Thornbury Township Conditional Use Application

(submit 20 copies)

1. Applicant Address

_____ Phone _____

_____ Email _____

_____

Legal Owner (if different from the applicant)

_____ Phone _____

_____ Email _____

_____

Equitable Owner (if different from the applicant)

_____ Phone _____

_____ Email _____

_____

Submit copy of deed; copy of agreement of sale, lease, or other proof legal interest.

Engineer

_____ Phone _____ Email _____

Attorney

_____ Phone _____ Email _____

2. Description and location of the tract on which the conditional use is proposed.

Property address: _____ Tax parcel number: _____

Lot Size: _____ Lot Frontage: _____ Lot Depth: _____

3. Statement of the present zoning classification, present land use, and existing improvements for the tract in question. _____

_____

_____

4. Statement of the Section(s) of this Chapter allowing the proposed conditional use.

_____

5. Description of the proposed use and site improvements. _____

_____

_____

6. Site Plan.

A generalized site plan shall be submitted as part of the application. The plan shall be drawn to a scale of one (1) inch equals fifty (50) feet and demonstrate compliance with all applicable standards for approval of the conditional use. Details of the site plan may be found in the Ordinance.

Signature(s)

_____ _____

Property Owner Applicant, if different from Owner

Date Received: Date of acceptance: Date of rejection:

Thornbury Township Conditional Use Process (Section 155-2105)

A. Statement of intent. This Section provides for consideration of certain uses to be permitted in the Township by conditional use. Such have the potential for greater impact on the community and may not be appropriate at every location within a zoning district, and accordingly as permitted by the MPC, this Section establishes procedures, standards, and criteria by which to evaluate applications for conditional use. It shall be the burden of the applicant to demonstrate compliance with the standards for conditional use contained in this Section and with any other relevant stipulations of this Chapter and to indicate means by which potential impacts from the proposed use will be mitigated. It is intended these uses, constituting major uses having the potential for substantial impact upon the community, shall comply with the standards for conditional uses hereinafter set forth in addition to the relevant stipulations of the district in which the conditional use is authorized. In the sole discretion of the Board of Supervisors, failure to comply with these standards may be deemed a basis for the imposition of appropriate conditions to a grant of approval. Where there is a conflict between the standards set forth in this section and other standards elsewhere established by this Chapter or other applicable ordinances, it is intended that the more stringent standards shall apply, and it is not the intent of this section to abrogate or impair any other such standards or requirements.

B. General requirements

1. Ownership. The tract of land under application for conditional use approval shall be in single ownership, or shall be subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one (1) person or entity, the application shall identify and be filed on behalf of all of the said owners. Approval of the application shall be conditioned upon agreement by the applicant(s) that the tract shall be developed under single direction in accordance with the approved application.

2. Site work. No site preparation or construction shall be permitted other than in accordance with the approved application. If ownership of all or any portion of the tract changes subsequent to approval of the application, no site preparation or construction by such new owner(s) shall be permitted unless and until such owner(s) shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

3. The Board of Supervisors shall hold hearings and decide on requests for conditional uses and shall have the power to approve or deny conditional uses by the procedures set forth in this Section and any other reasonable conditions and safeguards to protect the health, safety, and general welfare of the community.

4. Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals, such as those mandated by the Subdivision and Land Development Ordinance and any other applicable Township, county, state or federal regulations.

5. Upon receiving conditional use approval, full engineering and construction details shall be required at the subdivision and land development stage in accordance with Township standards for such.

C. Application.

Application for conditional use shall be filed in writing with the Township inclusive of all applicable supplemental materials. It shall include an explanation of the request being made, required filing fee,

and the following information necessary to enable the Township to ascertain compliance with this Section and other applicable provisions of this Ordinance:

1. Name and address of the applicant and of the owner(s) of the tract to be affected by the proposed conditional use application and standards in §155-2105.B.1.

2. Description and location of the tract on which the conditional use is proposed.

3. Statement of the present zoning classification, present land use, and existing improvements for the tract in question.

