

ARTICLE XV

CONDITIONAL USES

Section 1500 Compliance

- A. Nothing in This Ordinance shall relieve the owner or his agent, the developer, or the applicant for either a Conditional Use Permit or a Site Development Plan approval from receiving a Subdivision Plan or Land Development Plan Approval in accordance with the Township Subdivision and Land Development Ordinance, if any.

Section 1501 Conditional Uses

A. Objectives

Upon receiving an application, and following the receipt of recommendations by the Township and County Planning Commissions, and following a public hearing, the Board of Supervisors may authorize the issuance of building permits for any Conditional Use permitted by This Ordinance and approved by the Board of Supervisors. In approving any such use, the Board of Supervisors shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards in addition to those specifically set forth in the Ordinance, as may be required in order that the result of its actions may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular.

1. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
2. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District; or existing residential uses:
 - a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or

existing residential uses or conflict with the normal traffic of the neighborhood;
and

- b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate developments and use of adjacent land and buildings.
4. That the proposed use shall be designed, constructed and used in such a manner so as not to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise, or vibration; smoke dust, odor or other form of pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such a manner or in such an amount as to adversely effect the reasonable use of the surrounding area on adjoining premises.

Additionally, special consideration should be given to assure that the following performance standard regulations are met:

- a. An application for a building permit or certificate of occupancy for an industrial use subject to Conditional Use procedures shall include a plan for the proposed construction and a description of the proposed machinery, operations, and products and specifications for the mechanisms and techniques to be used in restricting the emission of an dangerous and objectionable elements. The applicant shall also file, with such plans and specifications, an affidavit acknowledging the understanding of any conditions or safeguards as may be required by the Township and stating his agreement to conform with the same at all times. No applicant shall be required to reveal any secret process and any information will be treated as confidential.
- b. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devises standard in the industry. The relevant provisions of State and Local laws and regulations shall also apply.
- c. The maximum sound level of any use shall not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards of recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the same measuring system which may now or hereafter by utilized by the United States Government for the purpose.

- d. All activities involving the use of ground or surface waters, or impacting on said waters shall provide the Township with usage estimates and appropriate hydrogeological and engineering analyses as may be required by the Board to review the proposed Conditional Use.
- e. There shall be no emission of odorous gases or other odorous material of any nature in such quantities as to be offensive to the average individual at any point on or beyond the lot boundary line within which the industrial operation is situated. This subsection shall not apply to the storage or application of manure or other materials by agricultural operations.
- f. The emission of dust, dirt, flyash, fumes, vapors, or gases which can cause any damage to human health, animals, vegetation or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from chimney, stack or otherwise shall exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles discharged as set forth above, measurement procedures shall follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.
- g. No smoke shall be emitted from any chimney or any other source which has a visible gray opacity greater than number one (1) on the Ringlemann smoke chart as published by the U.S. Bureau of Mines, as amended the time of the application.
- h. No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of wastes disposal shall be approved by the Pennsylvania Department of Environmental Protection. Evidence of such approval shall be provided.
- i. No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to be transferred off the lot by natural causes or forces. No substances including, but not limited to, gasoline, oil, waste oil, or chemicals which can contaminate a stream or water course, or render such stream or water course unusable or undesirable as a source of water supply or damage aquatic life, shall be stored in such a location so that it could be introduced into the said stream or water course by natural causes or forces, or by rupture of storage containers or accidental discharge.
- j. No storm water or natural drainage which originates on the property or water generated by the activity, shall be diverted across property lines unless transported in an approved or existing drainage system.

- k. Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line or beyond as the result of the operation of such equipment.
- l. No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare will not become a nuisance to adjoining properties, adjoining districts, or streets.
- m. Any proposed activity in this District shall not emit any dangerous radioactivity at any point of the site.
- n. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- o. All activities shall be carried out in buildings, structures and improvements which conform to the standards of the National Board of Fire Underwriters. Furthermore, protection against fire and explosion shall be upon the advise of the Adams County Fire Marshal and the local fire company serving the area of the site.

B. Application

Each application of a Conditional Use shall be accompanied by a proposed plan showing:

- 1. All property dimensions, existing locations of all buildings, structures, rights-of-way, easements, driveways, off-street parking facilities; utility lines, poles and appurtenances; entrances and exits on the site, and within one hundred (100') feet of the property; proposed locations and dimensions of proposed buildings, structures, walkways, buffer zones, parking areas, loading areas, storage areas, signs, sanitary sewer facilities, stormwater management facilities, water supply, waste disposal provisions, curbs, landscaping, exterior lighting, existing and proposed physical features such as water bodies, water courses, grades, woods, trees, soils, rock outcrops, subsurface formations, ecological habitats, vistas; all adjoining properties and uses within two hundred (200') feet of the site to include their historical, architectural and archaeological significance.
- 2. Statement explaining the suitability of the site for development, and its compatibility and demand for the intended use of the type proposed in the particular location proposed; furthermore, its accessibility and availability of community facilities and services should be included, as well as the proposed project's impact on the Township Comprehensive Plan, planned capital improvements or proposed development regulations.
- 3. Description of existing and proposed machinery, processes and products.

4. Specifications for the mechanisms and techniques used or to be used in restricting emission of any dangerous and objectionable elements, and in measurement of the potential emission if any is anticipated.
5. Inventory and analysis of water quantity requirements and water yields and quality; traffic counts, road capacities, circulation patterns and considerations; market information; and, any other data that may be required.
6. Designation of applicable Local, Commonwealth, and Federal approvals and permits required, and compliance with same.

C. Referral to the Township and County Planning Commissions

Any Conditional Use application shall be referred to the Township and County Planning Commissions for comment. The Secretary of the Board of Supervisors shall transmit to the Secretary of the Township and County Planning Commissions and the County Office of Planning and Development a copy of said application, together with a copy of the notice of the hearing at least ten (10) days prior to said hearing by the Board of Supervisors. The Township and County Planning Commissions shall report to the Board of Supervisors in writing their advisory opinions, findings, and recommendations on said application within thirty (30) days. Failure of the Township Planning Commission to report to the Board of Supervisors within the prescribed time period shall constitute a favorable opinion on said application by the Township Planning Commission. Failure of the County Planning Commission to report shall be considered a “neutral” position on the matter.

D. Public Hearings

The Board of Supervisors shall not approve any application for a Conditional Use without first holding a public hearing. Notice of said hearing and of the substance of the application shall be given by publication in a newspaper at least ten (10) days before the date of such hearing. Notice shall also be sent by certified mail, at least five (5) days before the hearing, to the following: All owners of property which lies adjacent to that owned by the applicant in the immediate area and all other owners as the Board may deem advisable. The following procedures shall be followed:

1. The names of the adjoining owners shall be taken as they appear on the last completed tax roll of the Township.
2. The hearing shall be held within sixty days from the date of the applicant’s request unless the applicant has agreed in writing to an extension of time.
3. The Board shall render a written decision on the application within forty-five days after the last hearing before the Board of Supervisors.

4. Provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of the paragraph, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Commission in connection with the approval of any Conditional Use.

E. Conditions and Safe Guards

The Supervisors may require the Conditional Use permits to be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the Supervisors to the effect that such conditions as may have been prescribed by the Supervisors in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit.

F. Effect of Conditional Use Approval

Any use for which a Conditional Use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.