

## UPPER MAKEFIELD TOWNSHIP APPLICATION FOR CONDITIONAL USE

Required Submittal: Twenty-four (24) copies of this application and copies of the site and building plans describing the use or development proposed, three (3) copies of the deed to the property must be submitted to the local Zoning Officer, together with the application fee and plans of the lot and the improvements.

**Plans must be folded to a maximum of 8" x 13".**

1. Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney/ Agent Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

2. If applicant is not the owner, state applicant's authority to title interest to bring this Application (equitable owner, agent, lessee, etc.)

3. Address of Premises: \_\_\_\_\_

4. Reason for Application: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Upper Makefield *Township*

1076 Eagle Road | Newtown, PA 18940 | p 215.968.3340 | f 215.968.9228 | www.uppermakefield.org

Tax Map Parcel No. 47-\_\_\_\_\_ Date of Present Deed: \_\_\_\_\_

Present Zoning Classification: \_\_\_\_\_

Present Use: \_\_\_\_\_ Lot: \_\_\_\_\_

Size: \_\_\_\_\_

Nature of Conditional Use:

(a) Present: \_\_\_\_\_

(b) Proposed: \_\_\_\_\_

The Conditional Use is allowed under Article \_\_\_\_\_, Section: \_\_\_\_\_

Sub-section \_\_\_\_\_ of the Newtown Area Joint Municipal Zoning Ordinance.

I more than one conditional use is requested, list all ordinance references and the nature of the conditional use sought \_\_\_\_\_

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Has there been any previous zoning decisions, variances or special exceptions for this property? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please indicate the date thereof and nature of zoning granted:

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\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**ARTICLE XIII****CONDITIONAL USES****§1300. Applicability.**

The governing body or its authorized representatives shall have the power to approve or disapprove conditional uses when this Ordinance specifically requires the obtaining of such approval in accordance with the following provisions:

(as readopted effective June 28, 2007, by Ordinance adopted June 23, 2007)

**§1301. General Conditions.**

A. In granting a conditional use, the governing body or its authorized representatives shall make findings of fact consistent with the provisions of this Ordinance. The governing body or its authorized representatives shall not approve a conditional use except in conformance with the conditions and standards outlined in this Ordinance.

B. The governing body or its authorized representatives shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The governing body or its authorized representatives shall require that any proposed use and location among other things be:

1. In accordance with the Joint Municipal Comprehensive Plan for Newtown Township, Upper Makefield Township, and Wrightstown Township, and consistent with the spirit, purposes, and intent of the applicable district (See Article III);

2. An improvement which shall not be a detriment to the property in the immediate vicinity and which shall be in the best interests of the municipality, the benefit of the community, and the public welfare;

3. Suitable for the property in question and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;

4. In conformance with all applicable requirements of this Ordinance and all municipal ordinances; and

5. Suitable in terms of effects on-highway traffic and safety with arrangement for access adequate to protect streets from undue congestion and hazard.

C. The burden of proof in a conditional use application shall be on the applicant to establish that all of the conditions are in the spirit of this Ordinance.

D. Where an applicant requires subdivision or land development approval in addition to conditional use approval, the applicant has the option to file those applications simultaneously or to file the application for conditional use first and process it to conclusion without the necessity to file more intricate land development plans. Should the applicant file the applications simultaneously, and request simultaneous review, the applicant assumes the risk of cost of preparation of plans for both applications and the cost of modifications the municipality may require in the review process. Approval of both conditional use and subdivision and land development

shall be required before the issuance of any zoning permit.

(as readopted effective June 28, 2007, by Ordinance adopted June 23, 2007)

### **§1302. Application Requirements.**

Conditional use applications shall be governed by the following:

A. The landowner shall make a written request to the governing body or its authorized representatives of the municipality in which the parcel of land is located. The request shall contain a statement reasonably informing the governing body or its authorized representatives of the matters that are in issue.

B. The application shall be accompanied by site and building plans and other materials describing the use or development proposed. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by this Ordinance shall accompany the application.

C. The applicant shall attach to the application a true and correct copy of the current deed for all of the properties affected by the application. If the applicant claims to be the equitable owner of the property, or properties, the applicant shall attach to the application a true and correct copy of the Agreement(s) with the legal owner that created the Applicant's equitable ownership.

