

**ARTICLE IX
ADMINISTRATION AND ENFORCEMENT**

901 ADMINISTRATION AND ENFORCEMENT

901.1 The Zoning Officer

- a. The Zoning Officer: The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by the Board of Township Supervisors who shall be known as the Zoning Officer.
- b. Deputy: The Zoning Officer may designate an employee of the Township as his Deputy who shall exercise all the powers of the Zoning Officer during the temporary absence or disability of the Zoning Officer.
- c. Compensation: The compensation for the Zoning Officer and the Deputy Zoning Officer shall be determined by the Board of Township Supervisors.
- d. Duties and Responsibilities: The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit 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 Zoning Ordinance, all other Ordinances of the Township, and with tile laws of the Commonwealth of Pennsylvania. He shall:
 1. Receive applications, process the same, and issue permits for the erection, construction, alteration, repair extension, replacement, and/or use of any building, structure, sign, and/or land in the Township.
 2. At his discretion, examine or cause to be examined, 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 permit. Thereafter, he may make such inspections during the completion of work for which a permit as been is sued. Upon completion of the building, structure, sign, and/or change, a final inspection shall be made and all violations of approved plans or permit shall be noted and the holder of the permit shall be notified of the discrepancies.
 3. Keep a record of all applications received, all permits and certificates issued, reports of inspections, notices, and orders issued, and the complete recording of all pertinent factors involved. He shall file and safely keep copies of all plans permitted, and the same shall form a part of the records of his office and shall be available for the use of the Board of Township Supervisors and other officials of the Township. At least annually, he shall submit to the Board of Township Supervisors a written statement of all permits and certificates of use and occupancy issued, and violations and stop work orders recommended or promulgated.

4. Identify and register all non-conforming uses and all non-conforming structures.

902 Permits

- a. Requirements: It shall be unlawful to commence 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 building permit for such work. No permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance.
- b. Form of Application: The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. 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 officers. If the Owner or Lessee is a corporate body, shall be stated in the application.
- c. Application for Building Permits: All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. One (1) copy of such plans shall be returned to the owner when such plans shall be approved by the Municipal Governing Body. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- d. Time Limit for Application: An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
- e. Issuance of Permits: Upon receiving the application, the Zoning Officer shall examine the same within twenty one (21) days after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefore. He shall inform the applicant of his 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 the Zoning Ordinance and all laws and ordinances applicable thereto, and that the certificate of use and occupancy as required herein has been applied for, he shall issue a permit therefor as soon as practical.

- f. 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.
- g. Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or mis-representation 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.
- h. Posting of Permit: A true copy of the permit shall be 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. Temporary Permit: A temporary permit may be authorized by the Zoning Hearing Board for a nonconforming structure or use which it deems necessary to promote the proper development of the community provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Municipality. Such permits shall be issued for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.
- j. 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 Township Supervisors pursuant to Resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that maybe required by this Ordinance, or any other Ordinance or law.
- k. 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.
- l. Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been is sued as well as the approved plot plan.

903 Certificate of Use and Occupancy

- a. 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 permit is filed with the Zoning Officer as required herein.
- b. 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 permit.

- c. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
- d. The Zoning Officer shall inspect any structure, building, or sign within ten (10) 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 all other pertinent laws, he shall issue a certificate of use and occupancy without fee for the intended use listed in the original application.
- e. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
- f. Upon request of a holder of a 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. The Zoning Officer shall 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. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

904 Enforcement, Penalty, and Remedy

- a. The construction, erection, replacement, alteration, repair, extension, replacement, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit for the use of any building, structure, sign, and/or land without receipt of a certificate of use and occupancy or the failure to comply with any other provisions of this Ordinance are hereby declared to be violation of this Zoning Ordinance.
- b. The Zoning Officer shall notify by written notice of violation or order on the person, firm or corporation, or the owner, lessee or agent of the land upon which the violation has occurred who has committed the violation and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. However, in no case shall the person so notified abandon the premises in such a condition so as to create a hazard or menace to the public safety, health, morals or welfare. Said premises shall be placed in such condition as the Zoning Officer shall direct.
- c. If the notice of violation is not complied with within a period of three (3) days, the Zoning Officer shall institute, in the name of the Township, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, and/or land in violation of the provisions of the Zoning Ordinance or of the order or direction made pursuant thereto.
- d. For any and every violation of the provisions of this Ordinance the owner lessee,

general agent or contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor or any person, including the officers of a corporation, who commits, takes part in or assists in any such violation or who maintains any such building or land in which any such violation shall exist, shall upon conviction before any District Magistrate of the County having jurisdiction, be fined not less than fifty dollars (\$50) and not more than five hundred dollars (\$500), and each day's continuance of the offense shall constitute a new offense. All fines and penalties imposed by this Ordinance shall be recoverable by summary proceedings before any District Magistrate of the County having jurisdiction, and all fines, and penalties so covered shall be paid to the Township Treasurer for the general use of the Township. In default of payment of any fine or penalty imposed under the provisions of this Ordinance, the person or persons so offending shall be committed to the County jail for a period of time not exceeding sixty (60) days.

