





The East Fallowfield Zoning Ordinance, Part 19, §27-1903, Conditional Use - General Standards and Criteria requires a narrative report which must provide documentation addressing the twenty (20) items listed in this section.

This form, properly completed, with accompanying documentation and plot plans (see Zoning Officer for details) and a check, payable to East Fallowfield Township in the amount of **\$1,500.00** shall be presented to the Secretary for processing. Any hearing which is continued following the initial hearing shall require an additional escrow deposit of \$500.00 prior to the opening of the continued hearing.

I, (we) the undersigned, do hereby submit this application for Conditional Use affecting property under my (our) ownership or the ownership of my (our) assigns or predecessors, in East Fallowfield Township.

\_\_\_\_\_  
Applicant (1) Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name as Signed Above

\_\_\_\_\_  
Applicant (2) Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name as Signed Above

\_\_\_\_\_  
NOTARY Signature & Seal

SEAL

**FOR OFFICIAL USE ONLY:**

Date Received: \_\_\_\_\_

Received By: \_\_\_\_\_

Clock Date: \_\_\_\_\_

Amount of Payment Received: \$ \_\_\_\_\_

Cash \_\_\_\_\_ Check \_\_\_\_\_ Credit \_\_\_\_\_

Date Granted: \_\_\_\_\_

Date Denied: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Part 19:

### Conditional Use Regulations

#### §27-1901. Purpose.

The purpose of this Part is:

- A. To establish a uniform process for the review of conditional uses as established by the various zoning districts.
- B. To establish both general and specific design standards for each conditional use which supplement base zoning requirements.
- C. To recognize that such uses may not be appropriate at every location within a zoning district and must be regulated according to site conditions.
- D. To further the goals of this Chapter and protect the health, safety, and welfare of Township residents.

*(Ord. 2002-06, 11/11/2002, §1901)*

#### §27-1902. Conditional Use Procedure.

Applicants desiring to file for conditional use hearing are encouraged to discuss their plans with the Planning Commission prior to the submittal of a condition use application.

- A. An application for a conditional use shall be filed with the Board of Supervisors and shall state:
  1. The name and address of the applicant.
  2. The name and address of the owner of the real estate to be affected by the proposed conditional use application.
  3. A description and location of the real estate on which the conditional use is proposed.
  4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
  5. A statement of the Section of this Chapter which authorizes the conditional use.
  6. An accurate description of the present improvements and the additions intended to be made under the application for conditional use including, the size or proposed improvements, material, and general construction features. The application shall be accompanied by a proposed site plan showing the size and location of the proposed use, the location of all proposed buildings, all proposed facilities including, access drives and parking areas, and dimensional features demonstrating compliance with the applicable area, width, coverage, yard, and design standards. This site plan is not intended to be engineered or contain a fixed architectural layout, but shall demonstrate compliance with all applicable standards of this Chapter.



7. In addition to the site plan requirements above and the criteria for evaluation contained in this Part, and other Sections of this Chapter, the applicant shall submit a preliminary written analysis describing how stormwater will be handled on the site. Such an analysis shall incorporate preliminary design calculations to demonstrate substantial compliance with the stormwater management requirements of the Subdivision and Land Development Ordinance [Chapter 22].
- B. The application for a conditional use shall be filed with the Secretary of the Township on such forms as may be prescribed for that purpose, and shall be accompanied by the application fee, prescribed from time to time by the Board of Supervisors, and such supporting data and plans as required in paragraph .A. No application shall be received for filing, unless accompanied by the required filing fee and required supporting plans and data. The Secretary shall submit the application to the Planning Commission at their next advertised meeting, and the Planning Commission shall review the application and make recommendations to the Board of Supervisors within 45 days thereafter.
  - C. The Board of Supervisors shall hold a public hearing on the conditional use application, or the Board may appoint any member or an independent attorney as a hearing officer. Such hearing shall commence within 60 days of filing of the application for conditional use approval, unless the applicant waives this requirement or extends this time limit, in accordance with the following procedures:
    1. Notice of hearing shall be published in a newspaper of general circulation in the township once each week for 2 successive weeks. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be less than 30 days from the date of the hearing, and the second publication shall not be less than 7 days from the date of the hearing.
    2. Notice of the hearing shall be conspicuously posted on the affected tract of land at least 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.
    3. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors and any other persons, including civic or community organizations, permitted to appear by the Board. The board of Supervisors shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Board of Supervisors for that purpose.
    4. The Chairman or Acting Chairman of the Board 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 requested by the parties.
    5. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
    6. The Board of Supervisors shall keep a stenographic record of the proceedings, and copies of the graphic or written material introduced into the record as evidence shall be made available to any part at cost.
    7. The Board of Supervisors shall render a written decision within 45 days after the last hearing before the Board of Supervisors or the hearing officer. The appellant or the applicant, as the case may be, in addition to the Township 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. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor.

