligation to comply with the applicable provisions of this chapter, Chapter 305, Subdivision and Land Development,

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1. Editor's Note: See 53 P.S. § 10101 et seq.

and any other applicable Township, state and federal regulations.

**§ 365-192. Notices, hearings, and orders for conditional uses.**

- A. All notices, hearings and orders in connection with any conditional use application, hearing or decision shall be made or shall occur in conformance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, Act 247,<sup>2</sup> as amended.
- B. In addition to the requirements of § 365-192A above, the applicant for a conditional use shall provide at least 10 days' advance written notice, by certified mail, to adjacent property owners; such notice shall include: the time, place and purpose of the hearing, identification of the property involved, the nature and extent of the relief sought, together with the general nature of the question involved. Certified mail receipts shall be presented by the applicant at the conditional use hearing.