

ORDINANCE NO. 663

AN ORDINANCE AMENDING ORDINANCE NO. 623,  
THE ZONING ORDINANCE OF THE TOWNSHIP OF  
PENN, YORK COUNTY, PENNSYLVANIA.

BE IT ORDAINED AND ENACTED by the Authority of Penn Township, York County, Commonwealth of Pennsylvania, by the Board of Commissioners of Penn Township, and it is hereby Ordained and Enacted, as follows:

SECTION 1. ADDITIONS, INSERTIONS, CHANGES

That the Township's Zoning Ordinance is amended and revised as follows:

SECTION 207.2, USES BY SPECIAL EXCEPTION

Is amended to include Animal Hospital

SECTION 209.2, USES BY SPECIAL EXCEPTION

Is amended to include Animal Hospital

SECTION 700.1 BUILDING/ZONING PERMITS

Which currently reads:

Building/Zoning Permits: Where required by the Penn Township Building Permit Ordinance for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Township Zoning Officer.

All building permits shall expire unless the work authorized therein shall have been undertaken within a period of ninety (90) calendar days from the date of issuance, and unless such work shall have been fully completed with a period of one (1) calendar year from the date of issuance. However, that in the case of large or extensive projects the Township Zoning Officer may at the written request of the permittee extend the time for completion to a period not exceeding two (2) years from the date of issuance in one (1) year increments.

The permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance:

- a) Lot: The location and dimensions of the lot.
- b) Streets: Names and widths of abutting streets and highways.
- c) Structures & Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of

any existing structures within one hundred (100) feet of the proposed structure but off the lot.

- d) Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.
- e) Drawing Scale: For lots less than one half (1/2) acre, the site plan must be at the scale of one (1) inch = twenty (20) feet; for larger lots, the site plan must be at scale of one (1) inch = forty (40) feet. The north point must be shown on all site plans.

Prior to issuing a building permit the contractor shall provide to the Township proof of workers' compensation insurance coverage, state-approved self-insurance status or sign an affidavit that the contractor does not employ other individuals and is not required to carry workers' compensation insurance pursuant to the Department of Labor and Industry's Act 44, effective August 31, 1993, amending the Worker's Compensation Act under Section 302.

Is amended to read:

A. Permits Required: Zoning permits are required for installations including, but not limited to, gazebos, sheds, fences, retaining walls, paved surfaces, exterior rainwater gutter and leaders, and on-site storm water retention. Permits shall be obtained from the Township Zoning Officer.

B. Permit Expiration: All zoning permits shall expire unless the work authorized therein shall have been undertaken within a period of ninety (90) calendar days from the date of issuance, and unless such work shall have been fully completed within a period of one (1) calendar year from the date of issuance. However, that in the case of large or extensive projects the Township Zoning Officer may, at the written request of the permittee, extend the time for completion to a period not exceeding one (1) year.

C. Permit Applications: All applications for a zoning permit under this section must be accompanied by a site plan containing the following information and showing compliance with the Penn Township Zoning Ordinance:

- 1) Lot: The location and dimensions of the lot.
- 2) Streets: Names and widths of abutting streets and highways.
- 3) Structures & Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (100) feet of the proposed structure but off the lot.
- 4) Improvements: Proposed off-street parking and loading areas, access drives, and walks. Proposed sewage disposal system.

- 5) Drawing Scale: For lots less than one half (1/2) acre, the site plan must be at the scale of one (1) inch = twenty (20) feet; for larger lots, the site plan must be at scale of one (1) inch = forty (40) feet. The north point must be shown on all site plans.

D. Insurance: Prior to issuing a zoning permit the contractor shall provide to the Township proof of workers' compensation insurance coverage, state-approved self insurance status or sign an affidavit that the contractor does not employ other individuals and is not required to carry worker's compensation insurance pursuant to the Department of Labor and Industry's Act 44, effective August 31, 1993, amending the Worker's Compensation Act under Section 302.

## SECTION 700.2 USE CERTIFICATES

Which currently reads:

Use Certificates: A use certificate, certifying compliance with this Ordinance must be obtained from the Township Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established:

- a) Use of a structure erected, structurally altered or extended, or moved after the effective date of this Ordinance.
- b) Use of vacant land except for agricultural purposes.
- c) Any change in a conforming use of a structure or land.
- d) Any change from a nonconforming use of a structure or land to a conforming use.
- e) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms to this Ordinance.

Is amended to read:

Use Certificates: A use certificate, certifying compliance with this Ordinance must be obtained from the Township Zoning Officer for any land use as set forth below before such use or change of use is occupied or established:

- a) Use of vacant land except for agricultural purposes.

- b) Any change in a conforming use of a structure or land.
- c) Any change from a nonconforming use of a structure or land to a conforming use.
- d) Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.

The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms to this Ordinance.

