**Conditional Use**

**Application Information**

WHAT IS A CONDITIONAL USE?

A conditional use is a use or activity, subject to Borough Council (Council) approval, which may be permitted in a particular zone, however, because of the type or nature of the use conditions for its establishment and operation may be necessary.

JURISDICTION

In granting any conditional use, Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code (MPC). As part of the conditional use hearing, Council may consider those comments issued by the Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and any other agencies providing comments, as may be authorized by the Borough’s Code and the MPC.

TIMING FOR REVIEW

Applications for a conditional use are to be provided to the Borough’s Administrative Offices, located at 237 Seventh Street, West Easton, PA 18042, no later than 3 weeks prior to the next scheduled Borough Council Meeting.

1. Council shall schedule and hold a public hearing on the application, pursuant to public notice, within 60 days from receipt of the application. This time period may be extended if agreed to in writing by the applicant.

2. The decision, or, where no decision is called for, the findings shall be made by Council. The applicant, may, however, waive decision or findings by Council and accept the decision or findings of the hearing officer as final.

3. All hearings must be completed 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.

4. Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days of the last hearing. The date of the decision may be extended by the applicant either on the record or in writing. Where the application is contested or denied, each decision shall be accompanied by findings of fact, reasons or conclusions based thereon.

EXPIRATION

Unless otherwise specified by Council in its decision and order, a conditional use approval shall expire if the applicant does not secure a building permit or, if no building permit is required, a use and occupancy permit, within 1 year from the date of Council’s written approval of the conditional use application; this period may be extended only upon written request and reasonable cause shown. No formal hearing shall be required in consideration of such request, and if granted, shall be for the period of time deemed appropriate by Council.

APPLICATION REQUIREMENTS

1. Complete application form

2. Narrative additional sheets

3. Site plan/Tax map

4. Agreement of Sale or Lease Agreement (if applicable)

5. Copies of all exhibits, including, but not limited to:

pictures, diagrams, changes, etc.

6. Detailed plan of the proposed structure(s) elevations (if applicable).

7. Separate check for the remittance of the Fee for the

Conditional Use hearing ($1,200.00).

8. Separate check for remittance of Escrow Deposit

(not applicable).

9. All other information/documentation required by Borough Ordinance

CHECKS OR MONEY ORDERS SHALL BE MADE PAYABLE TO:

The Borough of West Easton

CONSIDERATIONS

When considering a conditional use application, Council shall consider, among other things, whether the applicant has done the following:

1. Shown that the use is consistent with the Comprehensive Plan.

2. Shown that the property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established within the Zoning Ordinance.

3. Established by a fair preponderance of credible evidence that the use intended at the location shall not be contrary to the public health, safety, morals and/or welfare.

4. Provided evidence with supporting documentation that the capacity of the road system providing access to the property or lot in question has sufficient capacity to accommodate the use, and also that when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road, that the level of service of the roads or any portions thereof or any street intersections below will be at an acceptable level of service.

5. Provided evidence with supporting documentation that the interior traffic circulation for the proposed use, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient circulation for users of the facility, visitors, employees and all emergency vehicles.

6. Provided evidence with supporting documentation that the facility or use provides safe and convenient pedestrian access and internal circulation within the

grounds of the facility and particularly for points of access from the facility to the parking areas.

7. Provided evidence with supporting documentation that adequate screening and buffering is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.

8. Provided evidence with supporting documentation that the local fire department has the ability to provide adequate fire protection and emergency management services for the proposed use.

9. Provided, where Council deems appropriate, evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.

10. Provided evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use.

11. Provided evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use.

12. Provided evidence with supporting documentation that there will be no increase in surface water runoff and erosion within the property or at the boundaries of the facility as a result of the site improvements.



**Borough of West Easton**

**237 Seventh St.**

**West Easton, PA  18042**

**610-252-6651 Fax: 610-252-6993**

[**http://westeastonborough.com**](http://westeastonborough.com)

**Conditional Use Application**

BOROUGH USE ONLY

Application Date: \_\_\_\_\_\_\_\_\_\_

Application Fee: \_\_\_\_\_\_\_\_\_\_

Escrow Deposit: \_\_\_\_\_\_\_\_\_\_

Escrow Number: \_\_\_\_\_\_\_\_\_\_

CU Number: \_\_\_\_\_\_\_\_\_\_

Residential \_\_\_ Commercial \_\_\_

Property Information

Property Address:

Tax Parcel Number:

Zoning District:

Owner Information

Name:

Mailing Address:

Phone: Email:

Applicant Information

Name:

Address:

Phone: Email:

Applicant Type (please circle)

Owner Architect/Engineer Corporate Officer Owner's Representative

Attorney Business Operator Equitable Owner Other:

Narrative

On a separate document, describe the following as applies:

1) A description of the subject property, including size, location, natural features, and any improvements, deed, legal, and/or physical features.

2) The present use of the property.

3) The proposed use, improvements or additions to the property.

4) The suitability of the property for the proposed use.

5) Explain basis upon which the applicant believes he/she/it should be granted conditional use approval, with the specific reference to applicable sections of the Zoning Ordinance.

6) List any relief from the Zoning Ordinance or Subdivision and Land Development Ordinance which may be required for this project and if any action has been initiated by the applicant to obtain that relief.

I hereby certify that the proposed application and subsequent actions or uses are authorized by the owner. As the owner or authorized representative, I agree to conform to all applicable laws of the jurisdiction. Construction shall comply with all Borough Codes and the most current ICC Building Codes as adopted by the Commonwealth of Pennsylvania. I have examined this application, its requirements and to my knowledge and belief, it is a true, correct and complete application.

Applicant Printed Name:

Applicant Signature: Date:

BOROUGH USE ONLY

Submissions Checklist

Application Completion: YES NO

Renderings/Elevations: YES NO N/A

Existing Conditions Photo: YES NO N/A

Scaled Drawings: YES NO N/A

Samples: YES NO N/A

All Required Information: YES NO

Accepted/Returned by: Date:

Zoning Officer: Date:

Record of Events

Application date:

Hearing to be held within 60 days of application date:

Initial hearing date:

Advertisement Date 1:

Advertisement Date 2:

Subsequent hearing date (shall be within 45 days if needed):

Applicant's requirement to complete case within 100 days:

45 days to decision/findings after last hearing:

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