

ARTICLE XI
Administration and Enforcement

§ 370-1101. The Zoning Officer.

- A. The 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.
- B. Deputy. The Board of Supervisors may designate an employee or employees of the Township as Deputy Zoning Officer, who may exercise all the powers of the Zoning Officer.
- C. Compensation. The compensation for the Zoning Officer and Deputy Zoning Officers shall be determined by the Board of Supervisors.
- D. Duties and responsibilities. The Zoning Officer shall have all the duties and powers conferred by this Ordinance in addition to those reasonably implied for that purpose.
- E. Issuance of permits. A zoning permit shall not be issued in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land, unless it first conforms with the requirements of this Ordinance, all other ordinances of the Township, the applicable laws of the Commonwealth of Pennsylvania, and applicable Code of Federal Regulations. A zoning permit will not be issued until all other required permits are issued. All permits required by the Uniform Construction Code must be signed by the building and zoning officers.
- F. The Zoning Officer and designated Deputy Zoning Officer(s) shall have the power to:
 - (1) Receive applications, process the same and issue zoning permits for the erection, construction, alteration, repair, extension, demolition, replacement and/or use of any building, structure, sign and/or use of any building, structure, sign and/or land in the Township, and/or a development as defined in this Ordinance.
 - (2) The Zoning Officer's and Deputy Zoning Officer(s) may examine all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement and/or use before issuing any zoning permit. Thereafter, they may make such inspections during the completion of work for which a zoning permit has been issued. Acceptance of zoning permit by owner shall constitute unrestricted consent for entry by such inspectors at such reasonable times. Upon completion of the building, structure, sign and/or change, a final inspection by building code enforcement shall be noted and the holder of the zoning permit shall be notified of any discrepancies.
 - (3) Keep a record of all applications, with accompanying plans and documents received, all zoning permits, and certificates issued, reports of inspection involving ordinance compliance and non-compliance, notices and orders issued, and the complete recording of all pertinent factors involved. They shall file and safely keep copies of all plans permitted, and the same shall form a part of the records of their office and shall be available for the use of the Board of Supervisors and other officials of the Township.
 - (4) Maintain a map showing the current zoning classifications of all land.
 - (5) Make the Warrington Township zoning ordinance, as amended, along with the zoning map, as amended, and the Warrington Township Comprehensive Plan Update, as amended, available to the public at the Township offices and on the Township website.

§ 370-1102. Fees.

- A. Fees for permits shall be paid in accordance with the Township Fee Schedule to be adopted from time to time by resolution of the Board of Supervisors, and all such fees shall be paid to the Township Treasury. Each applicant for an appeal, special exception, or variance shall, at the time of making application, pay a fee, in accordance with the aforementioned Fee Schedule, for the cost of advertising

and mailing notices as required by this Ordinance and the rules of the Zoning Hearing Board. The resolution establishing the Fee Schedule may provide that deposit shall be required upon the issuance of a zoning permit authorizing the erection, construction, or alteration of any building or portions thereof, which deposit shall be refunded to the holder of such permit upon certification by the Zoning Officer that the work has been inspected and approved as being in conformity with the zoning permit and the provisions of this and other applicable ordinances.

§ 370-1103. Permits.

- A. Requirements. It shall be unlawful to commence land clearance, land, or property improvements, such as land grading, the installation of fencing, patios, decks, swimming pools, generators, sheds, driveway extensions, or stormwater management practices, the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. A zoning permit shall not be required for repairs to or maintenance of any building, structure, or grounds, provided such repairs or maintenance do not change the use, change, or add to the building structurally or otherwise violate the provisions of this Ordinance. It shall also be unlawful to commence any development as defined in the Floodplain Management Ordinance (Chapter 181) on any property in Warrington Township, regardless of location in relationship to special hazard floodplain areas identified on Flood Insurance Rate Maps issued by the Federal Emergency Management Agency and updated from time to time, without first obtaining a permit from the Zoning Officer and/or floodplain administrator.
- B. Form of application. The application for a permit shall be submitted in such form as shall be prescribed by the Board of Supervisors and shall be accompanied by the required fee as hereinafter prescribed. Where the proposed activity also requires a building permit, the application shall be made on the joint zoning/building permit application form provided by the Township. 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 a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officer, if the owner or lessee is a corporate body, shall be stated in the application.
- C. Required documentation.
- (1) Description of work. The application shall contain a general description of the proposed work, use and occupancy of all parts of the site, building, structure or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure or sign drawn accurately to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction, and the distances of same from the existing lot lines.
 - (2) Site plan. The construction documents submitted with the application shall be accompanied by a site plan, drawn accurately to scale, showing the size and location of new construction and improvements as well as existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades. The Zoning Officer, at their sole discretion, may require the site plan to be signed and sealed by a professional engineer or professional land surveyor licensed in the Commonwealth of Pennsylvania. The plan shall be drawn in accordance with an accurate boundary line survey.
 - a. In the case of applications for a new residential or nonresidential building, structure or additions to nonresidential buildings and structures, the site plan shall be prepared in three