- e. The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure, building, sign, land, and/or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign, and/or land in or about any premises.

905 Zoning Hearing Board

- a. **Creation and Membership:** There is hereby created, to be appointed by the Board of Township Supervisors, a Zoning Hearing Board, consisting of three (3) members. Of the initial appointees to this Board, one (1) shall be designated until the first day of January following the date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter. There successors in office shall be appointed on the expiration of their respective terms to serve three (3) years. The members of the Board shall be removable for cause, by the Board of Supervisors, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- b. **General Procedures:** The Zoning Hearing Board shall be governed by the provisions of the "Pennsylvania Municipalities Planning Code", Act 247, 1968, as amended and revised, and such other Commonwealth of Pennsylvania laws as may be applicable. As used in this Ordinance, unless the context clearly indicates otherwise, the term "Board" shall refer to such Zoning Hearing Board, and "Act 247" shall refer to the "Pennsylvania Municipalities Planning Code" of 1968.
- 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 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 Article

IX, Act 247.

- f. Powers: The Zoning Hearing Board shall have the powers permitted by Article IX, Act 247 of 1968. "The Pennsylvania Municipalities Planning Code" as amended.

906 Appeals to the Zoning Hearing Board

- a Appeals to the Board may be made by any person or by any Township official or agency aggrieved or affected by any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Officer and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall state:
1. The name and address of the appellant.
 2. The name and address of the owner of the real estate to be affected by such proposed exception or variance.
 3. A brief description and location of the real estate to be affected by such proposed change.
 4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 5. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed and reasons why it should be granted.
- b. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a Court of record on application, on notice to the Zoning Officer and for due cause shown.
- c. 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 at least one (1) week before the hearing, at least (1) time in a newspaper of general circulation within the Township.
 2. By mailing due notice at least six (6) days prior to the date of the hearing to the parties interest.
 3. By mailing due notice thereof to the Township Planning Commission, the County Planning Agency, if applicable, the Zoning Officer, and such other persons who make timely request for the notice.
- d. Public Hearing: The 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. All proceedings shall be conducted in accordance with Article IX of Act 247 of 1968, "The Pennsylvania Municipalities Planning Code," as amended.

- e. Decision of the Board: Decisions of findings of the Board shall be rendered in accordance with Act 247 of 1968, "The Pennsylvania Municipalities Planning Code," as amended. (Article IX, Section 912)
- f. Effect of Board's Decision: 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 three (3) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; 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 may, upon application in writing stating the reasons therefore, extend either the three (3) months' or twelve (12) months' period.

Should the appellant or applicant fail to obtain the necessary permits within said three (3) months' period, or having obtained the permit should he fail to commence work thereunder within such three (3) months' period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Board.

Should the appellant or applicant commence construction or alteration within said three (3) months' period, but should he fail to complete such construction or alteration within said twelve (12) months' period, the Board may upon ten (10) days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months' 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.

- g. Appeals From Board Rulings: Any person aggrieved by any decision of the Zoning Hearing Board or any taxpayer may appeal to the County Court of Common Pleas under the procedure set forth in Article IX of Act 247 of 1968. "The Pennsylvania Municipalities Planning Code", as amended.

907 Amendments

The Board of Township 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 Township Planning Commission, the Board of Supervisors or by a petition to the Board of Township Supervisors; such amendment, supplement, change or repeal shall be submitted to the Township Planning commission for its recommendations and shall be specifically found by the Board of Township Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken by the Board

of Supervisors.

a. 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 Township Supervisors, which shall then proceed in the same manner as with a petition to the Board of Township Supervisors which has already been reviewed by the Township Planning Commission.

b. Amendment Initiated by the Board of Township Supervisors:

When an amendment, supplement, change or repeal is initiated by the Board of Township Supervisors, it shall submit the proposal to the Township Planning Commission for review and recommendations.

c. Amendment Initiated by Landowner-Curative Amendments:

A landowner who, on substantive grounds, desires to challenge the validity of the zoning ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit a petition to the governing body together with a request for a curative amendment as set forth in Section 1003 of "The Pennsylvania Municipalities Planning Code," Act 247 of 1968, as amended. A fee of one hundred and twenty-five (\$125.00) dollars established by the Board of Supervisors shall be paid upon filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

d. Procedure for Petition:

The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one 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 of one hundred and twenty-five (\$125.00) dollars established by the Board of Township 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.

e. Referral to Township Planning Commission:

After receipt of the petition by the Board of Township Supervisors, said petition shall be presented to the Township Planning Commission for review and recommendations at least forty-five (45) days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing within forty-five (45) days from the date of said referral. If the Township Planning Commission shall fail to file such a report within

the time and manner specified, it shall be conclusively presumed that the Township

Planning Commission has approved the proposed amendment, supplement, change or repeal.

f. Public Hearing:

The Board of Township 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. Two notices of the time and place of such hearing shall be published in a newspaper of general circulation in the Township, the first notice shall be placed not more than thirty (30) days nor less than fourteen (14) days prior to the date of the hearing.

g. Action by the Board of Township Supervisors:

At the time and place specified, the Board of Township Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map of the Township and shall thereafter within a period of thirty (30) days either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Township 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 a reclassification of the Zoning District adopted in accordance with above, the change on the official 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.

908 Nonconforming Use

a. The Zoning Officer shall identify and register all uses which are in conflict with the use designated for the zone in which they are situated.

b. Continuation:

1) Any lawful use of a structure or land existing at the effective date of this Ordinance, may be continued although such use does not conform to the provisions of this Ordinance.

c. Extensions:

A nonconforming use shall not be extended either within a building or upon a lot in any manner without authorization as a special exception. The Zoning Hearing Board may not waive district regulations relating to yard, coverage, parking, sign and other applicable regulations. The Zoning Hearing Board may authorize the expansion up to twenty-five (25) percent of floor area of a nonconforming building or structure.

d. Nonconforming Lots of Record:

1. In any district, in which single-family houses are permitted, a single-family house and customary accessory buildings may be erected on any lot of record in existence at the effective date of the Ordinance. Consideration shall be given by the Zoning Hearing Board as to the desirability and feasibility of re-subdividing the area when two or more conforming lots have contiguous frontage and are in single ownership.
2. This provision shall apply even though such lot fails to meet requirements of side, front or rear yards or the minimum lot area requirements applicable in the district in which the lot is located.

e. Restoration:

1. A nonconforming structure that has been damaged or destroyed by fire, windstorm, lightning or a similar cause deemed to be no fault of the owner may be rebuilt. Request for a building permit must be submitted within one (1) year from the date of damage or destruction or the nonconforming use shall not be restored.
2. No rebuilding shall be undertaken as provided herein until plans for rebuilding have been presented and approved by the Zoning Officer. Approval shall be for the same use or for a use of a more restricted classification.
3. Restoration regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by right.

f. Changes:

1. A nonconforming use of a building or land may be changed to a use of an equal or more restricted classification when authorized as a special exception by the Zoning Hearing Board.

g. Abandonment:

1. If a nonconforming use of a building or land ceases for a period of one year or more subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.
2. Abandonment regulations shall not apply to agricultural uses.

h. Building Permits:

1. In a case where a building permit has been issued prior to the effective date of this Ordinance, and the proposed use of land and/or building does not conform with this Ordinance, said proposed use shall be regulated by the nonconforming use requirements of this Ordinance and shall be considered the same as a lawful nonconforming use if construction other than excavation and

foundations is undertaken within a period of thirty (30) calendar days after the issuance date of said building permit and construction thereof is complete within twelve (12) calendar months from the issuance date of the building permit.

i. Nonconforming Use of Open Land:

All nonconforming signs, billboards, junk storage areas, storage areas, and similar nonconforming use of open land, when discontinued for a period of ninety (90) days or damaged to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired or reconstructed.

