

BOARD OF SUPERVISORS

West Vincent Township

729 Saint Matthews Road

Chester Springs, PA 19425

Phone: (610) 458-1601

**APPLICATION FOR CONDITIONAL USE
and/or
PETITION TO AMEND ZONING ORDINANCE**

Applicant/Petitioner

Property Owner

Name: _____

Name: _____

Address: _____

Address: _____

Telephone: _____ Fax: _____

Telephone: _____ Fax: _____

Applicant/Petitioner, if other than the Property Owner (____), is equitable owner under agreement of sale, or (____) lessee, or (____) "other" explain:_____. Please provide copy of agreement.

Property Involved

Location: _____

Tax Parcel No.: 25-_____

Zoning District: _____

Reasons for Application/Petition

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

The Application for Conditional Use must be accompanied by:

1. Three (3) copies of the proposed plans and related information as described by Section 2711A. of the Township Zoning Ordinance (attached);
2. A list of the names and addresses of all property owners and tenants within 500 ft of the subject property as described by Section 2902B of the Township Zoning Ordinance (attached);
3. Chester County Planning Commission Act 247 County Referral Form to be completed and returned to the Township with a check per the Fee Schedule on the attached form. Any questions regarding this Form should be directed to the Chester County Planning Commission.

_____ Petitioner(s) desire(s) to have the Township Zoning Ordinance amended in accordance to Section 2903, a copy of the proposed amendment and/or map being attached hereto.

Signature(s)

Property Owner

Applicant, if different from Property Owner

Fee of \$ 1000.00 for Residential and Non-Profit

Fee of \$ 4000.00 required for Commercial

Received: _____

Date Ck# By

**ATTACHMENT TO
APPLICATION FOR CONDITIONAL USE
and/or
PETITION TO AMEND ZONING ORDINANCE**

SECTION 2711 CONDITIONAL USES

Where permitted within the district regulations of this Ordinance, conditional uses shall comply with the following procedures:

A. Application

An application for conditional use approval shall be accompanied by three (3) copies of the proposed plans showing the size and location of the proposed use, all existing and proposed buildings and all proposed accessory facilities, including roads, access drives, parking areas, and natural features within five hundred (500) feet of the subject property, and all tax parcels and owners' names within five hundred (500) feet of the subject property. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to demonstrate compliance with all applicable standards to be met. Feasibility of water supply, sanitary sewage disposal, and storm drainage control should be demonstrated but need not be fully engineered.

Conditional use approval shall be required for any new uses; new construction; and the addition, enlargement, or change in use or the increase in the level of activity or area of a previously approved conditional use.

As part of the application for conditional use approval, the applicant may be required to provide the following additional information as deemed appropriate by the Township Engineer or Board of Supervisors:

1. Site photos
2. Soils report, and a stormwater management feasibility report
3. Cross sections of streams or floodplains, high water table elevation, topographic profiles
4. Specifications and design for building materials, construction methods, any flood proofing, and building elevations
5. Specifications and design of cut and fill areas, grading, and landscaping
6. A description of utilities, and a water supply and sanitary sewage facilities feasibility report
7. Erosion and sedimentation controls, computation of any increase in flood heights or run-off characteristics
8. Listing of all required federal, state, and local permits required
9. Engineer certified design for foundations, floodproofing, and associated requirements
10. Traffic study, including existing and projected traffic volumes (peak hour and total daily), trip generation for proposed use, and existing and projected levels of service for roads and intersections surrounding the subject property.

B. Procedure

1. A conditional use application shall be filed with the Township Secretary/Treasurer on such forms as may be prescribed by the Board of Supervisors, accompanied by the required fee.
2. The Board of Supervisors shall schedule and hold a public hearing on the application within sixty (60) days of filing unless the applicant waives or extends the time limitation. Public notice shall be given in accordance with Section 2902B.

3. At least forty-five (45) days prior to the date of hearing, one (1) copy of the application and supporting material shall be furnished to the Township Planning Commission, and any other agencies or consultants deemed appropriate by the Board of Supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use.
4. Notice of the conditional use application shall be forwarded by regular mail to the owner and the occupant of every lot within five hundred (500) feet from any lot line of the lot in question, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board of Supervisors.
5. The Board of Supervisors shall render a decision within forty-five (45) days after the public hearing (or last public hearing, if more than one is necessary to fully evaluate the proposal).
6. If conditional use approval is granted by the Board of Supervisors, such decision and its conditions shall be recorded on the property deed with the County Recorder of Deeds office. A copy of the deed shall be filed with the Township.
7. In the event of approval, if the applicant fails to obtain the necessary building permits within twelve (12) months of the date of approval, or commence work within an additional six (6) months, it shall be deemed that the applicant has withdrawn or abandoned the application, and all conditional uses, permits, and provisions granted shall be null and void; except that the Board of Supervisors may grant, upon application, an extension.
8. Where the application for conditional use approval is part of a subdivision or land development plan, the conditional use application shall be filed prior to the submission of the preliminary plan. The Township shall not be required to grant any preliminary plan approval until such time that the conditional use application is approved. In the event that the conditional use is granted, the conditional use and any associated conditions attached by the Board of Supervisors shall be noted on the preliminary and final plans.

