

HOPEWELL TOWNSHIP, CUMBERLAND COUNTY
415 Three Square Hollow Road, Newburg, PA 17240-9333
Phone 717-423-6582/Fax 717-423-6019

CONDITIONAL USE APPLICATION

C.U. Application # _____

Date of Application ____/____/____

Land Use Permit # _____

Fill out all relevant sections completely. Incomplete applications cannot be processed and will be returned.

Application is hereby made to Hopewell Township for a Conditional Use in conformity with the requirement of Zoning Ordinance October 2010 for the following described work.		
Applicant's Name:		Email:
Address:		
City:	State:	Zip:
Phone:	Mobile:	Fax:
Applicant's relationship to owner:		
Owner's Name:		Email:
Address:		
City:	State:	Zip:
Phone:	Mobile:	Fax:
Attorney for Applicant:		Email:
Address:		
City:	State:	Zip:
Phone:	Mobile:	Fax:
BRIEF DESCRIPTION OF REAL ESTATE AFFECTED:		
Property Address:		
City:	State:	Zip:
Tax Parcel No.	Zoning District:	Public Water ___Yes___No Public Sewer ___Yes___No
Lot Size:	Present Use:	
Present Improvements on Land:		
Deed Recorded at Cumberland County in Instrument No. _____, Deed Book _____, Page _____		

Specific Section(s) of the Zoning Code upon which application is based.

Describe Proposed Use of Property:

Briefly state why applicant believes Board of Supervisors should grant the conditional use.

Note: The applicant or its representative(s) shall be required to provide testimony at the Planning Commission meeting(s) at which this application is discussed and at the required Board of Supervisors Public Hearing(s) for this application.

(If more space is required, attach a separate sheet and make specific reference to the question asked.)

Has a previous Conditional Use Application been filed for this property?

☐ No ☐ Yes (date if known) / /

Has a previous Zoning Hearing Board Application been filed for this property?

☐ No ☐ Yes (date if known) / /

Has a previous Subdivision or Land Development Application been filed for this property?

☐ No ☐ Yes (date if known) / /

In addition to this application, documentation must be submitted in compliance with Article 10 of the Zoning Ordinance, reproduced here, in part, for convenience.

Section 10.03A Conditional Uses - Procedure.

The procedure for requesting a Conditional Use in any zoning district shall be as follows:

- A. The applicant shall file an application for a Conditional Use Permit with the Board of Supervisors. The application shall contain the following information or material:
- Names and addresses of adjoining property owners including properties directly across a public right-of-way.
 - A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Zoning Ordinance.
 - A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Zoning Ordinance.
- B. The Board of Supervisors submits the Conditional Use Application to the Planning Commission at least 14 days prior to the date of the hearing. The Planning Commission reviews the application and makes recommendations to the Board of Supervisors.

- C. Following public notice as required by law, the Board of Supervisors conducts a public hearing, which may be part of the Board of Supervisors' regular monthly meeting.
- D. The applicant is provided, either in person or by mail, a written notice of the decision or findings of the Board of Supervisors not later than 45 days of the last hearing on the conditional use application.
- E. Conditional Uses which are granted are subject to time limitations as set forth in Section 10.03 G of the Zoning Ordinance.

____ *My signature authorizes permission to post public notices on this property as required by law and permission to Township officials and staff to enter thereon for posting and inspection purposes.*

____ *I certify that the information provided on this application and supporting documentation and plans is true and correct to the best of my knowledge, information and belief.*

____ *I certify that the property owner(s) of the parcel of land for which this application for Conditional Use is being made has (have) authorized the submittal of this application and also certifies the content therein.*

Name of Owner (Print)

Signature

Date

ARTICLE 10

PERMITTED AND CONDITIONAL USE REGULATIONS

Section 10.01. Purpose.

Conditional uses are those uses which have some special impact or uniqueness, such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. When a conditional use is proposed, a review of the location, design, configuration and impact is conducted by comparing the proposed use to fixed standards. The findings of the review determine whether the proposed use should be permitted by weighing public need for, and benefit to be derived from, such use, against varied impacts on neighboring properties it may cause. The review considers the proposed use in terms of the existing zoning and land use in its vicinity, and planned and proposed public and private developments which may be adversely affected; whether and to what extent the proposed use, at its particular location, is necessary or desirable to provide a development which is in the interest of public convenience or which shall contribute to the general welfare of the immediate area and Hopewell Township; and whether and to what extent all possible steps have been taken by the developer to minimize any adverse effects of the proposed use on the immediate neighborhood area and on the public health, safety, morals and welfare in general.