D. Fees. The applicant for any hearing on a conditional use request before the governing body or its authorized representatives shall at the time of making application pay to the zoning officer, for the use of the municipality, a fee in accordance with a fee schedule adopted by resolution of each governing body or its authorized representatives upon enactment of this Ordinance or as such scheduling may be amended from time to time.

(as readopted effective June 28, 2007, by Ordinance adopted June 23, 2007)

### **§1303. Review Procedures.**

#### **A. General.**

1. The governing body or its authorized representatives may impose whatever conditions it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance.

2. The governing body or its authorized representatives shall request an advisory opinion from the local planning commission of the municipality in which the land is located on any application for a conditional use; the local planning commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the governing body or its authorized representatives on the application.

3. The governing body or its authorized representatives shall hold a hearing upon the request, commencing not later than sixty (60) days after the request is filed, unless the applicant requests or consents in writing to an extension of time.

B. *Hearing.* The governing body or its authorized representatives shall conduct hearings pursuant to public notice and shall send notice of the proposed conditional use hearing to contiguous property owners at the same time, and make decisions in accordance with the following:

1. The parties to the hearing shall be the municipality in which the parcel of

land is located, any person affected by the application who has made timely appearance of record, and any other person including civic or community organizations permitted to appear by the governing body or its authorized representatives. The governing body or its authorized representatives may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.

2. The chairman or acting chairman shall have the power to administer oaths of witnesses.

3. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

5. The municipality at its discretion may require a stenographic record of the proceedings, and such transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

6. The governing body or its authorized representatives shall render a written decision on the application and communicate it to the applicant in accordance with the Municipalities Planning Code.

7. In allowing a conditional use, the governing body may attach such reasonable conditions and safeguards, other than those related to off-site transportation and road improvements, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

(as readopted effective June 28, 2007, by Ordinance adopted June 23, 2007)

#### **§1304. Special Considerations.**

A. *Residential Conversions.* Within all applicable districts where Use B-16 is permitted, the use of an existing building for apartment units or boarding facilities, or dormitory shall be permitted subject to the following:

1. Applications shall be filed with the zoning officer and be forwarded by him to the local planning commission.

2. The application shall consist of a written request and the following information:

a. Four (4) photographs of the building, one showing each side of the building;

b. Sketch plan of the lot showing width and depth of the lot, size and location of all structures, including any accessory buildings such as garages and storage sheds;

c. A statement indicating the number of proposed dwelling units and occupancy capacity, the room size of each, type of unit, the total building floor area per occupant, and open yard space area per occupant;

d. Sketch plan of each floor in which dwelling units will be located, showing the dimensions of each dwelling unit.

B. *General Conditions for Applicable Uses in OR, PC, PS-2, LI and O-LI Districts.*

Within the OR Office Research, PC, PS-2 Planned Commercial, LI Light Industrial, and O-LI Office-Light Industrial Districts, the following additional considerations shall apply:

1. In conjunction with an application for conditional use of all or part of the properties in the OR, PC, PS-2, and O-LI, LI Districts, the owners shall submit to the governing body or its authorized representatives plans indicating the proposed parceling, interior roadways, access points, general location of parking areas, and bulk and type of industrial structures conceived for ultimate development. This shall be considered a master plan and all subsequent sale, lease, covenant, and development shall be in accordance with conditional use provisions herein and shall meet the spirit and intent of the master plan with reasonable alterations permitted where such alterations improve site development, internal traffic circulation, traffic access to arterial roads, and general design.

2. Any parcel or parcels for which subdivision and development application is made may be in single ownership or joint ownership. Applications may be filed by the owner or owners, and shall be capable of an integrated design of a complete industrial complex or element thereof within their boundary, and shall be in conformance with the master plan as defined above.

3. The applicant shall submit proof to the effect that any and all nonconforming uses located on the property to be reviewed shall cease their operations and their structures be removed prior to the commencement of site preparation and construction, in the event that his application is approved, provided such structure is not of historical significance. In such a case, the historic structure shall be retained, when feasible.

4. The property shall front on or have direct access to a principal arterial street as delineated in the functional street classification map, herein.

*C. General Conditions for Stripping of Soil.*

1. *Application.* The governing body or its authorized representatives shall not consider any application for the removal of soil from the premises for sale or otherwise unless and until the owner of the premises shall first file with the municipal secretary an application requesting permission, together with a map of the premises prepared by a registered surveyor showing the contour lines, location of trees and streams, and proposed contour grades resulting from such intended removal of soil in relation to the topography of the premises. The application shall also include a reuse plan showing eventual lot usage and a detailed seeding and planting schedule to be performed after stripping. In addition, it shall be the responsibility of the applicant to prove that such removal will not be detrimental to the other natural resources of the area. The said proposed contour lines, proposed grades, and an estimate of the amount of soil in cubic yards to be removed shall be subject to the inspection and approval of the governing body.