909 Conditional Uses

Procedure and Standards

- a. An application for a conditional use shall be submitted to the Board of Supervisors.
- b. The application shall be accompanied by a plan for the proposed use. Such plan shall indicate the location and specification of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, storm drainage facilities and sewage treatment facilities. In addition the plan shall show tax map designations and total tract boundaries of the property including bearings, distances and a statement of the total acreage, name and address of all abutting property owners and zoning data of surrounding properties. The plan shall also contain any other information that the Board of Supervisors, at its discretion, may require in order to determine if the proposed conditional use meets the provisions of this ordinance.
- c. Upon receiving an application for a conditional use permit, the Board of Supervisors shall review the application in conjunction with the standards set forth in paragraph 909. d of this section. After due investigation and review, if the application is tentatively approved, a public hearing shall be authorized and conducted in the following manner.
 1. The Board of Supervisors shall hold a public hearing on the application within 60 days after its receipt.
 2. Written notice of the hearing shall be given to the applicant and to all abutting property owners of the proposed conditional use. A notice of the hearing shall be published twice, the first notice appearing not more than thirty (30) days and not less than fourteen (14) days before the hearing, in a newspaper of general circulation in the municipality. All notices shall be the applicant's expense.
 3. Within 30 days after the public hearing, the conditional use permit shall be granted or denied. In granting the conditional permit, the Board of Supervisors shall be authorized to permit the use applied for subject to such reasonable conditions as it may impose. These conditions may contain such requirements for improving, maintaining, operating, and screening the

conditional uses will protect character of the surrounding property.

- d. The following standards shall be applicable to conditional uses and special exception uses:
 - 1. The location and size of the use, the nature and intensity of operations involved and the size of the site in relation to it shall be in harmony with the orderly development of the District. The location, nature, and height of buildings, walls, and fences shall be such as will not discourage the permitted use of adjacent land and buildings.
 - 2. No conditional use (or special exception use) shall be more objectionable to nearby properties by reason of traffic, parking, noise, fumes, vibrations, or lights than any other use allowable in the District.
 - 3. The principal and accessory buildings shall meet all area and bulk coverage, setback, height, and off-street parking, loading and unloading, sign and any other regulations applicable to the District or use including supplementary regulations.
 - 4. Each proposed use shall plan for sufficient safeguards such as traffic control, storm drainage, screening, setbacks, lighting, etc. so as to remove any potential adverse effects the use may have on adjoining uses.
 - 5. Each proposed use shall provide for sewage treatment facilities which meet or exceed specifications established by the Pennsylvania Department of Environmental Resources and submit to the municipality evidence of approval from that agency of such a facility and system.
- e. The Board of Supervisors shall request an advisory report from the Planning Commission. No decision will be made until the report from the Planning Commission is received or until the Planning Commission has had such request for thirty (30) days. In the event that the Planning Commission fails to file its report within thirty (30) days, such application shall be deemed to be approved by the Planning Commission.
- f. The Board of Supervisors shall notify the applicant for a conditional use in writing of their decision and how the decision was arrived at not more than ninety (90) days after the acceptance of the application.
- g. A conditional use permit shall be issued upon approval of the Board of Supervisors stating the conditions upon which the permit was issued.
- h. A conditional use for which a permit is granted by the Board of Supervisors pursuant to the provisions of this Ordinance, shall be construed a conforming use.

- a. Uses specified as special exception within zoning districts of this Ordinance shall be permitted only after approval by the Zoning Hearing Board. Criteria to be used as guidelines in evaluating a proposed special exception shall be the same as described in Section 909. d of this Ordinance. In granting a special exception the Zoning Hearing Board shall require all regulations of the district in which the special exception is proposed to be satisfied if feasible. The proposed special exception shall be appropriate to the specific location and neighborhood for which it is proposed, consistent with the community development plan, and in keeping with the purposes and intent of this Ordinance.
- b. The Zoning Hearing Board's decision to grant a permit for special exception use shall be made only after public notification of a hearing as established in section 906 c.
- c. At the discretion of the Zoning Hearing Board, an advisory report may be requested from the Planning Commission in which case no decision will be made until the report from the Planning Commission is received or until the Planning Commission has had such request for thirty (30) days. In the event that the Planning Commission fails to file its report within thirty (30) days, such application shall be deemed to be approved by the Planning Commission.
- d. The Zoning Hearing Board shall notify the applicant for a special exception use in writing of their decision and how the decision was arrived at not more than ninety (90) days after the acceptance of the application.
- e. A special exception use permit shall be issued upon approval of the Zoning Hearing Board stating the conditions upon which the permit was issued.

A special exception permit shall be deemed to authorize only one particular use and shall expire if the conditional use shall cease for more than six months for any reason.
- f. A special exception use, for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Ordinance, shall be construed a conforming use.

911 Validity

Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word, in the Zoning Ordinance is for any reason declared to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of Fermanagh, Juniata County, Pennsylvania hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that anyone or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

912 Repealer

Inconsistent Ordinances: Any resolution, ordinance, or part of any ordinance or resolution

inconsistent herewith and any amendment thereof are hereby expressly repealed.