4. Statement of the Section(s) of this Chapter allowing the proposed conditional use.

5. Description of the proposed use and site improvements.

6. Site Plan. A generalized site plan shall be submitted as part of any conditional use application. It is not intended this plan be engineered or contain a fixed architectural layout, such as would be required under Chapter 115, Subdivision and Land Development. The plan shall be drawn to a scale of one (1) inch equals fifty (50) feet and demonstrate compliance with all applicable standards for approval of the conditional use, including the following information:

a. North point and date of site plan preparation.

b. Approximate tract boundaries.

c. Location of tract by indicating nearest street(s) intersection and zoning district.

d. Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards specified in this Chapter.

e. Existing and proposed streets, site access, interior circulation, and parking proposed for the tract.

f. Existing topographical and physical features on and adjacent to the tract, such as structures and improvements, historic resources, easements, nature resources (soils, floodplains, wetlands, watercourses, and woodlands), and a description of how such features will be affected, and if impacted mitigated, by the proposal.

g. General lot layout, approximate overall dimensions, gross floor area, coverage and height of each building or structure when applicable as specified in this Chapter.

h. Location, approximate dimension and arrangement of all areas devoted to ground cover, trees, screen planting, open space, recreation and similar purposes, as applicable.

i. Proposed method of water supply and sewage disposal and treatment.

j. Proposed method for handling of stormwater in the form of a preliminary written analysis and conclusions as to anticipated methods prepared by a professional engineer.

k. The Board of Supervisors may, at its discretion, request one (1) or more of the detailed site analysis plans and/or impact studies as outlined in §155-704 for transportation, community, and environmental impacts.

7. Where specific conditional use submission requirements are contained within another article of this Chapter and are applicable to a particular conditional use authorized by that article, those requirements shall be adhered to and shall prevail in any instance of conflict or overlap.

D. Application review procedure.

1. Application completeness. The application shall be reviewed by the Zoning Officer for completeness with the components listed in §155-2105.C. If it is deficient with regard to any required components, procedures or fees, the Zoning Officer shall so notify the applicant in writing. This review and notification shall occur prior to the scheduling of a public hearing on the application. If such identified deficiencies are not remedied in the form of a resubmitted application, such deficiencies shall constitute grounds for denial of the application by the Board of Supervisors subsequent to public hearing.

2. Timing. The Board of Supervisors shall schedule and hold a public hearing on the application, pursuant to public notice, within sixty (60) days of filing unless the applicant, in writing, waives or extends the time limitation.

3. Planning Commission review. The Township shall submit the application for recommendation to the Township Planning Commission, which shall begin review of the application at its next regularly scheduled meeting at least thirty (30) days prior to the date of the hearing. The Planning Commission, in its review of the conditional use application, shall evaluate, in particular, the generalized site plan in relation to the Township Comprehensive Plan and the physical development of the Township.

4. Board of Supervisors review. The Board of Supervisors shall conduct their review of the conditional use application pursuant to Section 913.2 of the MPC. The public hearing shall be carried out in accordance with the following:

a. Public notice shall be given pursuant to the following:

1. By publishing a notice thereof once a week for two (2) successive weeks, the first not more than thirty (30) days and the second not less than seven (7) days from the date of the hearing in a newspaper of general circulation.

2. By mailing a notice thereof to the applicant, the Zoning Officer, the Township Manager and to every person or organization that has made timely request for same.

3. By posting notice of said hearing in a conspicuous location on the affected tract of land at least one (1) week prior to the hearing.

4. By the applicant mailing or delivering a notice thereof to the owner of every lot within five hundred (500) feet from any lot line of the lot in question not less than ten (10) days prior to the date of the hearing. The name and address of the persons to whom the notice shall be given shall be those listed on the tax records.

5. The notice herein shall be a copy of the advertisement submitted for publication. Posting and mailing or delivering of the notice shall be the responsibility of the applicant.

b. A stenographic record of the hearing proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board of Supervisors. Any

party requesting the original transcript or a copy of the transcript shall bear the cost of the same as required by the court reporter.

c. The plan presented at the public hearing shall be essentially the same as that reviewed by the Planning Commission. At the discretion of the Board of Supervisors, changes deemed substantial may result in rescheduling the public hearing where the Planning Commission finds that such changes necessitate a greater period of time for review and comment.

