

ARTICLE 7 ADMINISTRATION

SECTION 700 ADMINISTRATION AND ENFORCEMENT

700.1. Administration:

1. Zoning Officer - The provisions of this Ordinance shall be enforced by an agent, to be appointed by the Board of Supervisors, who shall be known as the Zoning Officer. The Zoning Officer shall receive such fees or compensation as the Board of Supervisors may provide. The Zoning Officer shall not hold any elective office within the Township. The Board of Supervisors may, by resolution, designate an employee or employees of the Township as Deputy Zoning Officers. The Deputy Zoning Officers shall exercise all the powers of the Zoning Officer during the Zoning Officer's temporary absence or disability, for time periods designated in writing by the Zoning Officer, and delivered to the Deputy and to the Chair of the Board of Supervisors at the Township Office. In the event the Zoning Officer is unable to give such written notice, the Board of Supervisors may direct in writing a Deputy to act as Zoning Officer;
2. Duties - The duties of the Zoning Officer shall be:
 - A. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
 - B. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record. All information on all applications filed with the Zoning Officer shall be deemed to have been provided by the applicant;
 - C. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
 - D. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations;
 - E. Upon the request of the Board of Supervisors, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
 - F. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto;
 - G. Upon the approval by the Zoning Hearing Board of a special exception, or upon the approval of a conditional use by the Board of Supervisors for development located within the Floodplain Zone, written notice of the approval shall be sent by registered mail from the Zoning Officer to the Pennsylvania Department of Community Affairs;
 - H. To remain eligible for the National Flood Insurance Program, the Zoning Officer shall submit a biannual report to the Federal Insurance Administration concerning the status of the Program in the Township (the

- report form shall be provided by the Federal Insurance Administration);
- I. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2. of the Act; and,
 - J. To investigate alleged violations of the Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of receipt of said complaint. A written report of all investigations of alleged violations of the Zoning Ordinance shall be prepared and properly filed and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided in this Zoning Ordinance;

700.2. Enforcement - This Ordinance shall be enforced by the Zoning Officer of the Township. No zoning permit or Certificate of Use and Occupancy shall be granted by him/her for any purpose except in compliance with the literal, provisions of this Ordinance. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment;

700.3. Violations - Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of the Ordinance and any conditions placed upon the approval of special exceptions, variances, and conditional uses. Each day that a violation is continued shall constitute a separate offense.

If it appears to the Zoning Officer that a violation of this Zoning Ordinance enacted under the Act or prior enabling laws has occurred, he/she shall initiate enforcement proceedings by sending an enforcement notice as provided in the following:

1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record;
2. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Township intends to take action;
 - B. The location of the property in violation;
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance;
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days; and,
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described;

700.4. Enforcement Remedies - Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted

under the Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township; and,

- 700.5.** Causes of Action - In case any building, structure landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance enacted under the Act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

SECTION 701 PERMITS

701.1. General Requirements for Zoning Permits:

1. A zoning permit shall be required prior to a change in use of land or structure, (b) the erection or construction of a structure, excluding fences less than four (4) feet in height, or (c) the alteration of any structure. A zoning permit shall also be required prior to the alteration or development of any improved or unimproved real estate, including, but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Section 314 of this Ordinance. Zoning permits shall further be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins. No zoning permit shall be required for repairs or maintenance of any structure or land, provided such repairs do not increase the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance;
2. Application for zoning permits shall be made in writing to the Zoning Officer on a

- form specified for such purpose;
3. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by an agent of the owner or lessee, the application shall note that the agent is acting on behalf of the owner or lessee. The full names and addresses of the owner, lessee, agent, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application;
 4. Application for a permit shall be accompanied by a fee as prescribed by the Board of Township Supervisors pursuant to resolution. No application shall be considered complete or permit issued without payment of the required fee. The payment of fees under this section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance or by another ordinances or law;
 5. Application for zoning permits should demonstrate compliability with the Lancaster County Planning Commission's Storm Water Management Ordinance, as amended, including any required performance bond;
 6. Such zoning permits shall be granted or refused within ninety (90) days from the date of submission of evidence of compliance with all applicable local, County, State, and Federal requirements;
 7. No zoning permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the Courts;
 8. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied;
 9. The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications;
 10. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance, in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance;
 11. Issuance of Permits - Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if any applicable conditional use or special exception approvals have been obtained, if State sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a Highway Occupancy Permit from the Department of Transportation has been issued if applicable in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. In addition, no zoning permit shall be issued for any property with an existing zoning violation.

