



LOWER PROVIDENCE TOWNSHIP

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LOWER PROVIDENCE TOWNSHIP CONDITIONAL USE APPEAL PROCEDURES AND POLICY

PROCEDURAL INFORMATION:

1. All Conditional Use appeal applications to the Board of Supervisors shall be made in writing on the Conditional Use Appeal Application form and shall be in accordance with the Lower Providence Township Zoning and Subdivision and Development of Land Ordinances (herein called "Ordinance") and the Pennsylvania Municipalities Planning Code (herein called the MPC). The completed application, with all required fees, required site plans and with other required information, shall be submitted to the Planning and Development Department. The applicant is responsible to see that a Township official notes the date of receipt on the Conditional Use appeal application.

2. All Conditional Use appeal applications shall include the following information on a site plan and contain all the information as required in a tentative sketch plan Section 123.12 of the Subdivision and Development of Land Ordinance, unless the Township determines that a site plan or such information is unnecessary to determine compliance with the Conditional Use Ordinance. The following information and procedures shall be followed for all site plans required to be submitted to the Lower Providence Township (LPT) Board of Supervisors:

- A. A minimum of fifteen (15) complete paper copies of a site plan (**folded only**) and or construction documents shall be submitted. ***All plans and renderings must be also placed electronically on a CD in a pdf format.*** Township staff may refuse to accept an application if it does not contain sufficient information to determine compliance with the Ordinances. **Furthermore, Montgomery County Planning Commission may review this Conditional Use appeal and forward their recommendations to the Board of Supervisors before the appeal will be heard by the LPT Board of Supervisors.**
- B. The applicant must be able to comply with the standards contained in the following sections of Township Ordinance:
 1. Section 143.79.2.
 2. Sections 143.92, 143.94, 143.96
 3. Sections 143.100, 143.103, 143.107, 143.109
 4. Sections 143.111, 143.113, 143.114, 143.117, 143.118
 5. Sections 143.136.E & F
 6. Section 143.189
 7. Sections 143.200, 143.201, 143.208
 8. Sections 143.211, 143.212, 143.214

C. The following items must be included and shown on the site plan:

Site plan requirements. All applicants submitting a Conditional Use Appeal shall submit 15 sets of site plans and all required additional information, to include the following:

1. A written statement, including a letter of intent specifying the intended use and operation of the building or land. At a minimum, this statement shall include the following elements:
 - That the proposed use complies with the declaration of legislative intent of this article and for the district in which the use is proposed.
 - That the proposed use or activity is compatible in type, character and intensity with surrounding land uses and the neighborhood in which it is planned.
 - That essential public services are available and of adequate capacity to service the intended use or activity. This services evaluation shall include water, sewage disposal, utilities, police and fire protection, schools (if applicable), park and recreation and transportation. The transportation element shall indicate the existing and projected peak traffic demands and the capacity of the road network to accommodate said demands. This element shall also indicate methods to accommodate any increase in service demands necessitated by the proposed use or activity. All required services improvements necessitated by the proposed use or activity shall be borne exclusively by the applicant at no cost to the Township, unless otherwise determined appropriate by the Board of Supervisors.
 - That the proposed use or activity complies with the land use and design standards of this article, including but not necessarily limited to internal circulation, parking, lighting and landscaping.
2. A plot plan drawn to a scale of not less than one inch equals 50 feet showing the location, dimensions and height of all existing and proposed buildings, structures and uses, including their relationship to all property and street lines. A north point and scale, tract boundary and location by deed plotting. If the plan involves one phase of what eventually may be a larger development, then the inter-relationships of those phases shall be shown. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
3. The location, dimensions and arrangements of all open space, yards and buffer yards, including methods and materials to be employed for screening and general species of plants to be used for screening. General numbers, locations and types of landscaping to be provided in off-street parking lots, along streets and in other areas.
4. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
5. The dimensions, location, type and methods of illumination for signs, if applicable.
6. The location and dimensions of all sidewalks and other areas to be devoted to public or pedestrian use.
7. Provisions to be made for the treatment and disposal of sewage, water supply and stormwater management.
8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre.
9. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion and other safety or nuisance type affects, including safeguards and methods to control and/or mitigate same.
10. The bounds of all easements, either existing or proposed, either on or directly affecting the subject property.
11. A site analysis map indicating all of the natural features located on the site including but not necessarily limited to slopes, soils, woodlands, wetlands, floodplains and waterways.
12. Any other data and information deemed necessary by the Planning And Zoning Director to enable him to determine the compliance of the proposed conditional use with the terms of this article.

3. Under the provisions of the MPC only an equitable landowner or a tenant with written permission of the landowner shall file a Conditional Use Appeal Application. The applicant must include a copy of the deed and latest Agreement of Sale with the application.

4. See the Township Fee Schedule for a Conditional Use Appeal fees. All fees must be paid at the time of submission of the Conditional Use application. Please make your check payable to: **LOWER PROVIDENCE TOWNSHIP**

5. PROCEDURAL POLICY:

- The Lower Providence Township Board of Supervisors usually meets on the 1st (workshop only) and 3rd Thursday of each month at 7:30 p.m. at the Lower Providence Township Building at the address above.
- Notice of hearing shall be given in accordance with the MPC. Such notice shall be given to the applicant by written notice.
- The Township, a minimum of seven (7) days before the hearing shall conspicuously post notice of such hearing on the affected tract of land. The applicant is responsible for the maintenance of the notice. If the notice is removed or destroyed, the property owner must immediately obtain another notice and conspicuously post it.
- **A complete appeal application is achieved when all appeal fees are paid, site plans comply with all regulations and all appropriate submission procedures, and relevant sections of the Conditional Use appeal application are fully completed. If an application is not fully completed, the application will not be accepted and the appeal will not be heard at the next regularly scheduled meeting of the Board of Supervisors.**
- **SUBMISSION DEADLINE FOR ALL CONDITIONAL USE APPEALS - All Conditional Use applications must be filed thirty (30) days prior to the Conditional Use hearing meeting. There are no exceptions to this filing date. If the Conditional Use appeal application is not filed within the aforementioned time frame, the Conditional Use appeal application will be heard the following month.**
- If any appeal is not concluded by the adjournment time, the LPT Board of Supervisors may either complete the appeal or continue the appeal to a date that is publicly announced before adjournment. If the LPT Board of Supervisors is unable to select a date for any continued hearing at the time of the public meeting, the date for the rescheduled continued hearing should be advertised pursuant to the provisions of the Conditional Use Ordinance and the MPC.
- The LPT Board of Supervisors is permitted forty-five (45) days to render a written decision following the last hearing. A signed copy of the written decision will be sent by certified mailed to the applicant not later than the day following the decision's date.
- Applicant(s) shall have a right of appeal to the Court of Common Pleas of Montgomery County within thirty (30) days after the entry of the decision as provided in 42 Pa. C.S. 5572, or, in case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in Section 908(9) of the MPC.