- a. A hearing before the governing body or its authorized representatives shall be granted to an applicant for permission to remove soil within sixty (60) days after the applicant requests such a hearing. The governing body or its authorized representatives in considering and reviewing the application and in arriving at its decision shall take into consideration the public health, safety, or general welfare, and particular consideration shall be given to the

following factors:

- (1) Soil erosion by water and wind
- (2) Drainage
- (3) Soil fertility
- (4) Lateral support slopes and grades of abutting streets and lands
- (5) Land values and land uses
- (6) Effect of removal on vegetation and wildlife
- (7) Such other factors that may relate to the public health, safety, or general welfare.

b. The governing body or its authorized representatives shall grant permission to remove soil if, after examining the application and the map provided for within this Article and after the hearing, the governing body or its authorized representatives is of the opinion that the proposed soil removal will not create conditions inimical to the public health, welfare, or safety; and will not result in the creation of any sharp declivities, pits, depressions, soil erosion, or fertility problems, under destruction of useful vegetation and wildlife habitats, or depressed land values; and will not create any drainage or sewerage problems or other conditions of potential danger.

2. *Permit Required.* No excavation shall be made and no soil be removed under the provisions of this Ordinance, unless a permit therefore shall have first been obtained as provided herein, and no excavation shall be made and no soil shall be removed except in conformity with the provisions of this Article and the recommendations of the Bucks County Soil Conservation District. At the time of application a fee as determined by resolution to the order of the municipality shall be paid by the applicant for the permit for removal of soil from the premises. In the event of refusal of the soil removal permit, the fee paid by the applicant shall be refunded, except that all moneys and costs incurred by the municipality for engineering surveys and reports, inspections, and legal services shall be retained by the municipality, and the balance remaining shall be refunded to the applicant together with a statement of costs and expenses incurred by the municipality in the processing of said application.

D. *Intentionally left blank.*

E. *Special Considerations for Video Gaming / Pinball Arcades and Pool Halls.* A conditional use for a video gaming/pinball arcade or pool hall shall be subject to the following special considerations:

1. The following use regulations shall apply to all Video Gaming/Pinball Arcades and Pool Halls:

a. A video gaming/pinball arcade or pool hall shall only be operated between the hours of 8:00 a.m. and 10:00 p.m.;

b. No activity relating to the operation of a video gaming/pinball arcade or pool hall shall be permitted which disturbs the peace and quiet of the surrounding neighborhood or which endangers the public health, safety or general welfare;

c. No audio speakers or equipment shall be installed inside or outside

the location of any video gaming/pinball arcade or pool hall which are intended to cause music, voices or other sounds to emanate to the exterior of the premises;

d. Adult supervision shall be provided at all times at the location of a video gaming/pinball arcade or pool hall;

e. A video gaming/pinball arcade or pool hall shall comply in all respects to the requirements of any other applicable provision of the Joint Municipal Zoning Ordinance, other Township ordinances, and State statutes relating to exits, fire safety, restrooms, or other applicable requirements;

f. The Board of Supervisors may impose reasonable conditions regarding layout, circulation and performance as it deems necessary to insure that the proposed video gaming/pinball arcade or pool hall meets the objectives of this Section;

g. The burden of establishing that a conditional use should be granted and that it will not be injurious to the public interest is on the applicant for a video gaming/pinball arcade or pool hall.

2. Establishments licensed by the Pennsylvania Liquor Control Board having no more than six (6) video games, pinball devices or other machines or devices operated for amusement (individually or in combination) shall not be required to obtain conditional use approval and shall be considered accessory uses to the primary use of the premises. Such establishments shall not be required to comply with the provisions of §1304.E.1.a., f., and g., hereof but shall be required to comply with the provisions of §1304.E.1.b., c., d., and e.

