

**Section 2910      CONDITIONAL USES**

- A. This Section provides for certain conditional uses to be permitted within the district regulations of this Ordinance. These uses may not be appropriate at every location within a zoning district, and the following standards, procedures, and criteria have been established for the evaluation of conditional use applications. Because these uses have the potential for substantial impacts on the community, they shall comply with the regulations herein. Failure of any proposed conditional use to comply with any of these regulations shall be grounds for denial of a conditional use application. The power to grant a conditional use shall be exclusive to the Borough Council.
- B. **Application.**
1. When a conditional use permit required by this Ordinance is associated with a proposed subdivision and/or land development, all applications for conditional use shall be filed and all plans, documents, and other materials required to accompany the application shall be filed with the Borough simultaneously with the filing of a preliminary plan for subdivision and/or land development, in compliance with the Malvern Borough Subdivision and Land Development Ordinance. Such application shall be filed with the Zoning Officer on such forms as provided by the Borough for such purpose with the required fee.
  2. Where a preliminary subdivision and/or land development plan is not associated with an application for conditional use approval, such application shall be filed with the Zoning Officer on such forms as provided by the Borough for such purpose. The application shall be accompanied by the required fee and the following information:
    - a. Application Information.
      1. The name, signature, and address of the applicant.
      2. The name, signature, and address of the owner of the property to be affected by the proposed conditional use application.
      3. A description and location of the property on which the conditional use is proposed.
      4. A statement of the present use, zoning classification, and improvements thereon of the property in question.
      5. A statement of the Section of this Ordinance, or amendment thereof, which authorizes the conditional use.
    - b. The application for conditional use shall be accompanied by a proposed site plan that contains the following:
      1. A site plan showing the size and location of the proposed use.

2. All proposed buildings and all proposed accessory facilities, including location, dimensions, use, coverage, height, and any proposed improvements where applicable, in relation to property and street lines.
3. Features that present compliance with all applicable area, width, coverage, yard, and design standards as regulated within this Ordinance.
4. The location, dimension, and arrangements of proposed facilities including sidewalks, roads, access drives, off-street loading and unloading, and parking areas.
5. The location, dimensions, and arrangement of any areas devoted to open space, buffer areas, landscaping, or recreation.
6. Provisions for handling of stormwater drainage, disposal of wastewater, and supply of water.

c. The Zoning Officer shall review the application to determine if it is complete. If the application is deficient in any way, the Zoning Officer shall notify the applicant in writing, specifying any and all deficiencies. If such deficiencies are not remedied in the form of a resubmitted application rectifying such identified deficiencies by the applicant, this shall constitute sufficient grounds for denial by the Borough Council of the application subsequent to public hearing should the Council deem such deficiencies to be substantially at variance with the requirements of this or other applicable Borough ordinances.

d. Any substantial revisions to the application or plan subsequent to filing of the application or its review by the Borough Planning Commission shall be subject to review and recommendation by the Borough Planning Commission as specified in Section 2910.C. prior to the public hearing before Borough Council. In such event, the Zoning Officer shall secure from the applicant a sixty (60) day written extension of the date within which the Borough Council must hold a public hearing pursuant to Section 2910.C. If the applicant fails to execute the extension, Borough Council shall decide the conditional use application on the basis of the plan and application as originally filed.