stages (plot plan, confirmation plan, and as-built plan) by a professional engineer or land surveyor, registered to practice in the Commonwealth of Pennsylvania. All plans shall be drawn to an accurate scale of not less than 50 feet to the inch with all elevations established by the builder or owner's engineer or land surveyor on the subdivision or land development plan. All elevations and contour lines shall be referenced to the 1988 National Geodetic Vertical Datum (NGVD 88).

- b. In addition to the general requirements listed in the Subdivision and Land Development Ordinance, plans shall show the following:
- i. Plot plan.
 - a) Location of property showing the nearest intersecting street and distance in feet and decimal parts thereof, of property therefrom, together with a north arrow.
 - b) Dimensions, bearings, and lot numbers as a plan of record.
 - c) The location of existing and proposed boundary monuments and pins.
 - d) Lot area in square feet or acres.
 - e) Building area in square feet.
 - f) Size and location of existing and proposed improvements.
 - g) All existing and proposed easements, restrictions, utility structures, land features, and surrounding properties.
 - h) Topographical information, at contour intervals of no less than 2 feet, referenced to NGVD 88.
 - i) Current zoning information, including name of district, minimum lot size, minimum setbacks, and maximum impervious surfaces.
 - j) Zoning restriction lines, including front, side, rear, and buffer yard setbacks.
 - k) The proposed method for discharge of rainwater and surface waters from the premises, including proposed grading.
 - l) In the case of a plot plan being prepared for a Zoning Hearing Board hearing, the plan shall show square foot area of each floor.
 - m) In the case of a plot plan being prepared for a Zoning Hearing Board hearing showing a building encroaching in a restricted area, the plan shall show the distance between front, side, or rear property lines and the encroaching building in feet and decimal parts thereof.
 - n) Proposed basement, garage and first floor elevation shall be indicated.
 - o) The plan shall be drawn to scale, dated, bear the job number, and be signed and sealed by the responsible registered professional. The plan shall bear the name of the person for whom the plan has been prepared, the address, tax parcel number, subdivision lot number, and name of the development.
 - p) For all buildings and structures with a footprint greater than 192 square feet, the applicant shall conduct soil exploration and submit the results simultaneously with the building permit application. Explorations shall consist of test pits and borings to a depth of at least 3 feet below the proposed bottom of building foundation (or deeper if required by a geotechnical engineer). Test pits/borings shall be performed within the general outline of the structure footprint. For structures with a building footprint less than 1,000 square feet, one testing location shall be required. For structures with a building footprint greater than 1,000 square feet, one test plus one additional test location for every 2,000 square feet, or portion thereof, in excess of 1,000 square feet shall be required. Parameters to be collected include UCS soil classification, USDA classification, estimated bearing capacity, and elevation of the top of the seasonal high-water table (SHWT). When stormwater infiltration is

