

ADMINISTRATIVE PROCEDURES FOR CONDITIONAL USE HEARINGS FOR SOLAR ENERGY SYSTEMS

Applicants and their agents/representatives must read the following rules and procedures and follow them. If you have questions, please contact the Planning Administrator. Applicants who do not adhere to these guidelines risk delays in plan processing and review.

1. **Applicant Submits a Building Permit Application (Optional, but Recommended)**. The applicant is strongly encouraged to submit the building permit application (including glare study and site plan) for the solar energy system before proceeding with the conditional use process. By submitting the building permit, the applicant will benefit from comments from the Zoning Officer / Codes Enforcement Officer and will have an opportunity to address any zoning and building deficiencies before proceeding with the conditional use process. No revisions to the conditional use application or revisions to the conditional use application plan (other than very minor adjustments permitted by the Board of Supervisors) shall be permitted after the 30th day before the conditional use hearing commences, unless the applicant withdraws the application and files a completely new conditional use application which shall be subject to a new application fee and timeline under the MPC.
2. **Applicant Obtains Necessary Forms and Documents from the Township**. The applicant should obtain the following materials from the Township:
 - Copy of current Zoning Ordinance (Ch. 115, esp. §115-77 and Article XXIV) (including any recently adopted but uncodified amendments)
 - Building permit application packet for solar energy systems
 - Current fee schedule

The East Bradford Code is available for review at www.eastbradford.org, but it may not have the most recent amendments and is therefore not deemed to be the official source of this documentation. The official source of the East Bradford Code is the East Bradford Township Administration Building, 666 Copeland School Road, West Chester, PA 19380.

The applicant should also obtain a complete conditional use application packet, which includes:

- One copy of the administrative procedures
 - One application form (attached)
 - One copy of the Township Cash Escrow Agreement (attached)
 - 1980 Township Resolution (attached)
3. **Applicant Submits the Conditional Use Application**. An application for a conditional use shall be made to the Board of Supervisors, in writing, on a form furnished by the Township. Once the conditional use hearings commence, no revisions, other than very minor adjustments, which may be permitted by the Board of Supervisors, shall be permitted unless the applicant withdraws the application and files a new conditional use application which shall be subject to a new application fee. A complete application includes:
 - Two copies of the completed conditional use application form
 - Completed building permit application, if available (and any reviews, comments, and/or approvals from the Zoning Officer / Codes Enforcement Officer)
 - Letter of authorization and/or agreement of sale from the property owner (if applicant is not the owner of record and/or represents themselves to be the equitable owner or agent for the property owner)
 - Two signed copies of the Township Cash Escrow Agreement
 - Cash escrow fee (see fee schedule) – check made payable to “East Bradford Township”
 - 20 copies of plans for conditional use prepared in accordance with: §115-77 of the Code
 - One copy of the plan in PDF format.
 4. **Board Schedules Hearing**. Upon receipt of the application, the Board of Supervisors shall schedule, advertise, and hold a public hearing at which the application shall be considered. The hearing shall be held within 60 days of the date upon which the application was submitted to the Board of Supervisors. The Township will notify the applicant of the date of the hearing.

5. **Board Distributes Application to the Advisory Boards and Commissions (ABC's).** Upon receipt of a complete application for a conditional use, the Board of Supervisors shall promptly send copies of the application and all supporting materials to the East Bradford Township Planning Commission and any other advisory boards/commissions, the Zoning Officer / Codes Enforcement Officer, and other consultants, as appropriate.
6. **The ABC's Review the Application and Submit Recommendations to the Township Planning Commission.** The applicant will present the application to the Planning Commission at a regular business meeting. The purpose of this initial application is to provide an overview of the project. The applicant should be prepared to address major aspects of the project:
 - Surrounding properties/uses
 - Site characteristics
 - General appearance
 - Nature of landscaping
 - Utilities (sewerage, water, stormwater)
 - Historic context, if applicable
 - Zoning and/or subdivision relief needed, if applicable

Members from other ABC's may attend the meeting to hear the presentation. The Township ABC's, the Zoning Officer / Codes Enforcement Officer, and other consultants shall promptly submit their review comments to the East Bradford Township Planning Commission.

