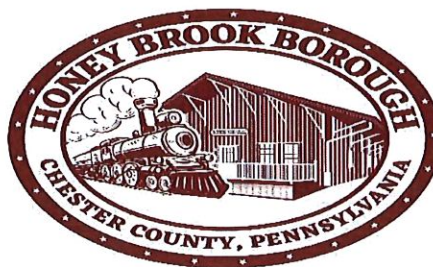


Honey Brook Borough

71 Pequea Avenue / PO Box 249
Honey Brook, PA 19344
610-273-2020 / Fax 610-273-1261
www.honeybrookborough.net



APPLICATION FOR CONDITIONAL USE HEARING

Date _____

Applicant _____

Address _____

Phone Number _____ Email _____

Parcel Owner Name _____

Address _____

Phone Number _____ Email _____

Give exact location of property _____

Tax Parcel Number(s) _____

Present Zoning Classification _____

Present Use of Property _____

A Hearing is Sought To (describe proposed use of land in detail) _____

List Names and Address of all owners of Property adjoining and or across public or private road from property for which Hearing is being sought (attach another sheet of paper if more space is needed).

- 1. -----
- 2. -----
- 3. -----
- 4. -----
- 5. -----

STATE THE SPECIFIC PROVISIONS OF THE HONEY BROOK BOROUGH ZONING ORDINANCE INVOLVED IN THE HEARING, INCLUDING THE SECTION ALLOWING FOR THE CONDITION USE

THE FOLLOWING ITEMS MUST BE INCLUDED WITH AND BE PART OF THIS APPLICATION:

- \$3,000.00 Application Fee. (Additional Fees may be incurred for continued hearings)
- Proposed Site Plan as stated in Section 27-1402.B of attached Honey Brook Borough Zoning Ordinance.

Please find attached Honey Brook Borough Code of Ordinances, Chapter 27, Zoning, Part 14, Conditional Use.



FOR OFFICIAL USE ONLY

Date Received: _____ Fee: _____ Received By: _____

Date Reviewed For Completeness: _____ Reviewed By: _____

Comments: _____

Date Submitted to Planning Commission: _____ Date Returned By PC: _____

Hearing Date: _____ Hearing Date Advertised: _____ Notices Sent _____

Date Copied to Township Solicitor: _____

Date Decision Rendered: _____

Chapter 27. Zoning

Part 14. Conditional Use

§ 27-1401. Intent.

[Ord. No. 247-2018, 9/17/2018]

This Part provides for certain uses to be permitted within the Borough as conditional uses. These uses may not be appropriate at every location within a zoning district, and accordingly, the Council has established standards and procedures by which to evaluate and decide upon conditional use applications. It is intended that these uses, which have the potential for substantial impact upon the community, shall comply with the regulations hereinafter set forth. The Council shall have the power to approve conditional uses.

§ 27-1402. Content of Conditional Use Application.

[Ord. No. 247-2018, 9/17/2018]

- A. Applications for conditional use shall be filed with the Council, through the Borough Secretary, on such forms prescribed for that purpose, and shall include the application form, required filing fee, and shall state the following information:
1. Name and address of the applicant;
 2. Name and address of the owner of the real estate to be affected by the proposed conditional use application;
 3. Evidence of authorization to act on behalf of the property owner(s) where the applicant is other than the legal or equitable owner of the property;
 4. Description and location of the real estate on which the conditional use is proposed, including applicable tax parcel number(s);
 5. Statement of the present zoning classification, present land use, and existing improvements for the real estate in question;
 6. Statement of the Section of this Chapter authorizing the proposed conditional use; and
 7. Narrative description of the proposed use and site improvements.
- B. Site Plan. The application for conditional use shall be accompanied by a proposed site plan to include the following information:
1. Site Plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet.
 2. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.
 3. Dimensional features showing compliance with the applicable area, width, coverage, yard, natural and historic protection standards, and other design standards as specified in the

Borough Zoning Chapter.

4. Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.
 5. Location, dimensions, and arrangement of all areas devoted to open space, ground cover, trees, plantings, and recreation.
 6. Provisions for handling of stormwater drainage, sanitary sewage, and public water.
 7. A copy of the last recorded subdivision plan of which the property is part.
 8. Locations and design of all on-site and off-site improvements related to access control and traffic capacity.
- C. Traffic Analysis. If determined to be necessary by Borough Council, an application for conditional use approval involving a use or use(s) which can be expected to generate more than fifty (50) trips during any peak hour, based on the most current version (8th edition) of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE), may be required to be accompanied by traffic studies demonstrating feasible compliance with the objectives of this Chapter, the Borough Subdivision and Land Development Chapter, and the Honey Brook Township and Borough Multi-Municipal Comprehensive Plan, as applicable.

§ 27-1403. Application Review Procedures.

[Ord. No. 247-2018, 9/17/2018]

- A. Upon receipt of a complete conditional use application, the Borough Secretary shall submit the application for recommendation to the Borough Planning Commission, and the Planning Commission shall perform a review and provide a report to the Council concerning the grant of approval or disapproval of the proposed use. No formal hearing before the Planning Commission shall be required. The Planning Commission shall submit any recommendation regarding the subject application to the Council at or prior to the public hearing held by the Council. If the Planning Commission fails to submit any recommendations to the Council by the time set by the Board for public hearing, the Board shall proceed to consider such application without the recommendation of the Commission.
- B. The hearing shall be conducted by the Council or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Council. However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Council and accept the decision or findings of the hearing officer as final.
- C. The Council shall schedule a hearing for public review and comment. Such hearing shall be held within sixty (60) days of filing of the application for conditional use approval, unless the applicant waives this requirement, or extends this time limit. Should the Applicant submit new or revised plans for the use subject to Conditional Use application between the time of the original submission and the time set by the Council for public hearing, the review period shall start anew and prior plans shall be deemed withdrawn. The Conditional Use application shall be in accordance with the following procedures:
 1. Notice of public hearing shall be published in a newspaper of general circulation in the Borough in accordance with the requirements for public notice established in the Municipalities Planning Code. Abutting property owners and property owners within 150 feet of the application property shall be notified no less than 10 days prior to the scheduled hearing. Additionally, like notice thereof shall be given to the Applicant, the Zoning Officer, and to any person who has made timely written request for the same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (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, yet the failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the Borough for which notice was given.

2. The parties to the hearing shall be the Borough, any person affected by the application who has made a timely appearance of record before the Council and any other persons, including civic or community organizations, permitted to appear by the Council. The Council shall have the power to require that all persons who wish to be considered parties must enter appearances in writing on forms provided by the Council.
 3. The President or Acting President of Council, or the Borough Solicitor acting on the Council's behalf, 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 required by the parties.
 4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the Council.
 5. The Council shall keep a stenographic record of the proceedings and copies of the graphic or written material received in evidence shall be available to any party at cost.
 6. The Council shall render a written decision within forty-five (45) days after the last hearing before the Council, approving the application, approving the application subject to conditions, or denying the application. However, all hearings must be completed no later than one hundred (100) days after the completion of the Applicant's case. Any aggrieved party may apply to the Court of Common Pleas for a time extension for good cause. If the Council fails to complete a hearing within this time period, the application shall be deemed approved. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision.
 7. A copy of the final decision shall be delivered to the applicant and the parties personally or sent by mail to them no later than the first business day following the decision.
- D. Appeals from a determination of the Council pursuant to any conditional use application shall be only as prescribed within such times permitted by the applicable provisions of Act 247, the Municipalities Planning Code.
- E. In granting a conditional use approval, the Council may also attach such conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of Act 247, the Municipalities Planning Code, as amended, and this Chapter. Conditional uses shall be subject to compliance with particular standards contained in this Chapter and criteria defined in the application review process. The standards described shall be deemed additional and shall in no way impair any other applicable standard from this or any other Borough Chapter.
- F. The Applicant shall have the burden to prove, by a preponderance of the evidence, that the proposed use will comply in all respects with this and other applicable Borough Chapters, County, State or Federal regulations. The Council may retain such consultants as necessary to review and certify the accuracy of submitted plans and documents, reasonable and necessary charges therefore to be borne by the Applicant. When the Applicant does not provide information as required, then it shall be presumed that the proposed use is not in accordance with the requirements applicable for the granting of conditional use approval.
- G. If the Council approves the conditional use application and site plan, such approved plan shall accompany any application for subdivision of land or land development as prescribed by the Borough Subdivision and Land Development Chapter in addition to the requirements normally required and any application for a building permit.

