

BOARD OF SUPERVISORS
West Pikeland Township
1645 Art School Road
Chester Springs, PA 19425
610-590-5300
westpikeland.com

APPLICATION FOR CONDITIONAL USE

<u>Applicant:</u>		<u>Property Owner:</u>	
Name:	_____	Name:	_____
Address:	_____ _____	Address:	_____ _____
Telephone:	_____	Telephone:	_____
Fax:	_____	Fax:	_____
Email:	_____	Email:	_____

If the Applicant is other than the Property Owner, is it an equitable owner under an agreement of sale (_____) or the lessee of the Property (_____) or has some other relationship (____). Please provide a copy of the agreement of sale or lease agreement.

Property Involved:

Address: _____

Tax Parcel No.: 34-__-_____

Zoning District: _____

Reasons for Application:

Applicant desires to use the Property in the following manner as permitted as a Conditional Use under Section _____ of the West Pikeland Township Zoning Ordinance:

Summary: _____

This Application must be accompanied by:

- Site Plan prepared pursuant to Section 1612B2 of the Zoning Ordinance
- If for Residential Design Options RD-2, RC-2 or RC-3, the information needed to determine compliance with Sections 905 and 906 of the Zoning Ordinance

Signatures:

Applicant: _____

Property Owner: _____
(if different from Applicant)

Date: _____

Fees: _____

Received: By: _____

Check No.: _____

Date: _____

See attached copy of Section 1612 of the West Pikeland Zoning Ordinance for the Review Procedures and General Review Conditions.

Zoning Officer has inspected the premises. Issuance of this permit by the Township official or employee designated by the Zoning Officer shall be based in conformity of the work to the requirements of this Ordinance and any other pertinent ordinance.

2. Pending completion of a building or of alterations thereto, a temporary use and occupancy permit may be issued by the Zoning Officer for temporary occupancy of part or all of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six (6) months shall be established.
3. In commercial and industrial districts in which performance standards are imposed or when required by the Zoning Officer, no use and occupancy permit shall become permanent until sixty (60) days after the facility is fully operating, when upon a reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards.

SECTION 1612. CONDITIONAL USES

A. Intent

This Section provides for certain uses to be permitted within the Township as conditional uses. These uses may not be appropriate at every location within a zoning district, and accordingly the Board of Supervisors has established standards and procedures by which to evaluate and decide upon conditional use applications. It is intended that these uses, which have the potential for substantial impact upon the community, shall comply with the regulations hereinafter set forth. The Board of Supervisors shall have the power to approve conditional uses.

B. Content of Application

1. Application for conditional use shall be filed with the Board of Supervisors, through the Township Secretary, on such forms prescribed for that purpose, and shall include the application form, required filing fee, and the following information:
 - a. Name and address of the applicant.
 - b. Name and address of the owner of the real estate to be affected by the proposed Conditional Use Application.
 - c. Description and location of the real estate on which the conditional use is proposed.

- d. Statement of the present zoning classification, present land use, and existing improvements for the real estate in question.
- e. Statement of the section of the present Zoning Ordinance authorizing the proposed conditional use.
- f. Description of the proposed use and site improvements.

2. Site Plan

The application for conditional use shall be accompanied by a proposed site plan to include the following information:

- a. Site Plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet.
 - b. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.
 - c. Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards as specified in the Township Zoning Ordinance.
 - d. Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.
 - e. Location, dimensions, and arrangement of all areas devoted to open space, ground cover, trees, plantings, and recreation.
 - f. Provisions for handling of stormwater drainage, treatment of disposal of sewage, and supply of water.
 - g. A copy of the last recorded subdivision plan of which the property is part.
 - h. Locations and design of all on-site and off-site improvements related to access control and traffic capacity.
3. In addition to the above information, for conditional use applications for Residential Design Options RD-2, RC-2, and RC-3, the required information for determining compliance with Section 905, Density Determination, and Section 906, Open Space Use and Design Standards, shall be provided with the application.

C. Application Review Procedures

1. Upon receipt of a complete conditional use application, the Township Secretary shall submit the application for recommendation to the Township Planning Commission, and the Planning Commission shall perform a review and provide a report to the Board of Supervisors concerning the grant of approval or disapproval of the proposed use. The Planning Commission is to submit a recommendation to the Board of Supervisors prior to the date of public hearing held by the Board of Supervisors.
2. The hearing shall be conducted by the Board of Supervisors or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
3. The Board of Supervisors shall schedule a hearing for public review and comment. Such hearing shall be held within sixty (60) days of filing of the application for conditional use approval, unless the applicant waives this requirements, or extends this time limit, in accordance with the following procedures:
 - a. Notice of public hearing shall be in the publication of a newspaper of general circulation in the Township in accordance with the requirements for public notice established in the Municipalities Planning Code. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. Proof of proper notification shall be required as a precondition before any formal action on the application.
 - b. The parties to the hearing shall be the Township, any person affected by the application who has made a timely appearance of record before the Board of Supervisors and any other persons, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties must enter appearances in writing on forms provided by the Board of Supervisors.
 - c. The Chairman or Acting Chairman of Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents required by the parties.

