

BOROUGH of NEWVILLE

APPLICATION for CONDITIONAL USE PERMIT

INSTRUCTIONS: The application must be completed in its entirety. In the event that any of the required information is not provided, the application shall be rejected and returned. This could delay a final decision of the application. The application will first be reviewed by the Newville Borough Planning Commission. The application shall also be submitted to the Cumberland County Planning Commission for review and comment. The Planning Commission will review the application, along with a Site Development Plan, and will forward a recommendation of approval/disapproval or modification to the Newville Borough Council. The applicant will be notified of the decision by the Newville Borough Planning Commission, in writing. The Newville Borough Council shall then hold a required Public Hearing after giving required notice in accordance with the PA Municipalities Planning Code. The property will be posted with a notice of the public hearing, and adjoining property owners will receive notice of the public hearing

FEE: A filing fee of \$350.00 is required. The applicant shall also be responsible for the stenographic costs of the hearing. All fees and costs must be satisfied prior to the issuance of a permit.

I/WE do hereby apply for a conditional use permit pursuant to the Newville Borough Zoning Ordinance, and represent as follows:

1. The name, address and telephone number of all record owners, and the applicant are:

2. The location and street address of the property is:

3. Name and address of the Attorney representing the applicant(s):

4. The present zoning classification for the property at issue:

5. The specific conditional use being applied for:

6. Attach a photocopy of your deed to this application, along with restrictions or covenants affecting the property:

7. List all adjoining landowners, including those situate on the opposite side of the street:

8. Please provide detailed information concerning your plans for off-street parking and loading:

9. Will outdoor lighting be provided? Provide specific information as to the type and location:

10. Provide information as to the location and size of any outdoor sign that will be employed:

11. Provide detail as to final grading and landscaping of the property, along with plans to manage storm water run-off:

12. The location and arrangement of proposed means of access and egress to the property, if applicable:

A SITE DEVELOPMENT PLAN MUST BE SUBMITTED WITH THIS APPLICATION.

I verify that the statements made in this application are true and correct. I understand that false statements are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Applicant(s):

ADMINISTRATION PROCEDURE FOR CONDITIONAL USE PERMIT

Date Application Received: _____

Application Fee Received: _____

Cost of Stenographic Service: \$ _____

Date of Pre-Submission Conference, if required: _____

Date Site Development Plan was Filed: _____

Date of Public Hearing Advertisement: _____
(Not less than ten (10) days before hearing.)

Newspaper of General Circulation: _____

Property Posting (at least 5 days prior to hearing): _____

Date of Hearing (within 60 days of application): _____

Date of Decision by Borough Council (within 30 days of hearing): _____

NEWVILLE BOROUGH PLANNING COMMISSION:

Decision/Recommendation: _____ Approve _____ Disapprove _____ Modify _____
Comments:

Conditions of Approval Set Forth by Planning Commission:

Signature of Planning Commission Chairman

Signature of Planning Commission Secretary

ARTICLE VIII

PLANNING COMMISSION AND CONDITIONAL USES

Section 8.1 Compliance. Nothing in this ordinance shall relieve the owner or his agent, the developer, or the applicant for either a Conditional Use Permit or a Site Development Plan approval from receiving a Subdivision Plan Approval in accordance with the Borough Subdivision Ordinance.

Section 8.2 Conditional Uses.

8.2.1 **Objectives.** Conditional Uses may be allowed or denied by Borough Council pursuant to public notice and hearing following review and recommendation by the Planning Commission. Upon approval, the Council may authorize the issuance of building permits for any of the conditional uses for which the Ordinance requires, in the District in which such use is proposed to be located. In approving any such use, the Council shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular.

8.2.1.1 That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.

8.2.1.2 That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

8.2.1.3 That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District.

(1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood.

(2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or

discourage the appropriate development and use of adjacent land and buildings.

8.2.2 **Application.** Each application for a conditional use shall be accompanied by a proposed Site Development Plan in accordance with Section 8.3.4.

8.2.3 **Referral to the County Planning Commission.** Any conditional use approval shall be referred to the County Planning Commission. The County Planning Commission shall make inquiry and determination concerning the items specified below:

- (1) Whether the conditional use would be appropriate in the area concerned.
- (2) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of the conditional use if approved.
- (3) Whether the conditional use is in accord with any existing or proposed plans in the vicinity.
- (4) The effect of the proposed conditional use upon the growth of the Borough as envisioned by the Comprehensive Plan.
- (5) Whether the proposed conditional use is likely to result in an increase or decrease in the total zoned residential capacity of the Borough and the probable effect thereof.

The Secretary of the Commission shall transmit to the Secretary of the County Planning Commission a copy of said application at least twenty (20) days prior to the County Planning Commission meeting at which review is requested. The County Planning Commission shall report to the Commission in writing in advisory opinion, findings, and recommendations on said application within thirty (30) days.

8.2.4 **Commission Action.** The Commission shall review the conditional use application and take action to recommend to the Council approval, disapproval, or modification for said conditional use and shall so notify the applicant in writing.

8.2.5 **Public Hearing.** The Borough Council shall not approve any application for a conditional use without first holding a public hearing, pursuant to public notice as required by the Pennsylvania Municipalities Planning Code. Notice of said hearing may be posted by certified mail, at least 5 days before the hearing, to the following: All owners of property which lies adjacent to that owned by the applicant in the immediate area. All other owners as the Commission may deem advisable.

8.2.5.1 The names of said owners shall be taken as they appear on the last completed tax roll of the Borough.

8.2.5.2 Provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of the paragraph, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Commission in connection with the approval of any conditional use.

8.2.6 **Decision of Governing Body.** The governing body shall render a written decision or when no decision is called for make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reason therefore, conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

8.2.6.1 Where the governing body fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

8.2.6.2 Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

8.2.7 **Conditions and Safeguards.** The Council may require the conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing and may be withheld only upon a determination by the council to the effect that such conditions as may have been prescribed by the Council in conjunction with the issuance of the original permit have not been, or are no longer being complied with. In such cases a period of 30 days shall be granted the applicant for full compliance prior to the revocation of said permit.

8.2.8 **Effect of Conditional Use Approval.** Any such use for which a conditional use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