- H. Any grant of conditional use approval shall be deemed null and void twelve (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 Council shall grant an extension.
- I. Any request to extend the twelve (12) month expiration period shall be properly filed with the Borough Secretary thirty (30) days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in the conditional use application or the neighborhood in which the property is located. Failure to diligently pursue necessary approvals shall not be grounds for an extension.

§ 27-1404. General Review Conditions for Approval.

[Ord. No. 247-2018, 9/17/2018]

- A. In reviewing an application for conditional use, the Council shall evaluate the degree of compliance with the following conditions. It shall be the burden of the Applicant to demonstrate compliance with all applicable criteria.
 - 1. The proposed use is consistent with the purpose of the Part whereby it is permitted, the overall purpose of the Zoning Chapter, the Community Development Objectives as contained in Part I, and with the policies articulated in the Honey Brook Township and Borough Multi-Municipal Comprehensive Plan. The proposed use will satisfy all of the relevant provisions and requirements of the Borough Subdivision & Land Development Chapter and any other applicable Chapter, code and/or regulations.
 - 2. The proposed use shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is located.
 - 3. The proposed use is located in an area or areas for which the lot is suited, is consistent with the nature of land uses existing on immediately adjacent properties, and will be designed, constructed, and maintained in a manner which complements the appearance and character of the neighborhood.
 - 4. If the development is to be carried out in successive stages, each stage shall be so planned that the condition and intent of this Chapter shall be fully complied with at the completion stage.
 - 5. If containing more than one (1) building, the development will consist of a harmonious grouping of buildings or other structures.
 - 6. The proposed use will be in the public interest and serve the health, safety, morals and general welfare of the Borough.
 - 7. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as a public water, public sewer, police, fire protection, recreational opportunities, open space, and public schools.
 - 8. Proposed new construction and proposed change in use of existing buildings will be compatible with and in keeping with the existing character of the neighborhood.
 - 9. The proposed use reflects an environmentally sensitive approach to land planning and design, will be sited in a manner sensitive to existing site conditions including streams, vegetation, and other natural resources, and is consistent with the natural resource protection standards of this Chapter.
 - 10. The location and layout of the proposed use is suitable with respect to probable effects upon highway traffic, and assures adequate access arrangements in order to protect major streets

and highways from undue congestion and hazard. The Council may require that the Applicant demonstrate that the proposed use shall not result in a lowering of the level of service on adjacent road segments and intersections as defined by the most recent edition of the Highway Capacity Manual from the Transportation Research Board. As a policy, proposed projects should incorporate designs which assure safe and efficient access and maintain a level of service "C" (stable flow, at or near free flow), as a minimum, on all adjacent road segments and intersections.

11. The interior traffic circulation for the proposed use shall provide safe and convenient circulation for all users including vehicular and pedestrian modes. Applicant shall demonstrate that sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses. Emergency design considerations will be addressed in the proposed plan.
 12. The adequacy of sanitation and public safety provisions shall be adequate and a certificate of adequacy of sewage and water facilities from the appropriate Borough Official shall be provided where required or deemed necessary.
 13. The proposed use will be developed using storm water management techniques and soil erosion and sedimentation control techniques deemed effective by the Borough Engineer and the Chester County Soil Conservation District.
 14. In review and consideration of the issues set forth above, the Council may require that the applicant submit appropriate impact analyses prepared by recognized professional(s) acceptable to the Borough, including, but not limited to, environmental impact assessment, fiscal impact analyses, recreation impact assessment, and Historic Resource Impact Study.
- B. The Council may impose such conditions, in addition to those required, as may be necessary to assure that the intent of the Zoning Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noise, glare, noxious, offensive or hazardous elements, adequate standards of parking, traffic control devices, and sanitation.