No zoning permit shall be issued for any activity that is required to have an

improvement guarantee, until an improvement guarantee is accepted by resolution of the Board of Supervisors. The definitions, requirements and procedures of the improvement guarantee shall be in compliance with the prevailing Subdivision and Land Development Ordinance.

The Zoning Officer shall mark the application as either approved or disapproved and shall return one (1) copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the Township files. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board;

12. Reconsideration of Application - An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new inspection of the application if this condition is not met;
13. Expiration of Permit - The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year upon good cause shown to the Zoning Officer by written application;
14. Compliance with Ordinance - The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board, or, where applicable under this Ordinance, the Board of Supervisors so stipulates;
15. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan;
16. Display of Zoning Permit - All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its Certificate of Use and Occupancy;
17. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition of special exception, they will:
 - A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the Zone, or
 - B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then, the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months;

701.2. Filing Requirements:

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following:
 - A. Actual dimensions, shape and acreage of lot to be developed;
 - B. Exact location and dimensions of any structures to be erected, constructed and altered, or use to be established;
 - C. Other existing structures and uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate;
 - D. Current land use, general topographic features, general type and extent of existing vegetation and any site development limitations;
 - E. Proposed off-street parking and loading spaces;
 - F. Utility systems affected and proposed;
 - G. Other proposed alteration of any improved or unimproved real estate; and,
 - H. Any other information that may be required by the Zoning Officer to determine compliance with this Ordinance.
2. If the proposed development, excavation or construction is located within the Floodplain Zone, the following information is specifically required to accompany all applications:
 - A. The accurate location of the floodplain and floodway;
 - B. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;
 - C. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed or elevated; and,
 - D. Where floodproofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Section 209.9. of this Ordinance;

701.3. Additional Commercial and Industrial Zone Filing Requirements:

1. A location plan showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and streets for a distance of two hundred (200) feet from all tract boundaries;
2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the lot, and the location of all topographical features;
3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
4. Engineering plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products;
5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any

- potentially harmful or obnoxious matter or radiation;
6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;
 7. The proposed number of shifts to be worked and the maximum number of employees on each shift; and,
 8. Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees; and,

701.4. Certificate of Use and Occupancy:

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a Certificate of Use and Occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a Certificate of Use and Occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein;
2. The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe and may be made on the same application as is required for a zoning permit;
3. The application shall contain the intended use and/or occupancy of any structure, building, sign and/or land or portion thereof for which a zoning permit is required herein;
4. The Zoning Officer shall inspect any structure, building, or sign within fifteen (15) days upon notification that the proposed work that was listed under the permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and with this Zoning Ordinance, he shall issue a Certificate of Use and Occupancy for the intended use listed in the original application;
5. The Certificate of Use and Occupancy or a true copy thereof shall be kept available for official inspection at all times;
6. Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a structure, building, sign and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificate shall be for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months. Should the holder of a temporary Certificate of Use and Occupancy for a non-temporary use not complete all work covered by the zoning permit within said six (6) months period, the temporary Certificate of Occupancy is considered to be expired and the applicant in violation of the Zoning Ordinance.

The Zoning Officer may also issue a temporary Certificate of Use and Occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. uch temporary certificates shall be for a period of time to be determined by the Zoning Officer, up to six (6) months. For good cause, the Zoning Hearing Board may, upon application in writing, state the reasons therefore and extend the six (6) months period;

7. A Certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring Improvement Guarantees unless the structure or building abuts either a roadway which has been accepted by the Township for dedication, or abuts upon a street which has been paved with a base wearing course; and,
8. In commercial and industrial zones in which operation standards are imposed, no Certificate of Use and Occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

SECTION 702 FEES

- 702.1.** Determination - The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

SECTION 703 AMENDMENTS

Note - All requirements of the Act and this Ordinance must be met. The contents of this section are meant to accurately describe the contents of the Act as they relate to the procedures of amending the Zoning Ordinance. If, at any time, the Act is changed to affect the procedure, this section may not reflect all of the Act's requirements.

