

BLOOMING GROVE TOWNSHIP

CONDITIONAL USE SUMMARY

A. Definition of a Conditional Use. (Article II, Blooming Grove Township Zoning Ordinance (“ZO”))

-A use of special concern which requires careful consideration of community impacts and [is approved] only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional Uses are allowed or denied by the Township Board of Supervisors after recommendation by the Planning Commission.

B. Schedule of Uses and Use Regulations. (§ 404, ZO) The Schedule of Uses and Use Regulations set forth in this Section outline the various types of Conditional Uses which may be allowed in the Township and some of the regulations that apply thereto. *See also* the Definitions contained in Article II of the ZO for a more specific explanation of the various terms used throughout the ZO.

C. General Procedure. (§ 1206, ZO; Pennsylvania Municipalities Planning Code, generally, 53 P.S. § 10101, *et seq.* (“MPC”))

1. The owner, or his or her representative, (the “Applicant”) shall submit an Application (which includes all plans and supporting documentation) for review and comment by the Blooming Grove Township Zoning Officer. (§608.4)

2. The Applicant must submit ten (10) copies and one (1) pdf copy on disk of the following documents with the applicable filing fee: (§ 608.5)

- (a) Conditional Use Application;
- (b) Narrative providing all project details and evidence of compliance with the express standards and criteria set forth in the ZO;
- (c) Legible Plot Plan drawn to scale (See § 1206.5(B) for Plan Requirements);
- (d) List of all other permits for the project and the status of any applications for same (§ 1206.2 (A)); and
- (e) Other documents required by the ZO for that particular project (e.g., sewage planning module, stormwater management plan, etc.).

3. Under some circumstances, a proposed project may require not only Conditional Use approval, but also Subdivision or Land Development approval. If so, the Applicant must submit a *separate* Subdivision or Land Development Application, as applicable—including all fees, plans and supporting documentation—as required by the Township’s Subdivision and Land Development Ordinance (“SALDO”). Additionally, if the Conditional Use is also governed by the SALDO, the more stringent requirements of the SALDO automatically apply to the Conditional Use submission. (§ 606.3)

4. Under some circumstances, an Applicant may be required to submit additional documentation/plans/plan details—depending on the type of project. Be sure to check the ZO for any specific provisions that apply to the particular project at issue.

5. Upon reviewing the submission and all supporting documentation and finding it to be in order, the Zoning Officer then forwards the submission (the “Application”) and his/her comments to the Blooming Grove Township Planning Commission (the “PC”). (§§ 1206.4, 1206.6)

6. The PC Secretary places the project on the agenda for the next PC meeting; however, an Application must be received at least ten (10) days prior to the PC meeting for it to be reviewed at that month’s meeting. (§ 1206.4)

7. The PC reviews the Application at a public meeting to determine whether the criteria listed in the ZO have been satisfied. The PC then forwards its written recommendation to the Applicant and the Blooming Grove Township Board of Supervisors (the “BOS”). (§ 1206.6)

8. The PC may make its recommendation on the Application at this initial meeting or at a subsequent public meeting. The PC’s recommendation may be for approval of the Application, approval with conditions, or denial.

9. Upon receipt of the PC’s recommendation, the BOS must hold a public hearing on the Conditional Use Application. The Township Secretary must advertise this hearing once per week for two (2) successive weeks in a newspaper of general circulation in Pike County. The first publication must occur no more than thirty (30) days prior to the scheduled hearing and the second publication must be at least seven (7) days prior to the hearing. The Secretary shall confirm the date and time of the hearing, in writing, with the Applicant, the BOS, the Zoning Officer, the Township Solicitor and any other interested parties who have requested such notice. The Secretary shall also make arrangements for a stenographer, if applicable. Additionally, notice of the

hearing must be conspicuously posted on the subject property at least one (1) week prior to the hearing. (MPC, 53 P.S. §§ 10107, 10908(1))

10. The public hearing required above must be held within sixty (60) days of the Township's *receipt* of the Conditional Use Application. The BOS must make a decision on the Application within forty-five (45) days of the last hearing held on the Application. These time periods can be extended – but only upon written request by the Applicant. (MPC, 53 P.S. §§ 10908(1.2), (9); 10913.2(b)(1), (b)(2))

11. If additional hearings are required, each subsequent hearing must occur within forty-five (45) days of the previous hearing – and, *all* hearings must be concluded within one hundred (100) days of the initial hearing. (MPC, 53 P.S. § 10908(1.2)) For hearing procedures generally, *see* 53 P.S. § 10908 – relating to standing of parties, oaths, witnesses, testimony, evidence, deadlines and requirements for decisions, deemed approvals, post-decision notices, etc.