F. *Special Considerations of Use B-12 Single-family Detached Cluster Subdivisions in the CM Conservation Management Zoning District.* A conditional use for a Use B-12 Single-family Detached Cluster Subdivisions in the CM Conservation Management (CM) Zoning District shall be subject to the following special considerations: [JMZO Ord. 2008-09]

1. The applicant shall provide information related to the following:

a. a site plan which illustrates the proposed development, a map which illustrates the agricultural soils, measurements of the amount of agricultural soils defined in §205, measurements of the amount of agricultural soils to be included in open space, and measurements to show compliance with the agricultural protection standards of §903.B.7. [JMZO Ord. 2004-14]

b. a site plan which identifies agricultural uses of the open space and compliance with §1005.A.3.;

c. a map or current aerial photograph (not taken more than five years prior to the date of conditional use application) which identifies buildings and the uses of land within one-quarter (0.25) mile of any portion of the site;

d. a statement of the proposed ownership of the open space;

e. a description of the proposed easements and/or deed restrictions to ensure the open space will remain undeveloped in perpetuity, use restrictions for the open space, and compliance with the provisions of §1005;

f. compliance with the area, dimensional, buffer, open space, density,



other natural resource protection standards,, and other requirements of this Ordinance.

2. The governing body may impose reasonable conditions regarding layout and use of the open space as it deems necessary to insure the proposed use meets the objectives of this Ordinance; results in no nuisance impacts on existing, proposed or potential uses in the surrounding area and on the subject site; limits future uses of the open space; and ensures the use is compatible with uses and activities in the Conservation Management District or other adjoining districts. The governing body may deny conditional use if the applicant is unable to address, to the satisfaction of the governing body, the matters identified in this Ordinance.

G. *Special Considerations of Use C-2 School.* A conditional use for a Use C-2 School shall be subject to the following special considerations:

1. The applicant shall submit a site plan that illustrates the proposed development, including the location and size of all buildings, the vehicular circulation pattern, the location and number of parking spaces along with a calculation of the minimum number of required parking spaces, the location and use of all outdoor athletic fields, courts, and play areas.

2. The applicant shall submit an agricultural impact statement, an environmental impact statement, a transportation impact statement, and a services impact statement under the provisions of §1602.C.8 of this Ordinance, whether or not the conditional use application is accompanied by a request for a zoning amendment.

3. *Sewer and Water Facilities.*

(1) The applicant shall specify how sewer and water facilities will be provided and shall prove that the sewage system is in compliance with the municipality's Sewage Facilities Plan (Act 537).

(2) Where an on-lot or on-site sewage system is proposed, the applicant shall submit proof that the proposed system is in compliance with the requirements for a permit from the Bucks County Department of Health or the Pennsylvania Department of Environmental Protection, as applicable. Information submitted shall include a field soils feasibility evaluation based on the observation of soil test pits, excavated by backhoe. At least four (4) test pits per acre of area of the sewage system shall be excavated. A full soils description and evaluation prepared by a certified soils scientist shall be provided.

(3) Where on-lot or on-site water facilities are proposed, the applicant shall submit proof that there is adequate water capacity to serve the proposed use and show compliance with the requirements of the municipal subdivision and land development ordinance related to water systems.

(4) Where municipal or public sewer or water services are proposed, the applicant shall provide certification from the servicing authority that capacity will be available for the proposed use.

4. For nursery schools, kindergartens, and elementary schools, the applicant shall make provisions for sufficient off-street drop-off/pick-up area for children, vehicular stacking lanes, and additional off-street parking spaces to ensure

adequate traffic flow and avoid traffic obstruction.

5. The applicant shall identify the maximum number of students, faculty members, and employees that the facility would be designed to accommodate.

6. The applicant shall identify all activities that are intended to take place at the facility.

7. The applicant shall identify the intended schedule for use of the facility including months of the year, days of the week, and hours of the day.

8. The applicant shall submit a lighting and buffering plan.

9. The applicant shall identify any flammable, hazardous, or explosive materials that would be stored or used at the facility. Safety measures shall be identified.

10. The governing body may impose reasonable conditions regarding the use of the facility, size of buildings, and other matters it deems necessary to ensure the proposed use meets the objectives of this Ordinance; results in no nuisance impacts on existing, proposed, or potential uses in the surrounding area and on the subject site; and results in no impacts on municipal and Commonwealth services and facilities that are not solved by the applicant. The governing body may deny the conditional use application if the applicant is unable to address, to the satisfaction of the governing body, the matters identified in this Ordinance.