C. Standards for Review of Proposed Conditional Use

To allow adequate evaluation of any conditional use application by the Board of Supervisors, the applicant shall provide any information necessary to ensure that:

1. The proposed use is consistent with the purposes of the Article wherein it is permitted and is consistent with the overall purpose of the zoning ordinance.
2. The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the section of this Ordinance authorizing the proposed conditional use.
3. The proposed use will satisfy all the applicable requirements and provisions of the Township Subdivision and Land Development Ordinance, and all other Township codes and ordinances, and other regulatory governmental agencies.
4. The proposed use and its location are consistent with the Comprehensive Plan, the Township Act 537 Sewage Facilities Plan, and the infrastructure required to service the area, including the logical extension of public services and utilities.
5. The use will not adversely affect the health, safety, or general welfare of the Township.
6. The proposed use is consistent with the general nature of surrounding uses and will not conflict with existing uses on neighboring properties, and will be maintained in a manner which will protect the character and property values of the surrounding area.
7. The proposed use will provide for safe and adequate access to roads and public utilities and will not create excessive demands on existing streets, services, utilities, stormwater controls, or adversely affecting surrounding properties or the area in general.
8. Any construction will be accomplished using sound design and engineering principles and will not adversely affect existing uses in the area.

9. The proposed use will incorporate proper landscaping, screening, parking, signage, and buffering in accordance with the applicable provisions of this Ordinance.
10. The standards set forth in Section 2807, for the review of special exception applications, shall be met.

The Board of Supervisors may impose such conditions as it deems necessary to ensure compliance with the above standards, and may require any impact statements per Section 403I of the Township Subdivision and Land Development Ordinance.

SECTION 2901 POWER OF AMENDMENT

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map in accordance with the provisions of this Article and the Pennsylvania Municipalities Planning Code, as amended.

SECTION 2902 PROCEDURE

The following procedure shall be observed prior to the adoption of any amendment or change to this Ordinance or Zoning Map:

A. Public Hearing

Prior to taking action on the enactment of any amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. The time and place of public hearings shall be fixed by the Board of Supervisors. Full opportunity to be heard will be given to any resident and all parties of interest attending such hearing.

B. Public Notice

The Board of Supervisors shall advertise public hearings by publishing a notice of the time and place such hearings shall occur in a newspaper having general circulation in the Township. Such notice shall not be more than thirty (30) days and not less than seven (7) days before the date fixed for the hearing. Such notice shall be published once each week for two successive weeks. The notice shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed amendment may be examined.

Whenever a change in the Zoning Map is proposed, the Township shall forward by mail notice of such proposed change to the owner and the occupant of every lot affected by such proposed change and of every lot within five hundred (500) feet from the proposed district line, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board.

C. Planning Commission Referral

In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. The recommendations of the Planning Commission shall be submitted in writing to the Board of Supervisors. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purposes and objectives of this Ordinance and desirable in furthering the Comprehensive Plan.

D. County Planning Commission Referral

The Board of Supervisors or Planning Commission shall submit all amendments to the County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment for recommendation.

E. **Decision**

The Board of Supervisors shall not take action on the proposed amendment until the Planning Commission and the County Planning Commission recommendations are made. If such recommendations are not received within thirty (30) days from the date the referral was received by these agencies, the Board of Supervisors may proceed without such recommendations. Decisions regarding amendments shall be acted on by the Board of Supervisors at a public meeting within ninety (90) days after the public hearing. Any amendments shall be incorporated into the official Zoning Ordinance of the Township by reference with the same force and effect as if duly reported therein.

SECTION 2903 **AMENDMENT BY LANDOWNER PETITION**

Whenever the owners of fifty percent (50%) or more of the total area of any zoning district, wherein a change of zoning regulations is sought, shall present to the Board of Supervisors a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of an of the regulations or restrictions prescribed by this Ordinance for their district, or a change in the Zoning Map including such district or part thereof, it shall be the duty of the Board of Supervisors to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 2902. Applicants to the Board of Supervisors for the amendment shall, upon the filing of such application, pay the appropriate fees established by the Township for each application to cover the costs of advertising and aforesaid notice. The applicant shall pay the cost of stenographic service and any other expense incurred in connection with such application, provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant.

SECTION 2904 **PROCEDURE UPON CURATIVE AMENDMENTS**

- A. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a challenge in accordance with 916.1 of the Municipalities Planning Code. The curative amendment and challenge shall be referred to the Township Planning and County Planning Commissions as provided in Section 2902 above and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the Municipalities Planning Code. The hearing shall be conducted in accordance with subsections D through H of Section 2804 of this Ordinance.
- B. A landowner who has challenged on substantive grounds the validity of the Township Zoning Ordinance or map under paragraph A above shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn; provided, however, that if after the date of the landowner's original challenge the Township adopts a substantially new or different Zoning Ordinance or zoning map, the landowner may file a second substantive challenge to the new or different Zoning Ordinance or zoning map under paragraph A. above.