Section 10.02. Applicability.

Any use which is listed as a Permitted Use or a Conditional Use in any zoning district established by this Zoning Ordinance shall comply with this article.

Section 10.03. Procedures.

- A. Applications. Applications for a conditional use shall be submitted and approved prior to the filing of a subdivision or land development plan, and/or the issuance of a building permit. Applications shall take the form outlined below:

All applications for conditional use permits shall be made in writing by the owner of the property for which it is sought on a form supplied by the Township and shall be filed with the Township Secretary or Zoning Officer. The application shall include four (4) copies of the following information, and shall include appropriate filing fees, if such fees are established by the Township.

1. Legal description of the parcel(s) for which the conditional use is desired;
2. A map or maps of the subject property showing:
 - (a) Property boundaries;
 - (b) Total acreage;
 - (c) Contours at two (2) foot intervals;

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2. A map or maps of the subject property showing:
 - (a) Property boundaries;
 - (b) Total acreage;
 - (c) Contours at two (2) foot intervals;

- (d) Location, width and name of all existing or previously platted streets and utility rights-of-way;
 - (e) Parks and other public open space, permanent easements, and Township boundary lines within five hundred (500) feet of the property; and
 - (f) The location of existing utilities, drainage culverts and swales, and any existing structures.
 - (g) The location of any on-lot sewer and water.
3. A statement of the proposed use of the parcel, together with a site plan containing the layout of the development drawn to scale showing the location and exterior dimensions of all proposed buildings in relation to property and street lines; and
 - (a) Information regarding planned treatment and disposal of sewage and industrial wastes, water supply and storm drainage;
 - (b) The size and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density;
 - (c) The location, size arrangement and capacity of all areas to be used for off-street parking and off-street loading;
 - (d) The location and dimension of all existing and proposed vehicular drives, entrances, exits, traffic circulation patterns, acceleration and deceleration lanes; and
 - (e) The location and dimension of all existing and proposed pedestrian entrances, exits and walkways.
 4. The Planning Commission and/or the Board of Supervisors may request other data or supplemental information deemed necessary by them or by the Zoning Officer to determine compliance of the proposed conditional use with the terms of this zoning ordinance.
 5. When a conditional use is sought for a development which is a part of a subdivision or land development plan which has received final plan approval or for which a previous conditional use permit has been issued, the plan or conditional use permit, together with any covenants, conditions or other restrictions related thereto shall be submitted as a part of the application for the new conditional use permit.
 6. Conditional use permits may be granted for lease properties or structures. However, the application shall be signed by both the property owner and the tenant/lessee. Once granted, the conditional use may be continued by other

tenants/lessees provided the use remains the same and all terms and conditions of the original permit are followed.

- B. Notification of Adjacent Property Owners. The applicant shall prepare a list of names and addresses of all property owners physically adjacent to the property for which the Conditional Use is requested. "Physically adjacent" shall include property across a public or private street or right-of-way if any portion of the boundary is in direct alignment with that of the applicant. Properties with absentee owners shall also list tenant name and address, if applicable. The Township shall prepare a notice listing the date, time and place of the public hearing and the nature of the conditional use requested. Such notice shall be sent by Certified Mail to those property owners and tenants on the list no less than twenty-one (21) days prior to the date of the public hearing.

- C. Planning Commission Review. A review shall be held by the Planning Commission at its next regular meeting following acceptance of the Conditional Use application by the Township. Acceptance of the application is deemed to occur when the application fee is accepted by the Township and a receipt for same is returned to the applicant. Complete applications for Conditional Use approval shall be submitted fourteen (14) days prior to the date of the Planning Commission meeting at which review is desired. Applications submitted late will not be accepted, and shall be returned to the applicant for submittal the following month.

Unless additional time is extended by written agreement of the applicant, the Planning Commission shall, at its next regular meeting following acceptance of the Conditional Use application, render to the Board of Supervisors a recommendation to either; (1) grant approval of the application as submitted; (2) grant approval of the application subject to conditions; (3) deny the application; or (4) table the plan for revisions.

In the event an application is recommended for approval with conditions by the Planning Commission, such conditions shall be communicated to the applicant and to the Board of Supervisors in writing before the next regular meeting of the Board of Supervisors.

