**ARTICLE 11**

**RESPONSIBILITIES OF THE TOWNSHIP SUPERVISORS**

1. **AMENDMENTS TO ZONING ORDINANCE OR MAP**

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix C of this Ordinance for an illustration of the amendment procedure.) For Curative Amendments see 53 P.S., Section 10609.1, Procedure For Landowner Curative Amendments, and Section 10609.2, Procedure for Municipal Curative Amendments, under Article VI of the PA Municipalities Planning Code, P.L. 1329, Act 170 of 1988, as reenacted December 21, 1988.

* 1. Public Hearing and Notice Requirements

The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined. Further, mailed notices shall be sent as required by law.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected tract at least seven (7) days prior to the date of the hearing.

If after said public hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

* 1. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such a report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

* 1. Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

* 1. Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

* 1. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Supervisors. The vote of the Supervisors shall be within 90 days after the last public hearing on the amendment. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

1. **CONDITIONAL USES**

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See Appendix D of this Ordinance for a chart illustrating the Conditional Use procedure.)

* 1. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The

Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.

* 1. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

* + 1. the location of the tract of land;
    2. the present use of the tract for which the conditional use is requested;
    3. the present use of adjoining tracts;
    4. the type of conditional use for which the application is made;
    5. a brief description of the type and extent of the proposed activities;
    6. an estimate of the total development cost of the conditional use; and,
    7. the names of the applicant, the owner of the tract, the. developer of the conditional use and the person or organization who will operate the conditional use.
  1. Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below.

The site plan shall be drawn to a scale not more than 50 feet to the inch and shall be on a sheet no smaller than 18" x 24" and no larger than 24" x 36". If the site plan is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet. The site plan shall include:

* + 1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
    2. tract boundaries showing bearings and distances;
    3. existing significant natural or man-made features of the site;
    4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
    5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
    6. existing contours at vertical intervals of five (5) feet or less and the datum to which the elevations refer;
    7. proposed grading and drainage plan;
    8. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;
    9. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
    10. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

In cases where little site improvement or development is required or proposed for a conditional use, the Township Supervisors may, upon recommendation of the Township Planning Commission, waive the requirement for submitting certain information that is deemed unnecessary for review of the application. In all cases however, the information submitted shall be adequate for review of the conditional use request.

* 1. Hearing Requirements

Within 60 days of the date of the applicant's request for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold a public hearing on the proposal. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

* 1. Criteria for Review and Approval of Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

* + 1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
    2. whether the specific site is an appropriate location for the use, structure or condition;
    3. whether the use developed will adversely affect the neighborhood;
    4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
    5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
    6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
    7. whether satisfactory provision and arrangement has been made concerning the following:
       1. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;
       2. off-street parking and loading areas;
       3. waste collection, storage and disposal;
       4. utilities, with reference to location, availability and compatibility;
       5. screening and buffering with reference to type, dimensions and character;
       6. signs, if any, and proposed exterior lighting with reference to glare traffic safety, economic effect and compatibility and harmony with properties in the district; and,
       7. required yards and open spaces.
  1. Decisions

The Supervisors shall render a decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after their last hearing on the proposal. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the PA Municipalities Planning Code, this Ordinance, or other ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

* 1. Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to hold the required hearing or fail to render a decision within the time periods specified in Sections 1101 E. and F. above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

* 1. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any necessary Building/Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

* 1. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.