



Lower Oxford Township

LOWER OXFORD TOWNSHIP

220 Township Road, Oxford, PA 19363 ■ 610-932-8150

E-Mail: loweroxfordtwp@zoominternet.net

www.loweroxfordtownship.com

Date Received: _____

Project No. CUH-20_____ - _____

Conditional Use Application

Applicant's Name:	
Address:	
Telephone Number:	

Applicant's Connection with Property:

Owner Tenant Other: _____

Owner's Name(s):	
Address:	
Telephone Number:	

Tax Parcel No. 56-_____-_____	Zoning Dist. of Property:	R-1 R-2 R-3 R-4 C-1 C-2 C-3 I-1
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Street Address of Property:	
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Present Use of Property:	
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Size of Lot:	
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Proposed Use for which a Conditional Use is sought: (Use additional paper if necessary)	
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Zoning Ordinance Section Authorizing Conditional Use after Approval:	
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Notice: The Applicant is responsible for providing notification of the hearing date, time and location to other adjacent lot owners under §1411. Proof of that notice must be provided at the hearing.

Conditional Use Application Fee: \$	Check No.:
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Consent of Owner #1 Signature

Consent of Owner #2 Signature

Owner #1 (Print Name)

Owner #2 (Print Name)

Developer Title

Developer Title

Township Use Only:

Date Submitted to Township: _____	Submitted to Township Engineer for Review: Date Mailed: _____
Act 247 Form – Chester County Planning Commission Date Mailed: _____	Plan Submittal is: <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete
If Incomplete Submittal, please explain deficiencies:	
Additional Notes:	

Conditional Uses

A conditional use is nothing more than a special exception that falls within the jurisdiction of the governing body rather than the zoning hearing board. Conditional uses are optional; that is, conditional uses may be provided for in the zoning ordinance if desired. The governing body must adhere to the express standards and criteria set forth in the ordinance, or else the conditional use approval or denial could be overturned in court.

Uses, which could be provided as conditional uses rather than as special exceptions, are often those uses that could have a direct effect upon the lives of all persons within the community. Some examples of such land uses are airports, paper manufacturing plants, or landfills. Such uses would be specifically listed under the various districts, and to use land for any of these purposes a conditional use application would have to be filed. The governing body would then have the opportunity to thoroughly examine the proposal and to impose any reasonable safeguards necessary to implement the purposes of the ordinance and to protect the public's general welfare.

Procedure for Conditional Use

The Act 170 amendments to the MPC clarify that the governing body shall hold a hearing pursuant to public notice and recommendations by the planning agency. See, MPC Section 603(c)(2). The referenced hearing is defined in MPC Section 107 (b) as an administrative proceeding conducted by a 'board' pursuant to Section 909.1. Board is defined as any body granted jurisdiction under a land use ordinance or under this act to render final adjudications. The exclusive power to render a final adjudication for a conditional use is assigned to the governing body by MPC Section 909.1 (b)(3).

More recently, Act 165 of 1996 further clarified the required procedures a governing body must follow throughout the decision-making process regarding a conditional use. Provisions added by Act 165, specifically Section 913.2 (b) (I), restate many of the mandatory steps detailed under MPC Section 908.

The governing body must follow the MPC Article IX procedures which apply to the zoning hearing board *and other administrative proceedings*. Thus, in a conditional use hearing, the governing body should follow the basic hearing requirements outlined in MPC Section 902 including the stenographic record requirement.

The governing body is acting as a quasi-judicial body in a conditional use hearing and cannot advocate a particular position. In this situation, the planning commission could become a party to the hearing to testify before the governing body to promote a given viewpoint. Similarly, in a special exception situation, the zoning hearing board cannot advocate the municipal position which should be presented by a member of the governing body or municipal manager.