



The Borough of Phoenixville  
CHESTER COUNTY, PENNSYLVANIA

Borough Hall, 351 Bridge Street, Phoenixville, PA 19460  
Phone: (610) 933-8801 [www.phoenixville.org](http://www.phoenixville.org)

## Conditional Use Application Information

### WHAT IS A CONDITIONAL USE?

A conditional use is a use or activity, subject to Borough Council (Council) approval, which may be permitted in a particular zone, however, because of the type or nature of the use conditions for its establishment and operation may be necessary.

### JURISDICTION:

In granting any conditional use, Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Zoning Ordinance and the Pennsylvania Municipalities Planning Code (MPC).

As part of the conditional use hearing, Council may consider those comments issued by the Planning Commission, Zoning Officer, Engineer, the appointed professional consultants and any other agencies providing comments, as may be authorized by the Borough's Code and the MPC.

### TIMING FOR REVIEW:

Applications for a conditional use are to be provided to the Borough's Administrative Offices, located at 351 Bridge Street, Phoenixville PA 19460, no later than **3 weeks prior** to the next scheduled Borough Council Meeting.

1. Council shall schedule and hold a public hearing on the application, pursuant to public notice, within 60 days from receipt of the application. This time period may be extended if agreed to in writing by the applicant.
2. The decision, or, where no decision is called for, the findings shall be made by Council. The applicant, may, however, waive decision or findings by Council and accept the decision or findings of the hearing officer as final.
3. All hearings must be completed no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.
4. Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days

of the last hearing. The date of the decision may be extended by the applicant either on the record or in writing. Where the application is contested or denied, each decision shall be accompanied by findings of fact, reasons or conclusions based thereon.

### EXPIRATION:

Unless otherwise specified by Council in its decision and order, a conditional use approval shall expire if the applicant does not secure a building permit or, if no building permit is required, a use and occupancy permit, within 1 year from the date of Council's written approval of the conditional use application; this period may be extended only upon written request and reasonable cause shown. , No formal hearing shall be required in consideration of such request, and if granted, shall be for the period of time deemed appropriate by Council.

### APPLICATION REQUIREMENTS:

1. Complete application form
2. Narrative additional sheets
3. Site plan/Tax map
4. Agreement of Sale or Lease Agreement
5. Copies of all exhibits, including, but not limited to: pictures, diagrams, changes, etc.
6. Detailed plan of the proposed structure(s) elevations (if applicable).
7. Separate check for the remittance of the Fee for the Conditional Use hearing (see Schedule of Fees).
8. Separate check for remittance of Escrow Deposit (see Schedule of Fees).

**CHECKS OR MONEY ORDERS SHALL BE MADE PAYABLE TO:**  
***The Borough of Phoenixville***

### CONSIDERATIONS:

When considering a conditional use application, Council shall consider, among other things, whether the applicant has done the following:

1. Shown that the use is consistent with the Comprehensive Plan.

2. Shown that the property is suitable for the use desired and that the proposed request is consistent with the goals, objectives and policies established within the Zoning Ordinance.
3. Established by a fair preponderance of credible evidence that the use intended at the location shall not be contrary to the public health, safety, morals and/or welfare.
4. Provided evidence with supporting documentation that the capacity of the road system providing access to the property or lot in question has sufficient capacity to accommodate the use, and also that when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road, that the level of service of the roads or any portions thereof or any street intersections below will be at an acceptable level of service.
5. Provided evidence with supporting documentation that the interior traffic circulation for the proposed use, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient circulation for users of the facility, visitors, employees and all emergency vehicles..
6. Provided evidence with supporting documentation that the facility or use provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.
7. Provided evidence with supporting documentation that adequate screening and buffering is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view and preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
8. Provided evidence with supporting documentation that the local fire department has the ability to provide adequate fire protection and emergency management services for the proposed use.
9. Provided, where Council deems appropriate, evidence with supporting documentation that additional security measures will be accounted for by the owner or site manager so the facility or use does not create a continuous burden on the emergency management services and providers.
10. Provided evidence with supporting documentation that the existing or proposed sanitary sewage disposal facilities have sufficient capacity for the proposed use.
11. Provided evidence with supporting documentation that the existing or proposed municipal water supply facilities have sufficient capacity for the proposed use.
12. Provided evidence with supporting documentation that there will be no increase in surface water runoff and erosion within the property or at the boundaries of the facility as a result of the site improvements.



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Application Date:	_____
Application Fee:	_____
Escrow Deposit:	_____
Escrow Number:	_____
CU Number:	_____

## Conditional Use Application

Pursuant to 27-301.2.A.(1)

Residential

Commercial

**Property Information:** (Please Print)

Property Address: \_\_\_\_\_

Tax Parcel Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_

**Owner Information:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Type:**

Owner

Architect/Engineer

Corporate Officer

Owner's Representative

Attorney

Business Operator

Equitable Owner

Other

**Narrative:**

*On a separate document, describe the following as applies:*

- 1) A description of the subject property, including size, location, natural features, and any improvements, deed, legal, and/or physical features.
- 2) The present use of the property.
- 3) The proposed use, improvements or additions to the property.
- 4) The suitability of the property for the proposed use.
- 5) Explain basis upon which the applicant believes he/she/it should be granted conditional use approval, with the specific reference to applicable sections of the Zoning Ordinance, **27-301.2.A.(1)**
- 6) List any relief from the Zoning Ordinance or Subdivision and Land Development Ordinance which may be required for this project and if any action has been initiated by the applicant to obtain that relief.

On August 9, 2011, Phoenixville Borough Council adopted the "Neighborhood Blight Protections and Enforcement" Ordinance 2180, that enables Borough Staff to deny any permit or governmental approval application if the owner of said property, on that or any other property owned in the Commonwealth, (1) has Tax and/or Municipal Services delinquencies on account of the actions of the Owner; or (2) has a Serious Violation with having no corrective, Substantial Steps in place. A printed copy of this ordinance is available upon request at the Borough Code Enforcement Department.

*I hereby certify that the proposed application and subsequent actions or uses are authorized by the owner. As the owner or authorized representative, I agree to conform to all applicable laws of the jurisdiction. Construction shall comply with all Borough Codes and the most current ICC Building Codes as adopted by the Commonwealth of Pennsylvania. I have examined this application, its requirements and to my knowledge and belief, it is a true, correct and complete application.*

Applicant Printed Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Submissions Checklist:**

Application Completion:	YES	NO	
Renderings/Elevations:	YES	NO	N/A
Existing Conditions Photo:	YES	NO	N/A
Scaled Drawings:	YES	NO	N/A
Samples:	YES	NO	N/A

Accepted/Returned by: \_\_\_\_\_

Date: \_\_\_\_\_

Ordinance 2180 Clearance: \_\_\_\_\_

Date: \_\_\_\_\_

Zoning Officer: \_\_\_\_\_

Date: \_\_\_\_\_

*BOROUGH USE ONLY*

**Record of Events:**

Application date:	Date: _____
Hearing to be held within 60 days of application date	Date: _____
Initial hearing date	Date: _____
Advertisement Dates:	Date 1: _____
	Date 2: _____
Subsequent hearing date (shall be within 45 days if needed)	Date: _____
Applicant's requirement to complete present case within 100 days	Date: _____
45 day to decision/findings after last hearing	Date: _____