5. Conditions for approval.

In reviewing an application for conditional use, the Board of Supervisors shall evaluate the application for its degree of compliance with the following conditions with which the applicant shall be responsible for demonstrating compliance.

a. The proposed use is consistent with the purpose of the zoning district in which it is permitted, the overall purpose for zoning as described in Article I, the policies of the Comprehensive Plan, and serves the health, safety, and general welfare of the Township.

b. The proposed use is capable of satisfying the applicable provisions and requirements of the Subdivision and Land Development Ordinance and other applicable ordinances, codes and/or regulations.

c. The proposed use is limited to those allowed as conditional uses within the zoning district in which the lot or tract is located.

d. The proposed use and its proposed construction is located in an area for which site conditions are suited.

e. The proposed use is compatible with land uses on adjacent properties, including historic structures, and will be designed, constructed and maintained in a manner which complements the appearance and character of the neighborhood.

f. If containing more than one (1) building, the proposal consists of a harmonious grouping of buildings or other structures.

g. The proposed use is consistent with and will have no adverse effect upon public services and infrastructure such as police, fire protection, recreational opportunities, open space, and public schools.

h. The proposed use reflects an environmentally sensitive approach to land planning and design and will be sited in a manner sensitive to existing site conditions, including watercourses, vegetation, and other natural resources.

i. The proposed use provides safe and adequate access to existing or proposed streets, will not result in excessive traffic volumes, and will make improvements needed to create compatibility with adjacent streets and public services.

j. Interior traffic circulation for the proposed use provides safe and convenient circulation for all users, including vehicular and pedestrian modes of traffic, parking areas, and addresses emergency management considerations.

k. Evidence of adequate water supply and sewage disposal capability for the proposed use is provided. The tract or lot shall be served by a water supply system and a sewage disposal system deemed acceptable by the Board of Supervisors, upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with the applicable sections of the Subdivision and Land Development Ordinance and Act 537 Sewage Facilities Plan.

l. The proposed use will be developed using best stormwater management practices and soil erosion and sedimentation control techniques consistent with the requirements of the Subdivision and Land Development and Stormwater Management Ordinances and all other applicable codes and ordinances.

m. Development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

n. The Board of Supervisors may impose other conditions of approval, in addition to those required herein, as may be necessary to ensure compliance with this Chapter and any other relevant ordinances, regulations, and codes.

E. Application decision

1. Approval of application. In accordance with Section 913.2.b.1 of the MPC, the Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing, unless the applicant, in writing, waives or extends the time limitation. In approving a conditional use application where such use is authorized under this Chapter, the Board of Supervisors may, at its sole discretion, attach such conditions to its approval as it deems necessary to further the purposes of this Chapter. Such conditions may include, but need not be limited to: a. Specific modifications to area and bulk requirements as might otherwise be applicable; b. Provisions for additional utility or traffic safety facilities; c. Securing of additional easements or property to assure property site design; or d. Modification to the applicable design standards.

2. If the Board of Supervisors approves the application and accompanying generalized site plan, such approved plan shall accompany any as prescribed by the Subdivision and Land Development ordinance, in addition to the detailed working drawings normally required and any application for a building permit. The issuance or rejection of a building permit shall take place in the regularly prescribed manner herein pertaining to building permits but shall be preceded by compliance with the Subdivision and Land Development ordinance.

3. Denial of application. In accordance with Section 913.2.b.1 of the MPC, the Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing, unless the applicant, in writing, waives or extends the time limitation. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the MPC or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

4. Deemed approval of application. In accordance with Section 913.2.b.1.2 of the MPC, if the Board of Supervisors fails to render the decision within 45 days or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of receipt of the application, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the mandatory public notice requirements. If the governing body shall fail to provide such notice, the applicant may do so.

F. Expiration of Conditional Use Approval.

Unless the Board of Supervisors grant an extension via the applicant submitting complete forms for such furnished by the Township, any grant of conditional use approval shall be deemed null and void six (6) months from the date of such approval if, within that period, the applicant does not begin work or no application is made for a building permit, use and occupancy permit, or subdivision or land development, as appropriate, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the conditional use approval.