#### SECTION 701 ERRONEOUS PERMIT

Which currently reads:

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

Is amended to read

A zoning permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

#### SECTION 702.1 APPOINTMENT AND POWERS

Which currently reads:

Appointment and Powers: For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Commissioners. The Township Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use that does not conform to this Ordinance. The Township Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Township Zoning Officer shall identify and register nonconforming uses and non-conforming structures. The Township Zoning Officer may conduct inspections and

surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner.

Is amended to read

- A. Appointment: The zoning officer shall be appointed by the Board of Commissioners. He or she shall not hold any elective office in the Township.
- B. Administration: The zoning officer shall administer this Ordinance with its literal terms, and is not authorized to permit any construction, use, or change of use that does not conform to this Ordinance. He or she shall issue zoning permits, use certificates, and shall register non-conforming structures. The zoning officer shall issue permits for special exceptions and variances granted by the Zoning Hearing Board.
- C. Enforcement: The zoning officer is the enforcement for this ordinance. He or she may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance. The zoning officer is authorized to obtain civil search warrants for the purpose of conducting such inspections where necessary and appropriate. The zoning officer shall issue Notices of Violation and shall file criminal or civil complaints where warranted in cases of noncompliance with this Ordinance.
- D. Other Powers: The zoning officer shall have such other powers as granted under the Municipalities Planning Code and other applicable statutes and regulations, except as otherwise limited by the terms of this Ordinance.

## SECTION 702.2 FORMS

Which currently reads

Forms: The Township Zoning Officer must provide a form or forms prepared by the Township Solicitor for:

- a) Building permits.
- b) Special exceptions.
- c) Use certificates.
- d) Appeals.
- e) Variances.
- f) Registration of nonconforming uses and nonconforming structures.

Is amended to read

Forms: The Township Zoning Officer must provide a form or forms prepared by the Township Solicitor for:

- a) Zoning permits.
- b) Special exceptions.
- c) Appeals.
- d) Variances.
- e) Registration of nonconforming uses and nonconforming structures.

#### SECTION 702.4 ACTION ON BUILDING PERMITS

Which currently reads

Action on Building Permits: Within ten (10) business days after receipt of a completed application for a building permit, fees, and site plans the Township Zoning Officer must grant or refuse the permit. (The Township Zoning Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Township Zoning Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.) If the application conforms to the applicable requirements of the Building Permit Ordinance and this Ordinance, the Township Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.

Is amended to read

Action on Zoning permits: Within ten (10) business days after receipt of a completed application for a zoning permit, fees, and site plans the Township Zoning Officer must grant or refuse the permit. (The Township Zoning Officer shall require that the application for a zoning permit contain all information necessary to enable him to ascertain whether the proposed building, construction, replacement, repair, or use is located in an approved land development. No zoning permit shall be issued until the Township Zoning Officer has certified that the site for the proposed building, construction, replacement, repair or use complies with all the provision of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.) If the permit is not granted, he must state in writing the grounds of his refusal.

#### SECTION 702.7 RECORDS

Which currently reads

Records: The Township Zoning Officer must keep record of:

- a) All applications for building permits, use certificates, special exceptions, variances, interpretation appeals and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
- b) All complaints of violations of provisions of this Ordinance and the action taken on them.
- c) All plans submitted.
- d) Nonconforming uses and nonconforming structures.  
All such records and plans shall be available for public inspection.
- e) Records of all proceedings before the Zoning Hearing Board.

Is amended to read

Records: The Township Zoning Officer must keep record of:

- a) All applications for zoning permits, use certificates, special exceptions, variances, interpretation appeals and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
- b) All complaints of violations of provisions of this Ordinance and the action taken on them.
- c) All plans submitted.
- d) Nonconforming uses and nonconforming structures.  
All such records and plans shall be available for public inspection.
- e) Records of all proceedings before the Zoning Hearing Board.

## SECTION 702.8 REPORTS

Which currently reads

Reports: At intervals of not greater than one (1) month, the Township Zoning Officer must report to the Township Commissioners:

- a) The number of building permits and use certificates issued.
- b) The number of complaints of violations received and the action taken on these complaints.

Is amended to read

Reports: At intervals of not greater than one (1) month, the Township Zoning Officer must report to the Township Commissioners:

- a) The number of zoning permits issued.
- b) The number of complaints of violations received and the action taken on these complaints.

#### SECTION 7

Is amended to read

Any reference to building permit is hereby changed to zoning permit.

#### SECTION 2. SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application of this ordinance.

#### SECTION 3. EFFECTIVE DATE

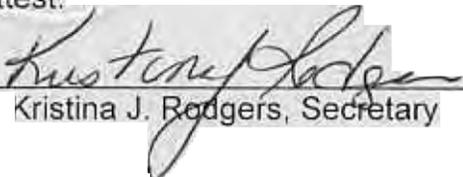
This ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

ENACTED AND ORDAINED this 18<sup>th</sup> day of June 2007.

Board of Commissioners of Penn Township

By:   
Joseph A. Klunk, President

Attest:

  
Kristina J. Rodgers, Secretary