- proposed, the applicant shall provide results of two double ring infiltrometer tests in the approximate location of the infiltration Best Management Practice (BMP) at the approximate elevation of the bottom of the BMP. The elevation of the top of slab for the basement or lowest floor shall not be less than 2 feet above the SHWT nor less than 1 foot above the 100-year water surface elevation in any stormwater BMP tributary to the building, whichever results in the higher slab elevation.
- ii. Foundation location as built plan. After the building permit is issued, there shall also be filed a confirmation plan to be used to confirm the submitted plot plan or amend the plan as to the foundation, location, or various elevations to the actual basement, garage, and first floor elevations immediately following the building foundation construction. The plans shall include locations, elevations, reference points or benchmarks, and dates signed and sealed by the responsible registered professional.
 - iii. As-built survey. Prior to the issuance of a Certificate of Occupancy, an as-built survey, with all details required for plot plan and containing the approval of the Township Engineer shall be filed with the Zoning Officer.
- c. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot plan.
 - d. In the case of residential additions, accessory buildings, structures and alterations, the Zoning Officer is authorized to waive or modify the requirement for a site plan. Such waiver or modification shall be at the sole discretion of the Zoning Officer and shall not be a vested right for the applicant.
- D. Time limit for applications. An application for a zoning permit for any proposed work shall be deemed to have been abandoned 12 months after the date of filing, unless such application has been diligently prosecuted, or a building permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding 180 days each may be granted at the discretion of the Zoning Officer.
 - E. Issuance of a zoning permit. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws and this Ordinance, the Zoning Officer shall reject such application in writing, stating the reasons therefor. The Zoning Officer shall inform the applicant of their right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, they shall issue a zoning permit therefor as soon as practical. Such notification may be done electronically via e-mail or by mailing the notification through the United States Postal Service as determined by the Zoning Officer.
 - F. Expiration of zoning permit. The permit shall expire after one year from the date of issuance; provided, however, that the same may be extended by the Zoning Officer every six months for a period not to exceed an additional one year.
 - G. Revocation of zoning permit. The Zoning Officer may revoke a zoning 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 plan on which the zoning permit or approval was based or for any other cause set forth in this Ordinance. Revocation of a zoning permit or approval by the Zoning Officer shall constitute a revocation of any other permit issued by the Township for that same work or activity.
 - H. Posting of zoning permit. A true copy of the permit shall be posted and kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the

completion of the same as defined on the application.

- I. Payment of fees. No permit to begin work for the erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign and/or land for construction or use purposes shall be issued until the fees prescribed by the Board of Supervisors pursuant to resolution shall be paid to the Township. 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 any other ordinance or law.
- J. 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 this Ordinance, except as stipulated by the Zoning Hearing Board.
- K. 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.

§ 370-1104. Demolition permits.

- A. Requirement for demolition permit. No building or other structure may be demolished without first securing a demolition permit from the Township. It shall be unlawful for any person to commence the demolition of any building, structure, or portion thereof until a permit has been duly issued therefor.
- B. Application for demolition permit. An application for a demolition permit shall be made to the Township in writing on a form furnished by the Township, and any demolition permit fee adopted by resolution of the Board of Supervisors, which fee, may be amended from time to time by resolution of the Board of Supervisors, shall be paid to the Township.
- C. Issuance of demolition permit.
 - (1) The Zoning Officer may hold any application for a permit to demolish a building for a period not to exceed 30 days from the date of the application. During the 30 -day period, the applicant shall permit the Township and/or its duly authorized historical commission and/or such consultants as are experts in the fields of architectural restoration, structural engineering, and like fields as the Township or the historical commission sees fit, to enter upon and inspect the structure to be demolished to assess its historical significance. If the application is for a property which is found to be on the National Register of Historical Places or is found to be eligible for registration on the National Register of Historical Places or is listed on the official Township list of historic structures, buildings, places, and lots, the application shall be held for an additional 90 days to permit time to investigate how the property may be preserved.
 - (2) If historically significant features are discovered, e.g., stairways, decorative trim paneling, beams, etc., during the period the application is held, the applicant shall cooperate in permitting these features to be removed for preservation before the building is demolished.

§ 370-1105. Certificate of Use and Occupancy.

- A. Prior to the issuance of a Certificate of Use and Occupancy (as administered by the Zoning Officer/Building Code Official), pursuant to the Uniform Construction Code, the Zoning Officer shall review and approve the Certificate of Use and Occupancy under the provisions of this Ordinance and at the recommendation of the Township Engineer. A certificate shall be permission to use or occupy and shall not be considered as authority or setting aside any provisions of this Ordinance.

§ 370-1106. Enforcement, penalty and remedy.

- A. The construction, erection, demolition, replacement, alteration, repair, extension and/or use of any structure, building, sign and/or land or the change of any use, area of use, percentage of use or extension or displacement of use of any structure, building, sign and/or land without first obtaining

a zoning permit, or the failure to comply with or be in conformance with any other provisions of this Ordinance, are hereby declared to be violations of this Ordinance.