H. *Special Considerations for the Increase of the Maximum Impervious Surface Ratio in the Light Industrial District.* A conditional use for the increase of the maximum impervious surface ratio from fifty (50) to sixty (60) percent in the LI Light Industrial District shall be subject to the following special considerations:

1. The applicant shall provide the following information:

a. A site plan which illustrates the existing and proposed structures and other improvements.

b. A site plan which illustrates the natural features of the site as identified in §§903.B.1. through 6. of this Ordinance.

c. A site plan which illustrates the soils of the site and a description of the characteristics of these soils as identified in the Soils Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Soils Conservation Service, July 1975 (or as revised).

d. A plan which illustrates the stormwater management facilities located on the site and within five hundred (500) feet of the site.

e. Any stormwater management problems or deficiencies on the site or within five hundred (500) feet of the site.

f. Where there are no on-site stormwater management problems and/or no problems with any shared off-site stormwater facility which serves the subject site, the applicant shall submit plans and calculations which demonstrate compliance with the stormwater management requirements specified in the current municipal subdivision and land development ordinance, for the proposed expanded buildings, parking, and other improvements.

g. Where there are on-site stormwater management problems and/or problems with any shared off-site stormwater facility which serves the subject

site, the applicant shall submit plans and calculations which demonstrate compliance with the stormwater management requirements, as specified in the current municipal subdivision and land development ordinance, for the overall site development as well as the proposed expanded buildings, parking, and other improvements.

2. The governing body shall submit the application to the Township engineer for review of the plans and calculations submitted by the applicant.

3. The governing body shall consider the existing conditions, including stormwater management problems on the site and in surrounding areas, in the evaluation of the request to increase the maximum impervious surface ratio.

4. The governing body may impose reasonable conditions and safeguards, in addition to the requirements of the zoning ordinance and the subdivision and land development ordinance, as the governing body deems necessary to ensure that the proposed or expanded impervious surface ratio; results in no adverse impact to existing, proposed, or potential uses in the surrounding area or on the subject site; and ensures that the proposed impervious surface ratio is compatible with uses and activities in the applicable zoning district and surrounding districts.

*I. Special Considerations for Use E-10 Service Station in the Office-Light Industrial District.*

1. The applicant shall provide a site plan and other information that identifies the following:

a. The location and use of all buildings within five hundred (500) feet of the site.

b. The location of all street intersections within five hundred (500) feet of the site. The distance between the center of all driveways on the site to the centerline of the intersections of all streets within five hundred (500) feet of the site shall be measured.

c. All services and products to be provided at the service station shall be described.

d. The applicant shall describe the storage of junk vehicles and the sale of automobile, trucks, trailers, or other vehicles.

e. The applicant shall describe the need for on-street parking.

2. In the evaluation of the proposal, reasonable conditions may be attached related to, but not limited to, the following. The applicant shall provide information in order to address the following matters.

a. Restrictions of access points onto certain adjoining streets.

b. Restrictions on parking on adjoining streets.

c. Restrictions on the placement of junk vehicles on the property.

d. Restrictions on the sale of vehicles on the property.

e. Restrictions on lighting of the facility.

f. Restrictions on the storage of refuse.

g. The need for additional buffer improvements.

h. Restrictions related to noise, vibration, glare, odor, fire, explosion,

heat, stormwater runoff, and other matters as identified by the Township.

J. *Special Considerations for a Business Identification Sign Along the Routes 332-413 Bypass.* A conditional use for the Business Complex Identification Sign along the Routes 332-413 Bypass shall be subject to the following considerations:

1. The applicant shall submit a sketch or design drawings of the proposed sign to ensure it will not constitute advertisement of goods, products, or services and will meet the purposes and intent of this Ordinance to identify a nonresidential complex or single use, rather than serve as a directory sign of more than one use or user located on the subject property.
2. The applicant shall provide a site plan, the location of the site in relation to the Bypass legal right-of-way, and the proposed location of the sign to show compliance with the locational provisions of §1110.
3. The applicant shall provide other information to show compliance, to the satisfaction of the Board of Supervisors, with the provisions of §1110 and the other provisions of Article XI, Signs.

