

## ARTICLE XII – CONDITIONAL USE PROCEDURES, CRITERIA AND STANDARDS

### SECTION 1201. FILING OF CONDITIONAL USE APPLICATIONS

A. For any use allowed by Conditional Use, a Conditional Use decision shall be obtained from the Board of Supervisors. The Conditional Use application shall show:

1. The name and address of the applicant.
2. The name and address of the owner of the real estate.
3. A brief description and location of the real estate to be affected.
4. A statement of the present zoning classification of the real estate in question, the present improvements thereon, and the present use thereof.
5. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
6. A statement of compliance with the requirements of this Ordinance.
7. The applicant shall supply on the application a true and correct list of all owners of the land adjoining the applicant's property affected by the proceeding.
8. All other information, plans, studies, or reports which are required under the applicable provisions of this Ordinance or under any Other Provisions.
9. The provisions of Section 542.G. shall apply to Compact Neighborhood Development.

B. General Standards and Criteria. Each applicant shall demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
3. For development within the Floodplain zone, that the application complies with those requirements listed in Clay Township's Floodplain zone.

4. The proposed use will not substantially impair the integrity of the Comprehensive Plan.
5. The specific site shall be an appropriate location for such use and structures.
6. The use and structures as developed will not adversely affect the Zoning District.
7. Adequate and appropriate facilities shall be provided for the proper operation of the proposed uses and structures.
8. The lot requirements, yard requirements, height limitations, and all other requirements according to the regulations of the Zoning Ordinance shall be met.
9. Off-street parking and loading requirements of the uses are met.
10. Utilities are available to adequately service the proposed uses and structures.
11. The proposal shall not substantially injure or detract from the use of the neighboring properties or from the character of the neighborhood and the use of the property adjacent to the area is adequately safeguarded.
12. Points of vehicular access to the respective lots and the residences as a whole are provided at a distance from intersections and other points of access and sufficient number to prevent undue traffic hazards and obstruction to the movement of traffic.
13. The proposed use shall not be a nuisance or hazard to vehicles or pedestrians.
14. Screening of the proposed use and structures from adjacent uses and structures is sufficient to prevent the deleterious impact of the uses and structures upon each other.

C. Conditions. The Board of Supervisors in approving a Conditional Use application, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zoning District. Such conditions shall be consistent with the provisions of the Pennsylvania Municipalities Planning Code.

D. Site Plan Approval

1. Any site plan presented in support of the Conditional Use shall become an official part of the record for said Conditional Use.

2. Approval of any Conditional Use shall also bind the use in accordance with the submitted Site Plan. Therefore, should a change in the Site Plan be required as part of the approval of the use, the applicant shall revise the Site Plan prior to the issuance of a building permit.

3. Any subsequent change made after the issuance of a building permit to the proposed use on the subject property which is not reflected on the approved Site Plan, shall require the obtainment of another Conditional Use approval.

E. Public Hearing Procedures

1. All Notices shall be in accordance with Section 804 of the Clay Township Zoning Ordinance.

2. The failure to give any Notice not mandated by the Pennsylvania Municipalities Planning Code shall not invalidate any action taken at any Public Hearing.

*[added per Ord. No. 042408, §6, 4/24/08]*