

Ordinance

Conditiona

TOWNSHIP OF HOPEWELL  
ORDINANCE NO. 98 - 6

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY,  
PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING  
ORDINANCE 95-2, ARTICLE XXIV, ADMINISTRATION, SECTION  
2403 ET SEQ, CONDITIONAL USES.

ARTICLE XXIV, ADMINISTRATION  
SECTION 2403 ET SEQ, CONDITIONAL USES

Section 2403

(a) General: Conditional Uses, where specified, may be allowed or denied by the Board of Commissioners, hereinafter the "governing body," after recommendations by the Planning Commission in accordance with the following criteria and provisions:

(b) Application: Applications for Conditional Uses shall be filed with the Zoning Officer and shall be accompanied by an application fee as set by Resolution of the governing body.

(c) Review: The Zoning Officer shall forward copies of the Application to the governing body and to the Planning Commission for review and approval. The Planning Commission shall forward its recommendation within thirty (30) days unless the Applicant agrees in writing to a time extension. Failure to act within the allotted

time shall be deemed to be a favorable recommendation.

(d) Authority and Approval: In the approval process for Conditional Uses, the Planning Commission shall have the power to recommend, and the governing body the power to impose such reasonable conditions as are deemed necessary to protect, preserve and promote the health, safety and welfare of the community.

Section 2404

GOVERNING BODY'S FUNCTIONS; CONDITIONAL USES

(a) The governing body has stated in the Zoning Ordinance that Conditional Uses are to be granted or denied pursuant to express standards and criteria. Therefore, the governing body shall hold hearings on and decide requests for such Conditional Uses in accordance with such standards and criteria. In granting a Conditional Use, the governing body 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 act in the Zoning Ordinance.

(b) The governing body shall render a written decision or, when no decision is called for, make written findings on the Conditional Use application within FORTY-FIVE (45) days after the last hearing before the governing body. 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 this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

(c) Where the governing body fails to render the decision within the period required by this subsection or fails to hold the required hearing within SIXTY (60) days from the date of the Applicant's request for a hearing, 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 the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the Applicant may do so.

(d) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the Applicant personally or mailed to him no later than the day following said final decision.

(e) Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a

court of competent jurisdiction.

(f) The approved site plan and all attached conditions shall be recorded at the County Recorder of Deeds Office by the Applicant within thirty (30) days of final approval. All development, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved, and recorded. Any development contrary to the approved plan shall constitute a violation of this Ordinance causing immediate revocation of the Conditional Use approval.

(g) The approval of a Conditional Use Application shall be valid for a period of twelve (12) months from the date of approval. If, within this period, the building permit has not been applied for and/or construction/development begun, then the Conditional Use or Special Exception Approval shall be revoked and the Applicant must re-apply for approval. One (1) extension of up to six (6) months may be granted by the approving body where the Applicant can show good cause for the delay.

#### SECTION 2406

Repealer. All ordinances, or parts of ordinances, in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2409

Severability. If any word, clause, section or part of this Ordinance is held by a court to be legally invalid, the remainder of the Ordinance shall not be effected thereby and shall remain in full and effect.

SECTION 2412

Effective Date. This Ordinance shall become effective immediately upon adoption.

This Ordinance adopted by the Board of Commissioners of Hopewell Township at a duly assembled Public meeting held on the 8TH day of DECEMBER 1998.

ATTEST:

TOWNSHIP OF HOPEWELL

John M. Bates

BY: Patsy A. D'Eramo, Jr

Chairman, Hopewell Township  
Board of Commissioners