

7.10 Regulations Concerning Conditional Uses in all Districts

The uses listed as Conditional Uses of this ordinance have been declared uses which under certain circumstances may be in conflict with the objectives of the general zoning plan. In light of this possible conflict, the uses herein will be permitted only on the granting of a Conditional Use Permit after application to the Planning Commission.

7.10-1

The application for a Conditional Use Permit must contain the following information, and no application shall be heard which does not contain this information:

- A. Name and address of applicant.
- B. Statement of ownership of the questioned property executed by the owner or his agent, under penalty of perjury.
- C. Description of the property, including legal description and address, and common means of identification.
- D. Map of the boundaries of the parcel and each separate lot or parcel within three hundred (300) feet of the exterior boundaries thereof; together with a list of the names and addresses of the last known owners of public record of each parcel.
- E. A statement indicating the precise manner of compliance with each of the applicable provisions of this ordinance together with any other information pertinent to the granting of a use permit, prescribed.
- F. An accurate scale drawing of the site showing the contours and locations of any existing and proposed streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- G. Such other information, plans, maps, diagrams and information that may be necessary to assure full presentation or pertinent facts for the record and to assist the Planning Commission in making a determination.

7.10-2

The application must be accompanied by a receipt showing that the application fee has been paid.

7.10-3

The Planning Commission shall hold a public hearing after acceptance of the application. Notice of the time and place and purpose of such public hearing shall be given according to State statutes.

7.10-4

The Planning Commission shall receive, investigate, hear and decide every application for a use permit which meets the qualifications of Paragraphs 1 and 2 above.

7.10-5

The Planning Commission may grant the use permit provided that it is established by evidence presented to the board that the proposed use is in accordance with the provisions of the general plan and this Ordinance, and further that the following qualifications have been met:

- A. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation, utilities and service facilities in the vicinity.
- B. The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this Ordinance.
- C. The site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
- D. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general welfare of the Township.
- E. The proposed use would not pollute, impair or destroy significant natural resources, create a hazard to public health or safety or result in public or private nuisance.

7.10-6

The Planning Commission may deny the application for a use permit.

7.10-7

In approving any application for a use permit, the Planning Commission may require higher standards of site development than listed for such use in this Ordinance and may make approval contingent on the acceptance and observance by the applicant of specified conditions relating to, but not limited to, the following considerations:

- A. Conformity to plans and drawings submitted with the application;
- B. The provision of open spaces, buffer strips, screen walls, fences, hedges and landscaping;
- C. The volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress;
- D. Performance characteristics related to the emission of noise, vibration, smell and other potentially dangerous or objectionable elements;
- E. Limits on the time of day for the conduct of specified activities;
- F. Guarantees or bonds as to the compliance with the terms of the approval.

7.10-8

Within twenty (20) days following the date of a decision of the Planning Commission on a use permit application, the decision may be appealed to the Zoning Board of Appeals by the applicant or by any other interested party. An appeal must be in a form prescribed by the board and shall be filed with the secretary of that commission. The appeal shall state specifically the error or abuse of discretion claimed to have been committed by the Planning Commission or shall state the reasons that appellant considers the ruling not supported by the evidence.

7.10-9

The Zoning Board of Appeals may affirm, reverse or modify the original decision on the application, provided that if the decision is to reverse a denial of the application, or to modify a granting of the application, the Board must make findings pursuant to Paragraphs 5 and 7 herein.

7.10-10

The use permit granted shall become effective thirty (30) days after its granting, or affirmation or modification by the Zoning Board of Appeals.

7.10-11

Unless a renewal of the use permit is requested, it shall lapse one hundred eighty (180) days after its issuance unless construction is commenced and diligently pursued. A request for a renewal must be accompanied by a statement under penalty of perjury by the applicant or his authorized agent stating the reason no building permit has been issued and/or no construction has been commenced.

7.10-12

On violation of any of the provisions of this or any other applicable ordinances by a holder of a use permit or on failure of the holder to comply with conditions of a use permit granted on conditions, the use permit shall be suspended automatically. A hearing shall be called within sixty (60) days, and at the hearing the Zoning Board of Appeals must be satisfied that either violation has been discontinued or the conditions met; otherwise the permit will be revoked.