

CAERNARVON TOWNSHIP
CONDITIONAL USE APPLICATION

Applicant Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____
Interest of Applicant, if not owner (agent, lesee, etc.) _____

Owner Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

Attorney for Applicant Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

1. Brief Description of Real Estate Affected:

Tax Parcel #(s): _____ Block No. _____
Address: _____
Lot Size: _____ Deed Book No.: _____ Page No.: _____
Present Zoning Classification: _____ Present Use: _____
Present Improvements on Land: _____

2. Specific Section(s) of the Zoning Code upon which this Application is based:

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3. Describe the Proposed Use of Property

4. Briefly State the Applicant's reason(s) for submitting the application:

NOTE: The applicant or its representative(s) shall be required to provide testimony at the Board of Supervisor's hearing(s) at which this application is considered.

5. Answer the Following Questions and Provide a Date of Previous Application (if known):

Has a previous Conditional Use Application been filed for this Property? Yes No _____

Has a previous Zoning Hearing Board Application been filed for this Property? Yes No _____

Has a previous Subdivision or Land Development Application been filed for this Property? Yes No _____

In addition to this application, documentation must be submitted in compliance with Section 705 of the Caernarvon Township Zoning Ordinance, as amended (Township Code Section 500-79); reproduced here for convenience.

Conditional use procedures. The procedure for granting of 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 material:

- (1) Appropriate design plans and/or specifications, in sufficient detail to demonstrate compliance with conditional use requirements.
- (2) Photographs depicting the site.
- (3) Appropriate responses to any known or suspected site development problem.
- (4) Other related information required to support the application.

My signature authorizes permission to post this property and permission to Township officials and staff to enter thereon for inspection purposes.

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

DPARTMENT USE ONLY	
C.U. Application #:	_____
Date Received:	_____
Fee Paid: \$ _____	Date Paid: ____/____/____

SIGNATURE: _____

PRINT NAME: _____

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APPENDIX A

Section 705 (Township Code Section 500-79). Conditional Use Procedures

1. An application for a conditional use shall be filed with the Board of Supervisors c/o Township Secretary, and shall state and provide:
 - a. The name and address of the Applicant.
 - b. The name and address of the owner of the real estate to be affected by the proposed conditional use application.
 - c. A description and location of the tract or parcel on which the conditional use is proposed.
 - d. A statement of the present zoning classification of the tract or parcel in question, the improvements thereon, and the present use thereof.
 - e. A statement of the Section of this Ordinance which authorizes the conditional use.
 - f. An accurate description of the present improvements and the additions intended to be made under the application for conditional use, including the size of proposed improvements, material and general construction features. The application shall be accompanied by a proposed 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.
2. 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. No application shall be received for filing unless accompanied by the required filing fee.
3. The Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Article IX:
 - a. Public notice as defined by this Ordinance shall be given of the hearing. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. The Board of Supervisors shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Township Secretary unless the time therefore is extended in writing or on the record by the Applicant.
 - b. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of the record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Board for that purpose.
 - c. The Chairman or Acting Chairman of the Board shall have 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.

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d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

e. The Board of Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In all other cases the party requesting the original transcript shall bear the cost thereof.

f. The Board shall render a written decision within forty five (45) days after the last hearing before the Board. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore.

g. A copy of the final decision shall be delivered to the Applicant and the parties before the Board personally or mailed to them not later than the day following the date of the decision.

4. In granting or denying a conditional use or establishing conditions with reference to such grants, the Board of Supervisors shall use as a guide in evaluating a proposed conditional use, and may determine to be mandatory, the standards listed in subsection 8 below. 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 or her 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.

5. 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, or other applicable ordinances.

6. Appeals from a determination of the Board pursuant to any application for conditional use shall be only as prescribed within such times permitted by the applicable provisions of the Pennsylvania Municipalities Planning Code.

7. In granting an application for conditional use, the Board may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to insure compliance with the provisions of this Ordinance and to protect the health, safety and general welfare of the community.

8. The burden of establishing compliance with those enumerated standards below shall be upon the Applicant by a fair preponderance of the credible evidence. The standards required by this sub section 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 or her 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. In addition to those standards set forth in the section of

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the Ordinance authorizing the conditional use, Applicant shall establish:

a. That the proposed change is consistent with the spirit, purpose, and intent of the Caernarvon Township Comprehensive Plan;

b. That the proposed change will not substantially injure or detract from the use of the neighborhood property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded;

c. That the proposed change will serve the best interests of the Township, the convenience of the community, and the public welfare;

d. That the proposed change will not preclude the logical, efficient, and economical extension of public services, and facilities such as public utilities, police and fire protection, and public schools, and assure adequate arrangements for situation in specific instances;

e. That the proposed conditional use relief is suitable for the proposed location to probable effects upon traffic patterns and emergency response, and assure adequate access arrangements will be provided in order to protect roads from undue congestion and hazard;

f. The adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from the appropriate governmental health agency in any case required herein; and

g. Consider and apply all relevant provisions of the Municipalities Planning Code, including but not limited to 53 P.S. § 10913.2 (relating to conditional uses).