



New Garden Township

Board of Supervisors

Application for Conditional Use Approval

Submit 4 copies of application

Submit 12 copies of plans

_____ Application No.

Board of Supervisors

New Garden Township

Chester County, Pennsylvania

_____ Date Filed

Application is hereby made by the signers of the Application for Conditional Use Approval.
Attached hereto are 4 copies of the application and 12 copies of plans.

A. Record Owner of Parcel:

Name: _____

Address: _____

Phone number: _____ Email address: _____

B. Applicant: Owner Agent Proposed purchaser

Name: _____

Address: _____

Phone number: _____ Email Address: _____

C. **Attorney representation:** Yes No

Name: _____

Address: _____

Phone No. : _____ Email Address: _____

D. **Registered Engineer or Surveyor who prepared plans** *(if applicable)* :

Name: _____

Address: _____

Phone No. _____ Email address: _____

E. **Zoning District Classification:**

R-1 Low Density Residential District R-2 High Density Residential District

R-3 Toughkenamon Residential District R-4 Residential District

Highway Commercial District Commercial – Industrial District

Business Park District Airport Development District

Unified Development District

F. **Property Description:**

Parcel No. 60 - _____ - _____ . _____ Lot Size: _____

Property address: _____

Present improvements upon the land:

Current / previous use(s):

The above applicant does hereby apply for a conditional use approval for the following purposes:

G. Section(s) of Zoning Ordinance which authorizes the Conditional Use:

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

Article _____ Section _____ Subsection _____ Paragraph _____

H. Has any previous application or appeal been filed in connection with this premises?

Yes No If yes provide details: _____

I. What is the applicant interest in the premises involved?

J. What is the approximate cost of the work involved? (if applicable) \$ _____

K. In keeping with Section 200-152.C. of the Township Zoning Ordinance, the applicant is responsible for providing notice to all property owners as is on file with the Chester County Assessors office of land within 500 feet of the subject property. The applicant shall be able to show proof at the conditional use hearing that all property owners were notified. Attach a list of all properties and owners names and addresses within 500 feet of the property to the application.

L. **Application Fee for Conditional Use :**

\$1,400.00 plus ½ of court stenographer fee for hearing.

\$1,200.00 plus ½ of court stenographer fee per each subsequent hearing.

_____ Date: _____
Signature of applicant

For Township Use only

Amount of fee: \$ _____ Date: _____

Check No. _____

Receipt acknowledged by: _____

PLAN REQUIREMENTS

The plans shall be prepared by a PA. Licensed engineer or surveyor bearing his/her seal and signature drawn to scale describing this property and show all of the information as follows:

1. Length of all lot lines.
2. Approximate acres or square feet of lot.
3. Show location of all buildings on the lot, their outside dimensions, the distances between buildings, and the distance between the buildings and the lot boundaries.
4. If this application is for new buildings or additions to existing buildings, show these proposed buildings and give outside dimensions and the distances between them and existing buildings plus distances between proposed buildings and lot boundaries.
5. Show location of right of way line on any boundaries along a street or road.
6. Show any existing roads or driveways on the lot and the location of any new roads or driveways you plan to construct.
7. Show size and locations of all existing and proposed parking spaces on the lot.
8. Show location of on site sewage system (septic tank, drain field, etc.) if a private system is to be used.
9. Show names of owners of all lots adjoining this property and what each lot is used for.
10. Locations of all existing buildings and structures on adjacent lots within five hundred (500) feet of this property, show their location and the distance between them and your lot boundary.

IMPORTANT: Until all of this information and a complete plot plan are submitted to the Township Secretary, we can not schedule a hearing. If further information or documents are required, you will be notified.

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted are true to the best of my knowledge and belief.

(SIGNATURE) DATE: _____

(SIGNATURE) DATE: _____

Township of New Garden, PA
Monday, July 17, 2017

Chapter 200. Zoning

Article XIX. Administration

§ 200-152. Conditional use procedures.

- A. Intent. In order to limit the potential impact that certain uses may create on other surrounding uses and the general welfare of the Township, certain reasonable conditions and safeguards are imposed prior to granting approval.
- B. Requirements. The following provisions shall apply to conditional use applications, in addition to the provisions of the district in which the proposed use is located.
- C. Application. The application for a conditional use permit shall include a proposed plan indicating the size and location of the proposed use, the location of all proposed buildings and facilities, and the location of all existing buildings and structures on adjacent properties within 500 feet of the property line. Application for a conditional use permit shall be filed with the Township Secretary with accompanying form, text and fees. All owners of land within 500 feet of the property shall be notified by the applicant of the conditional use application. The applicant shall be able to show proof at the conditional use hearing that all property owners were notified.
- D. Procedure for review.
 - (1) The Township Planning Commission shall review each conditional use request pursuant to the criteria under Subsection E, and submit its recommendations to the Board of Supervisors.
 - (2) After review by the Planning Commission, the Board of Supervisors shall hold a public hearing pursuant to public notice. The public hearing shall be held within 60 days from the date the application was duly filed.
[Amended 8-13-2001 by Ord. No. 142]
 - (3) Following the public hearing, the Board of Supervisors shall render a decision on the matter in accordance with the provisions set forth in § 200-161.
- E. Criteria. The following criteria shall be used as a guide in evaluating a proposed conditional use. The burden of proof in establishing that all criteria have been met shall at all times rest upon the applicant.
 - (1) The proposed use at the location in question shall be in the public interest and best serve the public health, safety, and general welfare.
 - (2) The proposed use shall be consistent with the goals and objectives of the New Garden Township Comprehensive Plan of 1993 and those of the New Garden Township Open Space, Recreation, and Environmental Resource Plan of 1993.

- (3) The size, scope, extent and character of the proposed use shall be consistent with the spirit, purpose and intent of this chapter.
 - (4) Applicant shall take into consideration the character and type of development in the area surrounding the tract, and determine that the proposed change will not injure or detract from the use of surrounding properties or from the character of the neighborhood.
 - (5) Consider the effect of the proposed use with respect to the most appropriate use of land, conserving building and property values, and safety from fire and other dangers.
 - (6) Sufficient land area shall be made available to be able to effectively screen the proposed conditional use from adjoining different uses.
 - (7) Sufficient safeguards for parking, traffic control, screening, setbacks and other design requirements under Article XVI can be implemented to remove any potential adverse influences created by the proposed use.
 - (8) The impact and effect on buildings or districts of historical or architectural significance.
- F. Safeguards. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended.^[1]
- [1] *Editor's Note: See 53 P.S. § 10101 et seq.*
- G. Extension or change. A use of a building or lot authorized as a conditional use, either by decision of the Board of Supervisors or by the enactment of or amendment to the Zoning Chapter, may be extended or changed within the building or upon the lot only when authorized as a conditional use following application to and approval by the Board of Supervisors in accordance with procedures, standards and criteria set forth in the Zoning Chapter.
- [Added 8-18-2014 by Ord. No. 212]