7. **The Planning Commission Submits Recommendation to the Board.** The Planning Commission shall promptly review and consider the application and all supporting materials and shall submit its recommendation to the Board of Supervisors. The Commission may work with the other ABC's and consultants in developing its recommendation. During this review process, the Commission will decide whether it wants to present testimony at the hearing. Revisions to the conditional use application or revisions to the conditional use plan during review and consideration by the Planning Commission shall require formal withdrawal of the portion of the application and/or the conditional use plan being revised so that at any point in time there shall be only one conditional use application and conditional use plan presented for review, consideration, and action. However, no revisions to the conditional use application or revisions to the conditional use plan (other than very minor adjustments permitted by the Board of Supervisors) shall be permitted after the 30th day before the conditional use hearing commences, unless the applicant withdraws the application and files a completely new conditional use application which shall be subject to a new application fee and timeline under the MPC.
8. **Applicant Notifies Adjoining Property Owners.** Not later than 14 days prior to the date of the conditional use hearing, the applicant shall notify all adjacent lot owners of said application for a conditional use and advise them of the date, time and place of the hearing. Adjacent lot owners are deemed to be those contiguous – including separation by road, right of way, or water body; or in a neighboring municipality.
9. **Documentation and Reviews are Submitted to the Board of Supervisors.** With the applicant's permission, and once all reviews are complete, the Township will forward all review comments to the Supervisors and the applicant. This submission will occur prior to the first hearing in an effort to make the first hearing as productive as possible. Subsequent reviews will be handled in the same fashion.
10. **Board Holds Public Hearing to Hear Testimony.** The hearing shall be held within 60 days of the date upon which the application was submitted to the Board of Supervisors. The Supervisors will hear the applicant's testimony first followed by any other testimony. A stenographic record of the hearing proceedings may be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same.
11. **Testimony Concludes.** If subsequent hearings are necessary, each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on

the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

12. **The Board Renders Decision**. If the application is approved, the applicant may proceed with a subdivision/land development application (if applicable). If the application is denied, the applicant must submit a revised plan with a new application form, fee, etc. Each plan submission is considered as a separate application.

APPLICATION TO THE BOARD OF SUPERVISORS OF EAST BRADFORD TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA FOR CONDITIONAL USE HEARING FOR SOLAR ENERGY SYSTEMS

Conditional use approval allows the proposed use on the property only and does not constitute subdivision and land development approval, building permit approval, zoning permit approval, sign permit approval, or any other approval. *Items shown on the approved conditional use plan* are not deemed approval of the subdivision and/or land development application, building permit application, zoning permit application, sign permit application, or any other application. A separate application and review process is required for subdivision and land development.

The applicant must provide all of the information listed on this form and as provided for under the East Bradford Code. Refer to attachments as necessary. Incomplete applications will not be accepted.

1. **Date:** _____

2. **Property Information**

Application/development name: _____

Address of property: _____

Tax parcel ID number: _____ Zoning district: _____

Acreage: _____

Present use: _____

List all proposed public improvements: _____

Type of waste disposal system (circle one): Public Private

3. **Contact Information**

Applicant's name: _____

Mailing address: _____

Phone number: _____ Fax number: _____

Email address: _____

Relationship to property (owner of record, equitable owner, etc.): _____

Note: If the applicant is other than the property owner, a letter of authorization to submit the application and/or an agreement of sale is necessary and must be attached hereto

Owner of record: _____

Mailing address: _____

Phone number: _____ Fax number: _____

Email address: _____

Project attorney (if applicable): _____

Mailing address: _____

Phone number: _____ Fax number: _____

Email address: _____

Project engineer (if applicable): _____

Mailing address: _____

Phone number: _____ Fax number: _____

Email address: _____

4. Who will own the solar energy system?

- Property owner of record
- Other (please specify): _____

5. Description of Conditional Use Requested

Code Section	Brief Description of Conditional Use Requested

6. **Additional of Relief Required** Will zoning relief or other waivers of Township ordinances be required for this project? If no relief is required, please indicate by checking box below.

Code Section	Brief Description of Additional Relief Requested

No relief is being requested at the time of application

7. **Required Documentation** The applicant shall submit the following documentation with this application:

- Two copies of the completed application form
- Completed building permit application, if available (and any reviews, comments, and/or approvals from the Zoning Officer / Codes Enforcement Officer)
- Letter of authorization and/or agreement of sale from the property owner (if applicant is not the owner of record and/or represents themselves to be the equitable owner or agent for the property owner)
- Two signed copies of the Township Cash Escrow Agreement
- Cash escrow fee (see fee schedule) – check made payable to “East Bradford Township”
- 20 copies of plans for conditional use prepared in accordance with: (1) §115-77 of the Code.
- One copy of the plan in PDF format.