K. *Special Considerations for Use E-23, Consumer Fireworks Facility.* A conditional use for a Consumer Fireworks Facility shall be subject to the following special considerations:

1. Facility shall have a monitored burglar and fire alarm system which is monitored twenty-four (24) hours a day.
2. Quarterly fire drills and preplanning meetings shall be conducted and approved by the municipality fire department.
3. Facility shall have security personnel on the premises for the seven (7) days preceding and including July 4th and for the three (3) days preceding and including January 2.
4. All employees shall be trained in the area of operational safety of the facility. The Department of Agriculture shall be provided with written documentation that each employee has received such training.
5. Emergency evacuation plans shall be established and conspicuously posted in appropriate locations within the facility.
6. Facility is properly licensed by the Department of Agriculture.
7. No smoking shall be permitted in the facility.
8. No cigarettes or tobacco products, matches, lighters, or any other flames-producing devices shall be permitted to be taken into the facility.
9. No minors shall be permitted in the facility unless accompanied by an adult, and each minor shall stay with the adult in the facility.
10. Each facility shall carry at least two million (\$2,000,000.00) dollars in public and product liability insurance.
11. No display fireworks shall be stored or located at the facility.
12. No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer, or wine shall be permitted in the facility.
13. No consumer fireworks or display fireworks shall be ignited within three

hundred (300) feet of a facility.

[JMZO Ord. 2006-20]

L. *Special Considerations for Use H-16.1, Accessory Landscape Contractor.* A conditional use for the Accessory Landscape Contractor shall be subject to the following considerations:

1. The applicant shall provide the following information:
  - a. A site plan which illustrates the existing and proposed structures and other improvements.
  - b. The location of all residences within five hundred (500) feet of the site.
  - c. A description of the services which the proposed landscape contractor will provide, the goods and materials which will be stored on the property, and the number of employees who will be engaged in the use.
  - d. The site plan depicting any structures proposed to be constructed in connection with the use shall include plans showing the elevation or view of the building sufficient to depict the architectural style.
  - e. The location of areas where equipment and vehicles of the business will be stored and employee vehicles will be parked.
  - f. Information regarding the frequency of deliveries to the property, the type of vehicles that will be making deliveries to the property and the nature of the material to be delivered.

2. In evaluating the proposed conditional use, the Board of Supervisors shall consider the following:

- a. The proximity of the area where the proposed use will be conducted to adjoining residential structures.
- b. The intensity of the activities proposed in the conduct of the use and their likely impact on adjoining property owners with respect to the generation of noise, dust or other adverse effects.
- c. The extent to which any buildings proposed to be constructed to house the use will adversely impact the residential character of the neighborhood.
- d. The extent to which the use can be adequately buffered from surrounding residential uses.

[JMZO Ord. 2007-05]

M. *Special Considerations for Use H-18, Accessory Contractor or Trade.*

1. The applicant shall provide the following information:
  - a. A site plan which illustrates the existing and proposed structures and other improvements.
  - b. The location of all residences within five hundred (500) feet of the site.
  - c. A description of the services which the contractor or tradesman proposes to provide, the type and quantity of incidental goods and materials which are proposed to be stored on the property, and the number of employees, including the owner/proprietor and other residents, who are proposed to be engaged in the use.

d. If any structures are proposed to be constructed in connection with the use, plans showing the elevation or view of the building sufficient to depict the architectural style and visibility from neighboring properties.

e. The location of areas where equipment and vehicles of the business are proposed to be stored and where employee vehicles are proposed to be parked.

f. Information regarding the proposed frequency of deliveries to the property, the type of vehicles that would be making deliveries to the property and the nature of the material to be delivered.

2. In evaluating the proposed conditional use, the Board of Supervisors shall consider the following:

a. The proximity of the area where the proposed use will be conducted to adjoining residential structures.

b. The intensity of the activities proposed in the conduct of the use and their likely impact on adjoining property owners with respect to the generation of noise, dust or other adverse effects.

c. The extent to which any buildings proposed to be constructed to house the use will adversely impact the residential character of the neighborhood.

d. The extent to which the use can be adequately buffered from surrounding residential uses.

(as added effective 10/21/2001 by *JMZO Ord. 2001-11*, §5; adopted 10/17/2001. Amended effective 8/28/2004 by *JMZO Ord. 2004-14*, §16; adopted 8/23/2004. Readopted effective June 28, 2007, by Ordinance adopted June 23, 2007. Amended effective 7/23/2007 by *JMZO Ord. 2006-20*, §8; adopted 7/18/2007. Amended effective 6/16/2008 by *JMZO Ord. 2007-05*, §06; adopted 6/11/2008. Amended effective 10/11/2008 by *JMZO Ord. 2008-08*, §06; adopted 10/6/2008. And amended effective 12/22/2008 by *JMZO Ord. 2008-09*, §03; adopted 12/17/2008)