- 703.1.** Power of Amendment - The Board of Supervisors may from time to time, amend, supplement, change or repeal this Ordinance including the Official Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors by an interested party;
- 703.2.** Hearing and Enactment Procedures for Zoning Amendments - The Board of Supervisors shall provide copies of proposed amendments to the Zoning Ordinance to the Township Planning Commission and Lancaster County Planning Commission for review and recommendation and shall provide notice of the public hearing on and consideration for enactment of any enactment to the Zoning Ordinance within the time limits and in the manners required by the Act. (Rev. 10/03)
- 703.3.** Amendments Initiated by the Township Planning Commission - When an amendment, supplement, change, or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission;
- 703.4.** Amendment Initiated by the Board of Supervisors - When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amendment, supplement, change, or repeal shall follow the procedure prescribed for a petition under

703.5. Amendment Initiated by a Petition from an Interested Party - A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials;

703.6. Curative Amendment by a Landowner - A landowner, who desires to challenge on substantive grounds the validity of the Ordinance or the Official Zoning Map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors (including all of the reasons supporting the request to be considered) with a written request that his challenge and proposed amendment be heard and decided, as provided in Sections 609.1. and 916.1 of the Act; as amended. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Township and Lancaster County Planning Commissions, as provided for in Section 703.2., and public notice of the hearing shall be provided as defined herein.

1. In reviewing the curative amendment, the Board of Supervisors may deny the request, accept the request as submitted, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner, and shall also consider;
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or Official Zoning Map;
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources, and other natural features;
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and,
 - E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare;
2. The Board of Supervisors shall render its decision within forty-five (45) days after the conclusion of the last hearing;
3. If the Board of Supervisors fails to act on the landowner's request within the time limits referred to in subsection 2., a denial of the request is deemed to have

- occurred on the 46th day after the close of the last hearing;
4. Public notice of the hearing shall include notice that the validity of the Ordinance or Official Zoning Map is in question and shall give the place where, and the times when, a copy of the request, including any plans, explanatory material or proposed amendments, may be examined by the public;
 5. The challenge shall be deemed denied when:
 - A. The Board of Supervisors, fails to commence the hearing within sixty (60) days;
 - B. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
 - C. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
 - D. The Board of Supervisors fails to act on the request forty (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality;
 6. Where, after the effective date of the Act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to this section, or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 604.1, or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two (2) years from the date of such approval to file an application for preliminary or tentative approval for a subdivision, land development or planned residential development. Within the two (2) year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of Section 508 (4) of the Act shall apply; and,
 7. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development Ordinance, the developer shall have one (1) year within which to file for a zoning permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary; and,

703.7. Curative Amendment by the Board of Supervisors:

1. The Board of Supervisors, by formal action, may declare this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Supervisors shall:
 - A. By resolution, make specific findings setting forth the declared invalidity of the Ordinance or portions thereof which may include:
 - a. references to specific uses which are either not permitted or not

- permitted in sufficient quantity;
 - b. references to a class of use or uses which require revision; or
 - c. references to the entire Ordinance which requires revisions;
 - B. Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity;
- 2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to validate or reaffirm the validity of this Ordinance pursuant to the provisions required by Section 609 of the Act in order to cure the declared invalidity of the Ordinance;
- 3. Upon the date of the declaration and proposal, the Board of Supervisors shall not be required to entertain or consider any curative amendment filed by a landowner. Nor shall the Zoning Hearing Board be required to give a report, upon request, for a challenge to the validity of the Ordinance under Section 604.1., subsequent to the declaration and proposal, based upon the grounds identical to, or substantially similar to, those specified in the resolution required by this section. Upon the enactment of a curative amendment to, or the reaffirmation of the validity of, this Ordinance, no rights to a cure by amendment or challenge shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which the Board of Supervisors propose to prepare a curative amendment; and,
- 4. The Board of Supervisors, having utilized the procedures as set forth in this section, may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Ordinance; provided, however, that if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a decision by any court of competent jurisdiction, the Board of Supervisors may utilize the provisions of this section to prepare a curative amendment to the Ordinance to fulfill this duty or obligation;

703.8. Authentication of Official Zoning Map - Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary, and shall thereafter be refiled as part of the permanent records of the Township.