12. In reviewing the Application, the BOS shall consider, at a minimum, the standards set forth in the following Sections of the ZO (where applicable) for general commercial uses:

§ 1206:	Conditional Use Standards
§ 404.3:	Development Standards
§ 700:	Standards for Commercial, Industrial and Other Non-Residential Uses
§ 504:	Off-Street Parking and Loading
§ 702:	Water and Sewer
§ 704.2 & 704.3:	Buffers for Waterbodies and Wetlands
Article XI	Signs
§ 701.6	Lighting
§ 703:	Environmental Impact Statement

13. Other provisions of the ZO which may apply to a particular submission and set forth *additional requirements* may include (where applicable):

§ 503.3:	Home Businesses/Home Occupations
§ 503.10:	Temporary Uses
§ 601:	Conservation Design Developments
§ 603:	Multi-Family Dwellings
§ 502.1:	Special Lot Provisions (For Two (2) or More Uses/Structures on a Parcel)
§ 801:	Adult Businesses
§§ 607/608:	Mobile Home Parks/Mobile Homes

§ 820:	Junk Yards
§ 841:	Mini-Warehouses
§ 848:	Solid Waste Disposal and Recycling Facilities
§ 845:	Multiple Occupancy Commercial Uses/Shopping Centers
§ 827:	Model Homes
§ 611:	Hotels, Motels & Other Lodging Facilities
§ 830:	Prisons, Detention & Rehabilitation Facilities
§ 806:	Stables & Kennels
§ 856:	Vehicle Related Uses
§ 836:	Recreational Vehicle Parks
§ 809:	Communication/Reception Antennae
§ 844:	Outdoor Shooting/Archery Ranges

14. After the public hearing, the Township Secretary places the project on the agenda for the next BOS meeting. The decision by the BOS must be made at a public meeting, and must be communicated in writing to the Applicant in person or by mail no later than the day following that decision. (MPC, 53 P.S. §§ 10908(9), (10); 10913.2(b)(2), (b)(3))

15. The decision by the BOS may be for approval of the Application, approval with conditions, or denial. If approval is conditional, findings of fact and all conditions imposed by the BOS must be set forth in its written decision. If the Plan is contested or denied, findings of fact, conclusions of law and the specific reasons for the decision, including the relevant Ordinance or statutory provisions supporting the decision, must be stated in the written decision. (§608.6; MPC 53 P.S. §§ 10908(9), 10913.2(b)(1))

16. If the Application is approved or approved with conditions, the BOS shall direct the Zoning Officer, in writing, to issue a Conditional Use Permit in accordance with the Board's decision. (§ 1206.6)

17. All Conditional Use approvals are conditioned upon the Applicant obtaining Subdivision or Land Development approval, if applicable, and all other required permits, including, but not limited to, building, sewage, highway occupancy, environmental, DEP, PENNDOT, Labor & Industry, Pike County Conservation District, etc. (§ 1206.2)

18. Other such conditions that the BOS might impose include, but are not limited to, provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities or hours of operation, environmental controls, other measures to mitigate any potential adverse impact the use may have on adjoining uses, and

any other condition necessary to protect the health, safety and general welfare of the Township. (§ 1206.2)

19. In its written decision, the BOS shall establish an expiration date for the approval. If no construction has taken place, or the use has not otherwise been established as a constructive activity, at the expiration date, then the approval is deemed null and void, and the Applicant shall be required to submit a new Application for same. (§ 1206.9)

20. If the submission is also governed by the SALDO, then the BOS can either review the Conditional Use and Subdivision or Land Development submissions *separately* or *concurrently*—at the Board’s option. If an Applicant chooses to proceed with Conditional Use approval first, he/she must submit the Subdivision or Land Development Application within six (6) months after receiving Conditional Use approval—or said approval is deemed null and void. (§§ 1206.1, 1206.9)

21. For changes of use (where the use changes, but it remains within the same category/definition of a use listed in the Schedule of Uses), the Applicant need only obtain a Certificate of Use from the Zoning Officer. Conditional Use/Special Exception approval is not required in these cases. *See* §1205.7 of the ZO for examples.

22. For Non-Conforming Uses/Lots/Structures, *see* Article IX of the ZO.

23. Certain Accessory Uses are permitted in the Township (such as garages, carports, swimming pools, tool/storage sheds, home occupations, signs, farm stands, essential services, off-street parking areas, etc.)—and these are *not* Conditional Uses. *See* Article IV & V of the ZO for more information.

24. Certain Temporary Uses *are* considered Conditional Uses; and, therefore, require a Conditional Use Permit. Examples include carnivals/circuses, Christmas tree sales, contractor’s office/construction equipment sheds, events of public interest, real estate sales offices, religious tent meetings, horse shows/exhibitions, temporary shelters and tent theaters. *See* §503.10 of the ZO for more information.

25. Special Exceptions and Variances are heard by the Zoning Hearing Board—not the BOS—and are governed by §§ 1206 and 1207 of the ZO, as well as the MPC. Special Exceptions may include public/private schools, municipal buildings, civic centers and public uses. (*See* § 404, ZO)