8. **Required Questions** The applicant shall answer the following questions with a YES, NO, or N/A response:

1. Has the applicant/applicant’s representative obtained and reviewed a copy of the Administrative Procedures for Conditional Use Applications?	_____
2. Has the applicant reviewed the provisions regarding conditional use applications as specified under §115-77 and Article XXIV of the Township Code?	_____
3. Does the conditional use application contain all of the basic information and detail required under §115-77 of the Township Code?	_____
4. Has there been any special zoning relief granted for this site in the past?	_____

9. **The undersigned hereby:**

1. Requests the Board of Supervisors of East Bradford Township to schedule a public hearing on the above application.
2. Agrees to permit any elected, appointed, and/or assigned staff member of East Bradford Township to enter the exterior premises of the property, in which this application pertains, for the purposes of conducting site inspections while the proposed application is being considered by East Bradford Township.
3. Agrees to pay all consultant, administrative, and/or application fees required for the review of this application.
4. Understands that the East Bradford Board of Supervisors is not obligated to approve this conditional use application.

Applicant’s signature

Print name

Date

**EAST BRADFORD TOWNSHIP
CASH ESCROW AGREEMENT FOR REVIEW
OF CONDITIONAL USE APPLICATION**

THIS AGREEMENT, made this _____ day of _____, 20____, by and between TOWNSHIP OF EAST BRADFORD, Chester County, Pennsylvania, ("Township"), and _____ of _____ ("Applicant");

WITNESSETH:

WHEREAS, Applicant has applied for a conditional use approval which requires reviews by Township consultants, appearances before the Township Planning Commission, and hearings before the Board of Supervisors; and

WHEREAS, the consideration of said plans and improvements will require the expertise of professional personnel of said Township including, but not limited to, the Township Engineer and Township Solicitor in connection with the consideration of such said plan; and

WHEREAS, Applicant has determined to provide as financial security for the Township's costs incurred in processing the conditional use application, including but not limited to the cost of the hearings, legal, engineering and other consultant fees. The financial security shall be in an escrow account for the use and benefit of Township to guarantee Applicant's performance of payment for said services as are required.

NOW, THEREFORE, in consideration of Township relying upon the terms of the Escrow Agreement as security, and intending to be legally bound:

1. Applicant hereby authorizes and directs Township's Consulting Engineer and other consultants to review Applicant's conditional use application (including plans and other submittals) and to prepare a report of same for Township as may be required in order to process, without delay, the consideration of the conditional use application. Said review and all services performed relative thereto shall be carried out in accordance with the Rules and Regulations of Township.
2. Applicant agrees that the Engineer and other consultant charges and fees for review of the conditional use application, together with legal fees and administrative costs and expenses which the Township may incur in connection therewith, shall be paid from said fund upon demand.
3. Applicant hereby deposits with Township in escrow the sum of _____ Dollars (\$_____) as security for the payment of all costs and expenses, charges and fees, as set forth in paragraph 2 hereof which may be incurred by Township hereunder. Neither Township, its Solicitor, Engineer nor other consultant shall commence processing this application until said security deposit has been made with Township.
4. The amount of _____ Dollars (\$_____) shall be the minimum amount on deposit with Township at all times in order to pay for the aforementioned services. When the amount held in escrow is at or below said minimum amount, Applicant shall deposit an additional sum in the amount of _____ Dollars (\$_____) to insure that all fees and costs incurred be paid. Any interest on said account shall inure to Applicant's credit.
5. In the event of a deficiency in the escrow account, Applicant agrees to pay Township interest on any charges or fees referred to in paragraph 2 for which the Township is not reimbursed by Applicant within thirty (30) days after the date a bill is sent by Township to Applicant. The interest shall be calculated on the unpaid balance at a floating rate at all times equal to the prime rate (as determined by First National Bank of West Chester) plus five percent (5%) while any part of such fees or costs remain unpaid.
6. When requested, Township shall submit to Applicant a detailed itemization of expenses to be charged against said fund and shall make withdrawals therefrom accordingly.
7. The creation of the escrow herein provided for shall in no way require Township to approve the proposed conditional use application of Applicant either as originally submitted or as thereafter modified.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year aforesaid.

ATTEST:

TOWNSHIP OF EAST BRADFORD

For Township

BY: _____ (SEAL)
Michael P. Lynch, Township Manager/Treasurer

For Township

BY: _____ (SEAL)
Mandie Cantlin, Planning Administrator

WITNESS:

OWNER

For Applicant

BY: _____ (SEAL)
Applicant

EAST BRADFORD TOWNSHIP

SUPERVISORS

West Chester, Pa. 19380

NOTICE

EAST BRADFORD TOWNSHIP BOARD OF SUPERVISORS PASSED A RESOLUTION ON NOVEMBER 11, 1980 AT FOLLOWS:

BE IT RESOLVED

The officials of East Bradford Township, elected or appointed, are prohibited from issuing any permits (Building, Road or Occupancy, etc.) review any plans or documents, render any decisions or opinions for an individual, partnership or corporation that owes East Bradford Township any money for previous services rendered. Monthly the Township Treasurer will prepare an updated list of delinquent accounts for officials use.

Resolved and approved by the Supervisors, November 11, 1980.