

TOWNSHIP OF MIDDLETOWN

DELAWARE COUNTY, PENNSYLVANIA

(610) 565-2700
3640

FAX (610) 566-

27 N. PENNELL ROAD
PO BOX 157, LIMA, PA. 19037-0157

CONDITIONAL USE APPLICATION

APPLICATION NO. _____

DATE: _____

APPLICANT: _____ PHONE NO. _____

APPLICANT
ADDRESS: _____

LOCATION OF SUBJECT
PROPERTY: _____

APPLICANT'S INTEREST IN PROPERTY: _____

Application is made for Conditional Use approval pursuant to the Middletown Township
Zoning Ordinance Section(s):

State facts and/or basis of application in support of the requested Conditional Use approval:

Applicant's Signature

TOWNSHIP USE ONLY

Date Application Received: _____

By: _____ Title: _____

Application Fee: _____ Date Paid: _____

REVIEW OF THIS APPLICATION WILL BE SCHEDULED BY THE TOWNSHIP PLANNING
COMMISSION AT ITS MEETING ON: _____

(DAY, DATE AND TIME)

AND, REVIEW OF THIS APPLICATION WILL BE SCHEDULED BY THE TOWNSHIP COUNCIL
AT ITS MEETING ON: _____

(DAY, DATE AND TIME)

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CONDITIONAL USE APPLICATION PROCEDURES

The Middletown Township Zoning Ordinance provides for review of numerous proposed uses by means of the Conditional Use process. A Conditional Use, as defined by the Ordinance, is a use which may be approved or denied by Township Council after recommendation by the Planning Commission, when in compliance with all standards and criteria set forth in the Zoning Ordinance. In many cases, Conditional Use approval is required by the Zoning Ordinance concurrent with Subdivision, Land Development or other Zoning approval. In such instances, applications will be combined and track through the review process together.

Attached is a Conditional Use Application Form as well as a copy of the pertinent sections of the Zoning Ordinance which details at Section 275-236 the standards and criteria to be utilized by the Township in reviewing this application. Also attached is a copy of Section 275-237, which establishes the procedure to be followed in reviewing Conditional Use applications. Specific attention is directed to Section 275-237 D and E, which outline the notification responsibilities of the applicant prior to first review by the Planning Commission. The applicant is responsible for re-notifying abutting property owners prior to the Public Hearing before Township Council. At a minimum and at least ten days prior to the date of the Planning Commission meeting and the Public Hearing before Township Council, abutting property owners shall be advised by the Applicant of the nature of the application as well as the date and time of the Planning Commission/Township Council meeting at which the application will be considered.

*Conditional Use Application fee is \$300 for a property used as a single-family dwelling; \$500 for all properties and uses other than single family dwellings. In addition to the application fee, the Applicant is responsible for reimbursing the Township for expenses in excess of the application fee, for advertising, engineering, legal or similar expenses incurred by the Township in processing and reviewing Conditional Use Applications.

Required number of plans: 20

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NOTICE OF PUBLIC HEARING

TO BE HELD BEFORE THE MIDDLETOWN
TOWNSHIP PLANNING COMMISSION ON: _____
(DAY, DATE AND TIME)

BEFORE THE MIDDLETOWN
TOWNSHIP COUNCIL ON: _____
(DAY, DATE AND TIME)

APPLICANT: _____

ADDRESS: _____

LOCATION OF SUBJECT PROPERTY: _____

Pursuant to the provisions of the Middletown Township Zoning Ordinance, I, we have made application to the Township of Middletown for Conditional Use Approval for the proposed use as follows:

I, we are required to notify the abutting property owners of the nature of the proposed Conditional Use Application at least ten (10) days prior to the Middletown Township Planning Commission and the Middletown Township Council meeting at which the application will be reviewed and provide proof of such notification to the Township. Anyone wishing to comment on this application should be present at the time of the Public Hearing.

Notice to Applicant: This form, with the appropriate signatures in place, or other suitable evidence of notification is required to be returned to Middletown Township prior to the Public Hearing as proof of the required notification.

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>SIGNATURE</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

Use additional sheets as required.

§ 275-236. Standards and criteria for approval of conditional uses by Township Council and special exceptions by Zoning Hearing Board.

A. In evaluating an application before the Township Council for a conditional use or before the Zoning Hearing Board for a special exception, the Council and the Board shall require the applicant to provide reports, maps, plans and other related papers to ensure that the proposal:

- (1) Will be consistent with the community development objectives articulated in this chapter (pursuant to Section 606 of the Municipalities Planning CodeEN).
- (2) Will be consistent with the statement of purpose articulated for the district in which the use is proposed.
- (3) Will be consistent with the Middletown Township Comprehensive Plan and, in particular, the plans for land use, community facilities, utilities and the map depicting areas of environmental concern.
- (4) Will conform to all requirements of Chapter 210, Subdivision and Land Development, and all other applicable ordinances, codes or regulations.
- (5) Will not adversely affect the health, safety and general welfare of the surrounding area and the Township.
- (6) Will promote the harmonious and orderly development of the zoning district involved.
- (7) Will be compatible with the character and type of development existing in the area which surrounds the site in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of buildings and other structures.
- (8) Will not detract from or cause harm to neighboring properties by creating a negative impact on the aesthetic character of the community.
- (9) Will be compatible with the uses permitted in the surrounding area in terms of the density and/or intensity of land use.
- (10) Will reflect effective site planning and design in terms of energy efficiency, environmental protection and aesthetic composition.
- (11) Will be reflective of sound engineering and land development design and construction principles, practices and techniques.
- (12) Will be consistent with the logical, efficient and cost-effective extension of public services and utilities and will not adversely affect the public services and utilities of surrounding properties of the Township, as a whole, in terms of public water, sewers, police and fire protection and schools.
- (13) Will include proposals for the effective disposal of solid waste.
- (14) Will provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes.
- (15) Will be developed so as to limit the number of access points along a major public street and to develop frontage of buildings on access roads which are parallel or perpendicular to a major public street.
- (16) Will provide any improvements needed to guarantee compatibility with adjoining roads.
- (17) Will provide continuity of existing circulation systems including roads, sidewalks, trails and other walkways.
- (18) Will provide adequate off-street parking and loading which will be minimally visible from adjoining public streets.

- (19) Will utilize effective stormwater management techniques and soil erosion and sedimentation control techniques which are in character with and complementary to the proposed site grading and landscaping.
- (20) Will provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage.
- (21) Will preserve, to the maximum extent possible, woodlands and other trees existing at the site.
- (22) Will not be disruptive to existing topography, surface water resources and groundwater resources.
- (23) Will include proposals for effective mitigation of potential adverse environmental impacts through a satisfactory environmental impact assessment report.
- (24) Will provide landscaping to buffer and screen the use from surrounding properties, to complement buildings and other structures on the site and to enhance the overall character of the development.
- (25) Will include proposed landscaping, in addition to that required as stated above, in areas such as the entrance, along property boundaries, in areas which are highly visible such as along roads, walks or trails and in other places where the use of trees, shrubs and ground cover would be functional and appropriate.
- (26) Will provide fencing, walls, berming, terraces, walkways and other site improvement features to complement the proposed landscaping.
- (27) Will provide effective, subdued lighting using light posts and fixtures complementary to the proposed architecture and the character of the surrounding properties.

B. The Township Council and the Zoning Hearing Board may attach such conditions and safeguards, in addition to those already required by this chapter, as they may deem necessary to implement the purposes of the Municipalities Planning Code and this chapter and to protect the public welfare, which conditions and safeguards may relate to, but are not limited to, the design of buildings, roads and parking areas, landscaping and its maintenance as a sight or sound screen, lighting, noise, safety and the prevention of noxious, offensive or hazardous conditions.

C. Conditional uses or special exceptions related to the Floodplain Conservation District, Steep Slope Conservation District or other districts shall also be evaluated in accordance with additional standards and criteria set forth in the provisions for the respective districts.

D. Special exceptions shall also be evaluated in accordance with the provisions of Article XXXIV.

§ 275-237. Procedures for special exceptions and conditional uses. [Amended 1-8-1990 by Ord. No. 461]

A. The Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and Article XXXIV.

B. In the case of an application for conditional use, the Planning Commission shall perform a review and provide counsel to the Township Council concerning the grant of approval or disapproval of the proposed use. Such review shall be conducted and a written report submitted to the Township Council within 45 days of the date of the first Planning Commission meeting following the date of the complete details of the plan have been filed. The Planning Commission shall discuss the application at at least one of its regularly scheduled public meetings during the review period.

C. The Township Council shall, in the case of an application for conditional use, schedule a hearing for public review and comment pursuant to public notice as defined in Article II of this chapter. Should the Township Council deem it necessary, a second public hearing shall be held, at which time the public record may be enlarged. Within 90 days, the Township Council, at a regularly scheduled meeting or special meeting, shall take action to either approve or disapprove the use.

D. The Planning Commission and Township Council shall be responsible for providing notification to the applicant, no less than 20 days prior to the occurrence of any hearing at which testimony will be heard and/or action taken upon approval or disapproval in order that he/she may present his/her case at such hearing. Subsequent to the receipt of such notification, the applicant shall be responsible for notifying, no less than 10 days prior to such hearing, all abutting property owners.

E. Proof of proper notification shall be required as a precondition before any formal action on the application.

F. Notification of the action taken by the Township Council shall be made, in writing, to the applicant. In the event of disapproval, it shall be accompanied by a statement of the reasons therefor. In the event of disapproval, the applicant may file a new application for conditional use or for subdivision and/or land development for another use of the subject property.

G. In the event of conditional use approval, should the applicant fail to obtain all the necessary final plan approvals and building and related permits within 12 months of notification or, having obtained the necessary approvals and permits, fail to commence work thereunder within six additional months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned his/her appeal or application, and all provisions, conditional uses(s) and permits granted to him/her shall be deemed automatically rescinded by the Township Council. If the Township Council finds that a good reason exists for the failure to comply with the time periods specified above, an extension may be granted.

H. The grant of approval by the Township Council for a conditional use shall in no way release the applicant from his/her obligation to comply with the applicable provisions of this chapter, Chapter 210, Subdivision and Land Development, or any other applicable Township, state and federal regulations.

I. All notices, hearings and orders shall be made or shall occur in conformance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended.