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PART 1 GENERAL ZONING PROVISIONS

§ 27-101 Short Title

This Chapter shall be known and may be cited as “Borough of Gettysburg Zoning Ordinance”, Chapter 27 of the Code of Ordinances of the Borough of Gettysburg and hereinafter referred to as “Chapter”.

ENACTED: [SPECIFY DATE OF ENACTMENT]
EFFECTIVE: [SPECIFY EFFECTIVE DATE OF ORDINANCE]

§ 27-102 Purpose

The purpose of the Chapter is:

- A. To promote, protect and facilitate the public health, safety and general welfare, coordinated and practical community development, proper density of population, emergency management preparedness and operations, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements; as well as the preservation of the natural, scenic and historic values in the environment and preservation of wetlands and floodplains.
- B. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life, or property from fire, flood, panic or other dangers.
- C. To provide for the use of land for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 27-103 Authority

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, “The Pennsylvania Municipalities Planning Code,” July 31, 1968, as amended, hereinafter referred to as “MPC”.

§ 27-104 Jurisdiction

This Chapter shall apply to all properties and uses located within the corporate limits of the Borough of Gettysburg, Pennsylvania, hereinafter referred to as the “Borough.”

§ 27-105 Applicability

- A. The terms of this Chapter shall be applied in consideration of the Borough Comprehensive Plan and to the Statement of Community Development Objectives specified under § 27-106 of this Chapter.

- B. Inapplicability of Ordinance to the Borough and Municipal Authorities of the Borough.
1. This Chapter shall not apply to the uses, lands, and structures applicable to the Borough's or the Gettysburg Municipal Authority's ownership, use, and/or operation to promote, protect, and facilitate the public health, safety, and general welfare of the residents of the Borough.
 2. This Chapter shall not apply to the uses, lands, and structures of any municipal authority created solely by the Borough.
- C. The Borough's Subdivision and Land Development Ordinance [Chapter 22 of the Code of Ordinances of the Borough of Gettysburg] shall provide design standards and other regulations pertaining to the development of land, whereas the Zoning Ordinance, this Chapter, provides parameters on the use of land. Both documents correlate with each other to provide the overall regulations administered by the Borough Council, Zoning Officer, and/or Zoning Hearing Board, as specified in said Ordinances.

§ 27-106 Statement of Community Development Objectives

The Borough's community development objectives are as follows:

- A. To have a better quality of life for all of those living, working, shopping, learning, etc., within the community.
- B. To maintain an attractive place to live, visit, and do business in order to support a financially viable, prosperous community.
- C. To protect our natural and historic resources from exploitation and desecration. It has been determined that our most important resources are the physical aspects of the land, that is, the overall appearance of the area, and our historical heritage — the Gettysburg Address and other historical events and places. . With the proper planning, these resources can be protected.
- E. To develop in the proper areas and regulate development so that it does not adversely impact our natural and historic resources.
- F. To improve the commercial areas to provide a unique and pleasant experience for residents and visitors through reduced traffic congestion, well-planned off-street parking, and the activation of the rear of buildings in the downtown core.
- G. To protect and enhance this historic area. Efforts should be made to install authentic period ornamental lighting, plant trees and develop landscaped mini-parks. Entrances should be made more attractive. Unsightly objects, such as TV antennas, and unnecessary traffic signs should be eliminated.
- H. To encourage the development of affordable/attainable housing, housing for age-qualified persons, and market-rate housing to meet housing demand.
- I. To promote commercial and residential development that is in keeping with the Borough's historic character, while meeting community needs and market trends.
- J. To help achieve the specific goals listed in the Gettysburg Borough Comprehensive Plan, titled Central Adams Joint Comprehensive Plan, adopted April 2019 (as may be amended).

§ 27-107 Interpretation

- A. The regulations specified within this Chapter shall be considered minimum regulations and all provisions shall be applied uniformly for each class of uses or structures as prescribed by Section 605 of the MPC.
- B. To determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property Owner and against any implied extension of the restriction.

§ 27-108 Severability

Should a court of competent jurisdiction declare any part, subpart, or provision of this Chapter invalid or unconstitutional, this decision shall not affect the validity or constitutionality of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

§ 27-109 Enforcement

This Chapter shall be administered by the Borough Zoning Officer, who shall administer and enforce this Chapter in accordance with its literal terms and shall not have the authority to permit any construction or any use or change of use which does not conform to the provisions of this Chapter.

§ 27-110 Zoning Officer Duties and Powers

With respect to the administration and enforcement of this Chapter, the duties of the Zoning Officer shall be as follows:

- A. To receive and review all applications for Zoning and Building Permits, Special Exception Permits, Variances, and any other requests on matters relative to the administration of this Chapter.
- B. To maintain a complete record of all applications and plans for permits and the action taken on each.
- C. To make inspections or investigations to determine compliance or noncompliance with the provisions of this Chapter.
- E. To notify, in writing, the appropriate person or persons when any violation of this Chapter has occurred, indicating the nature of the violation and ordering its discontinuance or correction through the issuance of a stop order. If any such person or persons does not comply with the notice of violation within five days, the Zoning Officer shall take necessary legal action.
- F. To keep this Chapter and the Zoning Map up to date to reflect all amendment actions of the Borough Council.
- G. To gather and present any facts, records, or other information to the Planning Commission or Zoning Hearing Board when requested to do so.

§ 27-111 Zoning Permit

- A. General.

- (1) A Zoning Permit shall be required prior to the following activities:

- (a) The Use or change in the use of a Building, Structure or Land;
 - (b) The alteration or expansion of a Lot, Structure, or Use as regulated under § 27-304 and as defined in Part 5 of this Chapter.
 - (c) Earth Disturbance Activities as defined in Part 5 of this Chapter; and
 - (d) Installation or alteration of driveways or parking areas.
- (2) It shall be unlawful for any Person to commence work for any of the activities specified under subpart A.(1) above until a Zoning Permit has been duly issued.
- (a) Where a permit is required, but the work is commenced or the Use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Borough Council for such permit shall be doubled.
 - (b) The doubling of the permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, issue any enforcement notices and/or process the application as soon as it is received.
 - (c) The payment of such increased permit fee shall not relieve any Person from complying with all requirements of this Chapter or any other applicable Borough Code regulations or ordinances or from any penalties or enforcement actions authorized by this Chapter.

B. Application.

- (1) Every application for a Zoning Permit shall contain, in addition to other applicable requirements that may be specified in this Chapter, the following information:
- (a) The application 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.
 - (b) The Property Identification Number as it appears on the latest tax records.
 - (c) The required fee as established under § 27-114 of this Chapter.
 - (d) Site Plan Requirements. A site plan drawn to scale, one (1) inch to equal one hundred (100) feet and signed by the Person responsible for such drawing. In all cases, the site plan shall include the following:
 - 1. North arrow, written and graphic, scale, and date of site plan.
 - 2. A location map showing the location of the proposed activity or development within the Borough.

3. The actual shape, dimensions, radii, angles, and area of the Lot on which the Structure is proposed to be erected, or the Lot in which it is situated if in an existing Building.
4. The exact size and locations of the proposed Building, Structure or Structures on the Lot, or alteration of an existing Building or Structure, and of other existing Building or Structure on the same Lot.
5. The dimensions of all yards in relation to the subject Building or Structures and the distances between such Structure and any other existing Building or Structures on the same Lot.
6. The existing and intended use of all Building or Structures, existing or proposed, the use of land, and the number of families or dwelling units the Building is designed to accommodate.
7. Such topographic or other information about the Building, Structure, the Lot, or neighboring Lot as may be necessary to determine that the proposed construction shall conform to the provisions of this Chapter.
8. Proposed access driveway(s) showing all pertinent details including but not limited to driveway type, slope, property setbacks, connecting public roadway name, drainpipes, culverts, property lines, width, type of surface, and clear sight distances. Proof of a Highway Occupancy (including a Minimum Use Driveway) Permit is required for access off state-owned rights-of-way.
9. The location of all existing streets, drives, or other accessways.
10. The location of surface water bodies, the 100-year floodplain, and jurisdictional wetlands.
11. Other information as may be necessary to determine compliance with this Chapter and all other Borough ordinances and codes.

(2) Additional Requirements for all Commercial and Industrial Uses. In addition to the above applicable requirements, the following information shall also be provided for commercial and industrial uses:

- (a) A location map showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and Streets for a distance of two hundred (200) linear feet from all tract boundaries.
- (b) A site plan of the Lot, showing the location of all existing and proposed Buildings, Structures, driveways, parking lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from Streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the Lot, and the location of all topographical features.
- (c) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.

- d. Evidence that the disposal of materials and wastes shall be accomplished in a manner that complies with state and federal regulations. Should the nature of the materials used or wastes generated change significantly, either in type or amount, the Owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Part.
- e. Designation of how sanitary sewage and stormwater shall be disposed, and water supply obtained.
- f. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- g. Where Use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

C. Review and Issuance.

- (1) The Borough shall after the filing of a complete and properly prepared application, either issue or deny a Zoning Permit. If a Zoning Permit is denied, the Borough shall state in writing to the Applicant the reasons for such denial, and the Applicant shall be informed of his right to appeal to the Zoning Hearing Board.
- (2) The Zoning Officer may call upon other Borough staff and/or Borough-appointed consultants in the review of submitted materials for applications.
- (3) No Zoning Permit shall be issued unless the proposed activity is in full conformity with all the provisions of this Chapter, and the following:
 - (a) Any conditions imposed upon the site or upon the Use by the Zoning Hearing Board or Borough Council;
 - (b) Any recorded Subdivision or Land Development Plan; and
 - (c) The requirements of other applicable Borough ordinances and codes.
- (4) No Zoning Permit shall be issued for any Building or Structure upon a Lot without access to a public street or road, or an acceptable private street or road for which access rights are documented.
- (5) Conditions of Permit.
 - (a) No Zoning Permit shall be issued until the required fees prescribed under § 27-114 of this Part shall be paid to the Borough. The payment of fees under this Part shall not relieve the Applicant or holder of said Zoning Permit from payment of other fees that may be required by this Chapter or by any other ordinances or law.
 - (b) The Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Chapter, except as stipulated by the Zoning Hearing Board.
 - (c) All work or uses shall conform to the approved application and plans for which the Zoning Permit has been issued, as well as the approved Site Plan or Land Development Plan.

- (6) Every Zoning Permit shall expire after one (1) year from the date of issuance. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Borough may authorize in writing the extension of either above periods of an additional six (6) months, following which no further work is to be undertaken without a new Zoning Permit. Such request shall be made in writing to the Zoning Officer.
- (7) The Applicant shall prominently display all approved Zoning Permits on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. The Applicant shall display the Zoning Permit within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first. The Applicant shall continuously display the Zoning Permit until the permitted work is completed.
- (8) Revocation of Permit. A Zoning Permit for any Structure or Use shall be revoked by the Zoning Officer or authorized representative if the holder of such permit has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the permit. Upon revocation of a permit, the holder may also be subject to the enforcement remedies and penalties provided by this Chapter, by the other provisions of Borough enacted ordinances, and by state and federal law.

D. Temporary Uses.

- (1) The Borough recognizes that there are certain uses and structures, of a temporary nature, which are generally beneficial to the Borough and its residents, such as:
 - (a) The erection of a seasonal tent from which flowers, plants, produce, Christmas trees or fireworks are sold prior to observed holidays (permits evaluation shall consider impacts to the required parking, i.e., number of spaces reduced based on location and placement of temporary tent Structure.)
 - (b) Dumpsters or storage pods.
 - (c) Construction job site office trailers.
 - (d) Temporary or portable restroom facilities.
- (2) It is the intention of the Borough to allow such temporary uses in accordance with the requirements of this Chapter.
- (3) Where the proposed temporary Use is permitted within the zoning district, the Applicant shall apply to the Zoning Officer for a Zoning Permit. Any Zoning Permit shall specify the dates upon which the temporary Use may be operated, the temporary Structures which may be erected, and the Temporary Signs which may be erected.
- (4) The Zoning Hearing Board, by Special Exception, may authorize a temporary use in a district where such Use is not authorized if the Applicant meets the general requirements for a Special Exception and demonstrates evidence of the temporary Use requirements. If the Applicant demonstrates to the satisfaction Zoning Hearing Board that its application meets all five (5) of the below criteria, the Zoning Hearing Board may, by Special Exception, authorize each such temporary Use. The decision of the Zoning Hearing Board shall identify the specific dates upon which the Use may be conducted and the specific tract or portion of

the tract upon which the temporary Use may be conducted. Temporary uses may not exceed fifteen (15) days at any single time or thirty (30) days in any calendar year.

- (5) The Applicant for a temporary use, shall present evidence of the following:
 - (a) Adequate off-street parking is provided.
 - (b) Any signs are temporary in nature and do not exceed the number or area which would be permitted for a permanent use.
 - (c) Other facilities, including but not limited to sewage disposal facilities and trash disposal are available for persons reasonably anticipated to attend the temporary Use.
 - (d) A plan for addressing traffic to be generated by the temporary use. If necessary, the Applicant shall arrange for the provision of fire police or other persons to direct traffic to the temporary off-street parking facilities.
 - (e) The temporary use shall contribute to the welfare of the Borough and its residents, and shall not adversely affect the health, safety or welfare of adjoining residents or the uses permitted within the zone in which the temporary Use is proposed.
- (6) Failure to cease operation on the date specified in the temporary Zoning Permit or failure to remove all temporary Structures and Temporary Signs shall constitute a violation of this Chapter.