- D. Board of Supervisors Review. The Board of Supervisors shall hold a public hearing, pursuant to public notice as required by the Pennsylvania Municipalities Planning Code, within sixty (60) days of the date of acceptance by the Township of the application, and render its decision not more than forty-five (45) days following the date of the public hearing, unless the applicant agrees in writing to an extension of that deadline. The decision of the Board shall be communicated in writing to the applicant by Certified Mail. Failure of the Board to hold a public hearing within sixty (60) days of the date of acceptance of the application without the written concurrence of the applicant and to render its decision no more than forty-five (45) days following the date of the public hearing shall constitute a recommendation of approval by the Board of Supervisors as submitted.

- E. Denial of Application. An application for conditional use shall be denied if the Board finds:

1. That the application and record fail to establish compliance with the standards made applicable to the proposed development by the provisions of this ordinance;
 2. If the proposed use, developed in the proposed manner and at the proposed location, shall be inconsistent with the goals and objectives of the Comprehensive Plan and the standards applicable to it pursuant to the provisions of this ordinance;
 3. Denial of the conditional use application will occur in the interest of the overall public health, safety and welfare if there are adverse impacts of the use or development, after review in accordance with Section 10.05 and any regulations specific to the use contained in this ordinance.
- F. Approval With Conditions. The Board may, in approving any conditional use application, impose such restrictions and conditions on such approval, the proposed use and/or the premises to be developed or used pursuant to such approval as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan and this ordinance, to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, morals and welfare of the Township. All conditions imposed upon any conditional use permit approval, with the exception of conditions made applicable to such approval by the express terms of this article, shall be definitively set forth in the findings and decision granting such conditional use permit.
- G. Acknowledgment of Approval. In the event an application for conditional use is approved, or approved subject to conditions, the applicant shall acknowledge such approval in writing and unconditionally accept and agree to any and all conditions imposed on the approval within fifteen (15) days of receipt of the decision.

In the event such permit is not approved, or is approved subject to conditions which are not acceptable to the applicant, the applicant may (1) request that the Board reconsider its decision; (2) appeal such decision to court; or, (3) abandon the application at the expiration of the fifteen (15) day period.

Section 10.04. Compliance.

Every conditional use permit shall be predicated upon the proposed development or use complying with all requirements of this article, other applicable requirements of the Hopewell Township Zoning Ordinance, including Section 11.03 Performance Standards, the Hopewell Township Subdivision and Land Development Ordinance, and any other applicable Township, State or Federal laws. The violation of any condition of approval shall be considered a violation of this article, and as such subject to the enforcement remedies of Article 13 of this ordinance.

Section 10.05. General Use Standards.

No application for a conditional use permit shall be approved unless the Board of Supervisors specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this article or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice by the Township.
- B. There shall be a community need for the proposed use at the proposed location. Also, in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the Township and also within the immediate area of the proposed use:
 - 1. The proposed use in the proposed location shall not "result in either a detrimental over-concentration of a particular use within the Township or within the immediate area of the proposed use; and
 - 2. The area for which the use is proposed is not better suited for or likely to be needed for uses which are permitted as a matter of right within that district, in light of policies or provisions of the Comprehensive Plan, the Zoning Ordinance, or other plans or programs of the Township.
 - 3. The proposed use, as presented, should be able to meet the applicable requirements of this ordinance and the Hopewell Township Subdivision and Land Development Ordinance without variance or modification. Depending on the type, number and degree of relief sought the need for variance or modification may be considered by the Township to be contrary to the intent of this ordinance, and as grounds for denial of a Conditional Use application.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect, meaning over and above that which would normally be expected to occur as a result of such development, on any of the following: adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, including emergency services such as police, fire protection or ambulance, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Zoning Ordinance or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice, by the Township or other governmental agency having jurisdiction to guide growth and development.
- D. The proposed use in the proposed location shall be adequately served by and shall not impose an undue burden on any existing improvements, facilities, utilities or services. Where any such existing improvements, facilities, utilities or services are not adequate to service the proposed use in the proposed location, the applicant shall as part of the

application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide for, extend or upgrade such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Zoning Ordinance, and other plans, programs, maps and ordinances adopted by the Township to guide its growth and development.

- E. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this article.

Section 10.06. Additional Standards For Specified Conditional Uses.

No application for issuance of a conditional use permit shall be approved unless the Planning Commission finds, and the Board of Supervisors concur, that in addition to complying with each of the general standards listed in 10.05 and all other applicable ordinances and regulations, each of the following specific standards - as applicable to the particular use enumerated - are met.