8. A copy of the final decision shall be delivered to the applicant and the parties before the Board of Supervisors personally, or sent by registered mail with return receipt to them not later than the day following the date of the decision.
  9. Appeals from a determination of the Board of Supervisors pursuant to any application for conditional use shall be only as prescribed within such times permitted by Article X-A the Municipalities Planning Code, Act 247, as amended, 53 P.S. §11001-A et seq.
- D. In granting or denying a conditional use or establishing conditions with reference to such grants, the Board of Supervisors or hearing officer, shall use as a guide in evaluating a proposed conditional use, and may determine to be mandatory, those standards established for review of special exception applications by §27-2207.3. The burden of establishing compliance with those enumerated standards shall be upon the applicant by a fair preponderance of the credible evidence. The standards required by this subsection shall be deemed a part of the definitional aspect under which a conditional use may be granted, and the failure of the applicant to establish his compliance with all of the standards shall, in the discretion of the Board, be deemed either a basis for the establishing of conditions or limitations on an approval or the basis for a determination that the applicant has not met the requirements for which a conditional use may be granted.
  - E. In granting a conditional use approval, the Board of Supervisors may attach additional reasonable conditions and safeguards as it deems necessary and appropriate to insure compliance with the provisions of this Chapter 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.
  - F. 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 [Chapter 22], and any other applicable Township, County, State, or Federal regulations.
  - G. Where the Board of Supervisors, or hearing officer, fails to render a decision within the period required by paragraph .C(7); fails to commence the required hearing within 60 days from the date of the applicant's request for a hearing; or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, 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.
  - H. Any grant of conditional use approval shall be deemed null and void 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 shall grant an extension.

(Ord. 2002-06, 11/11/2002, §1902)



**§27-1903. General Standards and Criteria.**

The regulations of the base zoning district shall apply as the minimum regulations governing conditional uses along with more specific regulations established by this Part and in Part 17, "Supplemental Land Use Provisions." In all instances where there is a conflict between this Part and other Parts in this Chapter or other ordinances, the more restrictive of specific standards shall apply:

- A. As part of an application for a conditional use, the applicant shall provide information that indicates that the standards and criteria of this Part and the base district have been met. The applicant shall submit a narrative report that describes how the standards and criteria have been met or how negative impacts will be mitigated to insure that:
1. The proposed use is consistent with the purpose of the Part whereby it is permitted, the overall purpose of the zoning as contained in Part 1, and the policies contained in the East Fallowfield Township Comprehensive Plan (1999).
  2. The proposed use will satisfy all of the relevant provisions and requirements of the Township Subdivision and Land Development Ordinance [Chapter 22] and any other applicable ordinance, code, and/or regulations.
  3. The proposed use will be in the public interest and serve the health, safety, and general welfare of the Township.
  4. The proposed use will be compatible with the nature of the existing character of the neighborhood.
  5. The proposed site is suitable to support the proposed use in terms of protection of existing site conditions including streams, vegetation, and other natural resources, and is consistent with the natural resource protection standards of Part 14.
  6. The proposed use will be consistent with good design principles, sound engineering and land development practices, and is in keeping with the character or any existing quality construction within the Township.
  7. The proposed site design will protect and preserve the natural environment based on thorough site analysis and evaluation related to topography, soils, vegetation, hydrology, visual quality, historic resources, and related site conditions and characteristics in accordance with §22-505 of the Township Subdivision and Land Ordinance [Chapter 22] and §27-1814 of this Chapter.
  8. The proposed use will provide safe and adequate access to roads, existing or proposed, and will not directly result in traffic volumes which will reduce the level of service below a "C" rating as defined by the Transportation Research Board in the Highway Capacity Manual, Special Report 209, 1985. Roadway access design shall be based on existing design speed characteristics of the road from which access is proposed, but in addition, shall account for inherent unsafe conditions of the existing roadway.
  9. Where applicable, the proposed use will provide the screening and landscaping as required in this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22].



10. The proposed use, as depicted in the plans for subdivision and/or land development, includes proposals for landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks, or trails.
  11. The proposed use will provide for adequate off-street parking and loading in accordance with §27-1806.
  12. Applicants shall demonstrate that proposed signage will comply with Part 16.
  13. The proposed use will comply with the performance standards as given in §27-1810.
  14. The environmental impact assessment (EIA) report shall be submitted for any proposed use which is made subject to the provisions of §27-1814.
  15. The proposed use will be developed using effective and adequate stormwater management techniques, and soil erosion and sedimentation control techniques.
  16. Applicants for a proposed use shall demonstrate preservation of prime agricultural soils as given by §27-1402.8 of this Chapter.
  17. The applicant shall provide evidence of feasibility of any and all proposed sewage disposal systems.
  18. The applicant shall demonstrate an adequate water supply for consumptive use as to quantity, chemistry, and biological content of such water.
  19. The applicant shall demonstrate adequate water supply for fire protection as to quantity and pressure.
- B. The Board of Supervisors may impose such conditions of approval, in addition to those required, as are necessary to ensure compliance with the above amenities as well as compliance with any other relevant ordinances, regulations, or codes. It shall be the responsibility of the applicant to demonstrate compliance with the additional standards and criteria required for conditional use approval.  
(Ord. 2002-06, 11/11/2002, §1903)

#### **§27-1904. Specific Standards.**

Standards and provisions for specific conditional uses are listed in Part 17, "Supplemental Land Use Provisions." Such standards shall be in addition to the general standards and criteria listed in §27-1903 and to the base district regulations, as appropriate.

(Ord. 2002-06, 11/11/2002, §1904)