SECTION 704 CONDITIONAL USES

Note - All requirements of the Act and this Ordinance must be met. The contents of this section are meant to accurately describe the contents of the Act as they relate to the procedure of granting conditional use approval. If, at any time, the Act is changed to affect such procedure, this section may not reflect all of the Act's requirements.

- 704.1.** Filing of Conditional Use - For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:
1. Names and addresses of adjoining property owners, including properties directly across a public right-of-way;
 2. A clear and legible site plan drawn at a scale of ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, or fifty (50) feet to the inch; and,
 3. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
- 704.2.** General Criteria - Each applicant must demonstrate compliance with the following:
1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 3. The proposed use will not effect a change in the character of the subject property's neighborhood;
 4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.);
 5. For development within the Floodplain Zone, that the application complies with those requirements listed in Section 209;
 6. The proposed use shall comply with those criteria specifically listed in Article 4 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance; and,
 7. The proposed use will not substantially impair the integrity of the Comprehensive Plan;
- 704.3.** Conditions - The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same Zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article;

In those cases where this Ordinance requires proof of approval from some other governmental agency, and where the applicant can reasonably demonstrate that the agency requires prior local approval before it can act, the Board of Supervisors may grant approval of the use, conditioned upon subsequent notification of approval from the other governmental agency, prior to the grant of a zoning permit for the proposed use.

704.4. Site Plan Approval - Any site plan presented in support of the conditional use pursuant to Section 704.1. shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any significant change made after the issuance of a zoning permit to the proposed use on the subject property which is not reflected on the approved site plan, shall require the obtainment of another conditional use approval;

704.5. Hearing Procedures - Before voting on the approval of a conditional use, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The Township Supervisors shall submit each such application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

All public hearings shall be conducted in accordance with the requirements outlined in Section 603 of this Ordinance except that any reference to the “Zoning Hearing Board” shall be replaced with the “Township Supervisors,” and any reference to “special exception” shall be replaced with “conditional use”; and,

704.6. Time Limitation - If a conditional use is granted, the necessary permit shall be secured and authorized action begun within six (6) months after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause the Board of Supervisors may, upon application in writing stating the reasons therefore, extend either the six (6) months or twelve (12) months period.

Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should fail to commence work thereunder within such six (6) months period, and fail to make written approval to the Board of Supervisors for extension of time, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted shall be deemed automatically rescinded by the Board of Supervisors.

Should the applicant fail to commence such construction or alteration within said twelve (12) months period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use.

SECTION 705 REPEALER

Any Resolution, Ordinance or part of any Resolution or Ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed.

SECTION 706 SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 707 **EFFECTIVE DATE**

This Zoning Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Strasburg Township, County of Lancaster, Commonwealth of Pennsylvania.

This Ordinance, ordained and enacted this 17th day of July, 1995.

**BOARD OF SUPERVISORS
OF STRASBURG TOWNSHIP**

By: _____ Chairman

Vice-Chairman

Member

ATTEST:

Secretary

(SEAL)

APPENDIX A

Lancaster County Subdivision and Land Development Ordinance (1991) cross-references:

1. Bicycle Parking Facilities (Section 603.03)
2. Illumination Guidelines (Appendix 10)
3. Storm Water Management and Floodplain Controls (Section 607)
4. Streets, Access Drives and Driveways (Section 602)
 - Access Drives (Section 602.19)
 - Lot Access (Section 602.11)
 - Sight Distance at Street Intersections (Section 602.10)
5. Traffic Impact Studies (Article VII)