



WESTTOWN TOWNSHIP

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CONDITIONAL USE APPLICATION

Date received: _____ **Date of acceptance:** _____ **Date of rejection:** _____

Location of proposed use

Address: _____ City: _____ State: _____ Zip: _____

Owner: _____

Tax parcel number(s): _____ Zoning district: _____ Acreage: _____

Proposed use of property: _____

Applicant information

Applicant: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone number: _____ E-mail address: _____

I (We) hereby make application for CONDITIONAL USE of the above-described property as provided for in Section _____ of the Westtown Township Zoning Ordinance, and do hereby acknowledge that I (we) have read this application and confirm that the above information is correct, and do further confirm that I (we) agree to comply with all provisions of the Westtown Township Zoning Ordinance applicable to this project.

Signature of applicant

Date

Signature of Zoning Officer

Date

Westtown Township Zoning Ordinance, Article XX, §170-2009 – Conditional Uses

A. Statement of intent.

This chapter provides for certain uses to be permitted within the Township as conditional uses. In so providing, the Board of Supervisors recognizes that these uses may or may not be appropriate at every location within any specific district and, accordingly, has established standards and criteria by which it can evaluate and decide upon applications for such uses. It is intended that 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 or other applicable chapters, 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. Where any use or any applicable design criteria subject to conditional use approval also is a part of an overall land development plan subject to application for approval of a special exception, such use or design criteria may be considered for approval by the Zoning Hearing Board as part of the applicable special exception application in lieu of separate submission of an application for conditional use approval. Similarly, where any use or any applicable design criteria subject to special exception approval also is a part of an overall land development plan subject to application for conditional use approval, such use or design criteria may be considered for approval by the Board of Supervisors as part of the applicable conditional use application in lieu of separate submission of an application for approval of a special exception.

B. Submission and content of conditional use applications.

(1) 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.

(2) An application for conditional use approval shall be submitted on a form provided by or otherwise acceptable to the Township and shall be accompanied by an application fee, the amount of which shall be established by resolution of the Board of Supervisors.

(3) An accurate site plan prepared by a qualified professional shall be submitted. Such site plan shall accurately show topography and existing and proposed development.

(a) Detailed grading plans, stormwater calculations, profiles and similar engineering details are not required to be submitted until a preliminary or final plan application is made under Chapter 149, Subdivision and Land Development.

(b) If a traffic study is required by this chapter or Chapter 149, Subdivision and Land Development, it shall be submitted with the conditional use application.

(c) The approximate location of stormwater basins and swales shall be shown.

(d) The application shall include sufficient information, e.g., preliminary site grading and road profiles, preliminary stormwater management analysis, etc., to preliminarily determine compliance with the Township natural feature, site analysis, conservation design process (if applicable) and density requirements.

(4) The scale of the site plan shall be one inch equals 50 feet. If the site plan is on more than one sheet, then the overall layout shall also be submitted on a single sheet. If only a portion of a tract is proposed for development, the submittal shall show how this portion will be fully coordinated with the development of future portions of the tract.

(5) 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.

(6) In addition to demonstrating compliance with all standards applicable to the conditional use being requested, the site plan shall show the applicant's intentions with regard to the following:

(a) Site access, interior circulation, and parking.

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

(c) Adequate handling of stormwater, in the form of a preliminary written analysis and conclusions as to anticipated methods, prepared by a registered professional engineer.

(d) Location, planned uses, approximate overall dimensions, gross floor area, coverage, and height of each building or structure.

(e) Strong consideration shall be given to incorporation of LEED (Leadership in Energy and Environmental Design) certified building design principals recommended by the US Green Building Council.

[Added 9-15-2008 by Ord. No. 2008-1]

(7) Site analysis and the conservation design process.

C. Application review procedures.

(1) The application shall be reviewed by the Zoning Officer. If it is deficient with regard to any required components, procedures, or fees, the Zoning Officer shall so notify the applicant. 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) The Board of Supervisors shall schedule and hold a public hearing on the application pursuant to public notice within 60 days of filing unless the applicant, in writing, waives or extends the time limitation.

(3) At least 30 days prior to the date of the hearing, one copy of the application shall be furnished to the Township Planning Commission, together with a request that it submit recommendations to the Board for consideration at 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) 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. Any party requesting the original transcript or a copy of the transcript shall bear the cost of same.

(5) The plan presented at the public hearing shall be essentially the same as that reviewed by the Planning Commission. Changes deemed by the Planning Commission to be 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.

(6) Upon review of the application in terms of the standards and criteria of this chapter, the Board of Supervisors shall render a decision within 45 days of completion of the public hearing process.

(7) 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 proper site design; or
- (d) Modification to the applicable design standards.

(8) If the Board of Supervisors approves the application and accompanying generalized site plan, such approved plan shall accompany any application for subdivision or land development as prescribed by Chapter 149, Subdivision and Land Development, 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 Chapter 149, Subdivision and Land Development.

(9) Any grant of conditional use approval shall be deemed null and void six 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 subdivision or land development approval, as appropriate, unless the Board of Supervisors shall grant an extension.

D. Standards for conditional use approval. [Amended 5-3-1999 by Ord. No. 99-2]

(1) In reviewing and acting upon an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following standards:

- (a) The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated.
- (b) The proposal shall be consistent with the Township Comprehensive Plan and with the purpose of this chapter to promote the public health, safety, and general welfare.
- (c) The appropriate use, and the value, of adjacent property will be safeguarded.
- (d) The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.

(e) If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this chapter shall be fully complied with at the completion of any stage.

(f) The demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured.

(g) The design and use of any new construction and the proposed change of design (if any) and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.

(h) The burden of proof shall be upon the applicant to prove to the satisfaction of the Board of Supervisors, by credible evidence, that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The peak traffic generated by the development shall be accommodated in a safe and efficient manner. Such analysis shall consider any improvements to streets that the applicant is committed to complete or fund.

[Added 5-3-1999 by Ord. No. 99-2]

(2) The Board of Supervisors shall weigh each case on its own merits, separately, based upon pertinent information presented or known to it, and without regard to any previous case.