- B. Enforcement notice. The Zoning Officer shall send a written enforcement notice (via certified mail) to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
- (1) 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 this Ordinance.
 - d. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
 - i. The recipient of the notice may request an extension of time for commencement and/or completion.
 - ii. All such requests shall be in writing and shall state the reasons that justify or necessitate the extension and shall include the new dates requests for commencement and/or completion. In cases of dispute not regarding the submission of such a request, the burden of proof shall rest with the recipient of the notice.
 - iii. The granting and length of any such extension shall be in the sole discretion of the Zoning Officer.
 - iv. The filing of such a request for extension shall constitute an admission of the facts and existence of the violation as stated in the notice.
 - v. The filing of such a request shall not toll the time for commencement/compliance unless and until approval by the Zoning Officer.
 - vi. The filing of such a request shall not toll the running of the time to appeal to the Zoning Hearing Board specified herein.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - 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.
 - (2) See Chapter 38, Ordinance Enforcement Procedures, Article II, Tickets for Certain Offenses.
 - (3) In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, demolished, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors, or with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that their 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 Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.
 - (4) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Warrington Township, pay a judgment of not more than \$500 plus

all court costs including reasonable attorney fees incurred by Warrington Township as a result thereof. 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. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Warrington Township may enforce the judgment pursuant to the applicable rules of civil procedure. All judgments, costs and reasonable attorneys' fees collected for the violation of zoning ordinances shall be paid to Warrington Township.

§ 370-1107. Zoning Hearing Board.

- A. **Creation and membership.** The Zoning Hearing Board created under previous ordinances shall continue, said members having been appointed by the Board of Supervisors. The Board shall consist of five members, each of which shall serve a term of five years, and up to three alternates, per PaMPC, Act of 1968, P.L.805, No.247, as amended. Terms shall be staggered so that one member's term shall expire on December 31 of each year. The members of the Board shall be removable for cause, by the Board of Supervisors, in accordance with the provisions in Act 247. Vacancies shall be filled by appointment of the Board of Supervisors for the unexpired term of any member whose term become vacant. The Board of Supervisors may also reappoint members of the Board whose terms have expired.
- B. **General procedures.** The Zoning Hearing Board shall be governed by the provisions of the PaMPC, Act of 1968, P.L.805, No.247, as amended and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Article, unless the context clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board, and "Act 247" shall refer to the PaMPC, as amended, as cited above.
- C. **Officers.** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- D. **Meetings.** Meetings shall be open to the public and held at the call of the Board Chairman and at such other times as the Board may determine.
- E. **Hearings.** Hearings will be held, and records will be kept in accordance with the PaMPC, Act of 1968, P.L. 805, No. 247, as amended.
- F. **Powers.** The Zoning Hearing Board shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or of any ordinance adopted pursuant hereto.
 - (2) **Special exceptions.** To hear and decide special exceptions authorized by this Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. In any case where a special exception is granted, construction must commence within six months, unless an extension is granted by the Zoning Hearing Board or governing body, or if applicable, a land development or subdivision is in the process of construction. Otherwise, the special exception shall have deemed to have expired. The procedures shall be the same as those specified under this section. The following criteria and requirements also apply:
 - a. Application shall be made in writing indicating the section of this Ordinance under which an

- exception is sought. A reasonably exact dimensional sketch shall be furnished showing placement and use of the proposed buildings, details of parking, loading, lighting, sidewalks, and other pedestrian areas.
- b. Further, a description of the uses proposed shall be included in sufficient detail that the objectionable side effects, if any, can be determined.
 - c. In granting special exceptions, the Zoning Hearing Board shall, in addition to such other factors as it may deem relevant:
 - i. Give full consideration to the size, scope, extent, and character of the exception desired and assure itself that such request is consistent with the plan for future land use in the Township and with the spirit, purpose, and intent of this Ordinance.
 - ii. Consider the suitability of the property for the use desired and the extent to which the new expanded use is susceptible of regulation or restriction by appropriate conditions and safeguards.
 - iii. Consider the public interest in, or the need for the proposed use or change, and determine that the proposal will service the best interests of the Township, the convenience of the community (where applicable), and the public health, safety, morals, and general welfare, but shall not constitute a change of use to one not specifically permitted by exception in that district.
 - iv. Consider, where pertinent, the effects of the proposed change with respect to congestion on the roads or highways, the most appropriate use of land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light and air, the prevention of overcrowding the land, congestion of population and the adequacy of public and community services.
 - v. Make certain that the proposed change is reasonable in terms of the logical efficient and economic extension of public services and facilities, such as public water, sewers, police and fire protection, transportation, and public schools.
 - vi. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, as permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.
- (3) Variances. To authorize, upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, in order that the spirit of the Ordinance shall be observed, and substantial justice done.
- a. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 - ii. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning

- ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- iii. That such unnecessary hardship has not been created by the appellant.
 - iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - v. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- b. Variances to the delineated 100-year floodplain line and elevations as specified in the Floodplain Management Ordinance located in the Floodplain Management Chapter, of the Code of the Township of Warrington.
 - c. In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as believed proper. Notice of such decision shall forthwith be given to all parties in interest.
 - d. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the PaMPC, Act of 1968, P.L.805, No.247, as amended.
- G. All applications for variances and special exception for which a subdivision or land development approval will be required and a building permit issued should be submitted to the Warrington Township Planning Commission for review. The Planning Commission will issue advice as it sees appropriate to the Board of Supervisors as the case may be.
- H. Notice of public hearing. Upon receiving an appeal, the Board shall fix a reasonable time and place for a public hearing thereon and shall give the notice thereof:
- (1) By advertising notice once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
 - (2) By mailing due notices at least six days prior to the date of the hearing to the public in interest. Such parties shall be at least those persons adjoining or across public roads from the property in question.
 - (3) By posting said hearing notice conspicuously on the affected tract of land not more than 30 calendar days and not less than seven calendar days of the date of the first hearing.
- I. Public hearing. The Zoning Hearing Board shall conduct a public hearing on such appeal at which hearing any party may appear in person, or by agent or attorney, and all of said parties so affected shall be given an opportunity to be heard. The hearing shall be held within 60 days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
- J. Decision of the Zoning Hearing Board. The Board shall decide the issue involved within 45 days after the hearing or, if said hearing is continued, within 45 days after said continued hearing. If the Zoning Hearing Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the applicant.
- K. Effect of Zoning Hearing Board's decision.
- (1) If the variance is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within six months after the date when the variance is finally granted or the issuance of the permit is finally

- approved, or the other action by the appellant is authorized; the building or alteration, as the case may be, shall be completed within 12 months of said date. For good cause the Board may, upon application in writing stating the reasons therefor, extend it for an additional six months.
- (2) Should the appellant or applicant fail to obtain the necessary permits within said six-month-period, or having obtained the permit should they fail to commence work thereunder within such six-month-period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned their appeal or their application, and all provisions, variances and permits granted to them shall be deemed automatically rescinded by the Board.
 - (3) Should the appellant or applicant commence construction or alteration within said six-month-period, but should they fail to complete such construction or alteration within said 12-month-period, the Board may rescind or revoke the granted variance, or the issuance of the permit, or permits, or other action authorized to the appellant or applicant. If the Board finds that a good cause appears for the failure to complete within such 12-month-period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

§ 370-1108. Amendments.

The Board of Supervisors may, from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance, including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Planning Commission, the Board of Supervisors or by a petition to the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

- A. Amendments initiated by the Planning Commission. When an amendment, supplement, change, or repeal is initiated by the 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 Planning Commission.
- B. Amendments initiated by the Board of Supervisors. When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, it shall submit the proposal to the Planning Commission for review and recommendations.
- C. Challenges. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which the landowner has an interest, the landowner shall follow the procedure in § 916.1, Validity of Ordinance; Substantive Questions., of the PaMPC, Act of 1968, P.L.805, No.247, as amended.

A landowner curative amendment shall follow the procedure in § 609.1, Procedure for Landowner Curative Amendments., of the PaMPC, Act of 1968, P.L.805, No.247, as amended.

- D. Referral to the Planning Commission. After receipt of proposed amendments or petition to the Board of Supervisors, said amendments or petition shall be presented to the Planning Commission for review and recommendations at least 30 days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Supervisors in writing within 30 days from the date of referral. If the Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement, change or repeal.
- E. Referral to professional consultants. In addition to review by the Planning Commission, the Board of Supervisors may submit proposed amendments to professional consultants for review and recommendations. A report of said review and recommendations must be given to the Board of Supervisors within 45 days from date of referral. If such a report is not filed within the time and

- manner specified, it shall be concluded that the professional consultants are in agreement with the proposed amendment, supplement or change.
- F. Public hearing. The Board of Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be published in one newspaper of general circulation in the Township once each week for two successive weeks, not more than 30 days and not less than seven days prior to the date of said hearings.
 - G. Action by the Board of Supervisors. At the time and place specified, the Board of Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal this Ordinance or the Zoning Map of the Township and shall thereafter within a period of 30 days either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Supervisors may adjourn said hearing at its discretion to a time and place certain.
 - H. Authentication of Official Zoning Map. Whenever there has been a change in the boundary of a zoning district or reclassification of the zoning district adopted in accordance with the above, the change on the Official Map shall be made, and shall be duly certified by the person or Township Official aggrieved or affected who is seeking relief. All actions of the Board shall be by resolution and a copy shall be furnished to the parties in interest and the Zoning Officer and said resolution shall be retained by the Zoning Officer as a public record.