- d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the Board of Supervisors.
 - e. The Board of Supervisors shall keep a stenographic record of the proceedings and copies of the graphic or written material received in evidence shall be available to any party at cost.
 - f. The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision.
 - g. A copy of the final decision shall be delivered to the applicant and the parties personally or sent by registered mail with return receipt to them no later than the day following the decision.
 - h. Appeals from a determination of the Board of Supervisors pursuant to any conditional use application shall be only as prescribed within such times permitted by the applicable provisions of Act 247, the Municipalities Planning Code.
4. In granting a conditional use approval, the Board of Supervisors may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to ensure compliance with the provisions of this Ordinance and to protect the health, safety, and general welfare of the community. The conditions of approval may include, but are not limited to, specific modifications to area and bulk requirements as might otherwise be applicable, provisions for additional utility or traffic safety measures, securing additional easements or property to assure proper site design, or modification to the applicable design standards.
 5. Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by the Township Subdivision and Land Development Ordinance and any other applicable Township, county, state or federal regulations.
 6. If the Board of Supervisors approves the conditional use application and site plan, such approved plan shall accompany any application for subdivision of land or land development as prescribed by the Township Subdivision and Land Development Ordinance in addition to the requirements normally required and any application for a building permit.
 7. Any grant of conditional use approval shall be deemed null and void twelve (12) months from the date of such approval, if within that period, no application is made for a building permit, a use and occupancy permit, or a subdivision or land

development approval, as appropriate, unless the Board of Supervisors shall grant an extension.

D. General Review Conditions for Approval

1. In reviewing an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following conditions.
 - a. The proposed use is consistent with the purpose of the Article whereby it is permitted, the overall purpose of the zoning as contained in Article I, and with the policies articulated in the West Pikeland Township Comprehensive Plan. The proposed use will satisfy all of the relevant provisions and requirements of the Township Subdivision & Land Development Ordinance and any other applicable ordinance, code and/or regulations.
 - b. The proposed use shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is located.
 - c. The proposed use is located in an area or areas for which the lot is suited, is consistent with the nature of land uses existing on immediately adjacent properties, and will be designed, constructed, and maintained in a manner which complements the appearance and character of the neighborhood.
 - d. If the development is to be carried out in successive stages, each stage shall be so planned that the condition and intent of this Ordinance shall be fully complied with at the completion stage.
 - e. If containing more than one (1) building, the development will consist of a harmonious grouping of buildings or other structures.
 - f. The proposed use will be in the public interest and serve the health, safety, morals and general welfare of the Township.
 - g. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as a public water, public sewer, police, fire protection, recreational opportunities, open space, and public schools.
 - h. Proposed new construction and proposed change in use of existing buildings will be compatible with and in keeping with the existing character of the neighborhood.
 - i. The proposed use reflects an environmentally sensitive approach to land planning and design, will be sited in a manner sensitive to existing site

- j. conditions including streams, vegetation, and other natural resources, and is consistent with the natural resource protection standards of Article VIII.
 - k. The proposed use will provide safe and adequate access to roads, existing or proposed, and will not result in excessive traffic volumes or will make any improvements needed to guarantee compatibility with adjacent streets and public services.
 - l. The interior traffic circulation for the proposed use shall provide safe and convenient circulation for all users including vehicular and pedestrian modes. Emergency design considerations will be addressed in the proposed plan.
 - m. The adequacy of sanitation and public safety provisions shall be adequate and a certificate of adequacy of sewage and water facilities from a governmental health agency shall be provided where required or deemed necessary.
 - n. The proposed use will be developed using stormwater management techniques and soil erosion and sedimentation control techniques deemed effective by the Township Engineer and the Chester County Soil Conservation District.
 - o. Review of conditional use applications for Residential Design Options RD-2, RC-2, and RC-3, shall specifically take into consideration the requirements of Section 906, Open Space Use and Design Standards, in determining the consistency of the proposed plan's layout of buildings and open space with the intent of this Ordinance.
 - p. In review and consideration of the issues set forth above, the Board of Supervisors may require that the applicant submit appropriate impact analyses prepared by recognized professional(s) acceptable to the Township, including, but not limited to, study of existing and future traffic conditions, environmental impact assessment, fiscal impact analyses, recreation impact assessment, and Historic Resource Impact Study.
- C. The Board of Supervisors may impose such conditions of approval, in addition to those required, as may be necessary to ensure compliance with any or all of the above standards as well as compliance with any other relevant ordinances, regulations and codes. The applicant shall be responsible for demonstrating compliance with the additional standards and criteria required for conditional use approval.