§ 27-112 Building Permit and Certificate of Occupancy

- A. Building Permit. A Building Permit shall be obtained from the Borough for any construction, addition, alteration, renovation, relocation, conversion, removal, or demolition of any site, building, or structure.
- B. Certificate of Occupancy. No building or structure shall be occupied or used, and no change in use shall occur in whole or in part, until a Certificate of Occupancy is obtained from the Borough or designee.

§ 27-113 Zoning Certification Letter

- A. A Zoning Certification Letter shall be issued upon a request to certify the correct zoning classification and if the proposed use is permitted within the zoning district(s).
- B. Requests for a Zoning Certification Letter shall be accompanied by a Site, as defined under § 27-111.B.(1)(d) of this Chapter, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.
- C. Payment of Fees. No Zoning Certification Letter shall be issued until the fees prescribed under § 27-114 of this Chapter are paid to the Borough.

§ 27-114 Fees

- A. Borough Council may, by resolution, establish fees for the administration of this Chapter. All fees shall be determined by a schedule that is made available to the general public. Borough Council may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be

considered an amendment to this Chapter and may be adopted at any public meeting of the Borough Council.

- B. Such fees shall be payable to the Borough. Until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete, and no action shall be taken on any application or appeal.

§ 27-115 Violations and Penalties

- A. Any Person, partnership, or corporation who or which has violated the provisions of this Chapter or of the MPC, as amended, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not less than one hundred dollars (\$100.00) but no more than five hundred dollars (\$500.00) plus court costs, including reasonable attorney fees incurred by the Borough as a result thereof. 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, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. 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 (5th) 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. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to Borough.
- B. The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and agreement.
- C. Nothing contained in this Chapter shall be construed or interpreted to grant any Person or entity other than the Borough the right to commence any action for enforcement to this Chapter.

§ 27-116 Appeals and Applications

- A. An appeal or application for an amendment or variance from the terms of this Chapter shall be filed with the Zoning Officer and shall contain the following information:
 - (1) The name, address, and contact information of the Applicant.
 - (2) The name, address, and contact information of the Owner of the real estate to be affected by such proposal.
 - (3) A brief description and location of the real estate to be affected by such proposal.
 - (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present Use.
 - (5) A statement of the Part of this Chapter under which the appeal or application is filed and reasons why it should be granted or a statement of the Part of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
 - (6) An accurate description of the present improvements and the additions intended to be made under the application, indicating the size and use of such proposed improvements and

general construction thereof. In addition, there shall be attached a site plan of the real estate to be affected, as required to accompany applications for permits as outlined in § 27-111.B.(1)(d) of this Chapter.

§ 27-117 Zoning Hearing Board

A. Creation and Appointment.

(1) Members. Pursuant to Article IX of the MPC, Borough Council hereby creates a Zoning Hearing Board and appoints five (5) members who shall be residents of the Borough. Members of the Zoning Hearing Board shall be appointed by resolution of the Borough Council. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other office, elected, or appointed, in the Borough.

(2) Alternates. Pursuant to Article 903(b) of the MPC, Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other office, elected, or appointed, in the Borough.

B. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

C. Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two (2) members are disqualified from acting in a particular matter, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in § 27-117.E of this Chapter. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested.

D. Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Borough Council.

E. Hearings. A hearing conducted by the Zoning Hearing Board shall be held within sixty (60) days from the date of the Applicant's request unless the Applicant has agreed in writing to an extension of time. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

(1) Notice. Public Notice shall be given, and written notice shall be given to the Applicant, the Borough Secretary, the Borough Planning Commission, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such a manner

as shall be prescribed by the Zoning Hearing Board and the requirements of the MPC 53 P.S. §10101 et seq., provided that the notices conform to the following:

- (a) Written notices shall state the time, date, and location of the proposed hearing, along with a description of the nature of the of the matter to be considered.
 - (b) Written notice shall be conspicuously posted on the affected tract of land at least seven (7) calendar days prior to the hearing.
 - (c) **At least seven (7) business days prior to the hearing, the Applicant shall provide written notice by U.S. Mail to all Landowners within two hundred (200) feet of the affected tract of land. Landowners are determined by the then-current Adams County tax records. Provided, however, that failure to give the notice as required by this Part shall not invalidate any action taken by the Zoning Hearing Board.**
- (2) Conduct of Hearing. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- (a) The parties to the hearing shall be Gettysburg Borough and any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic, or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
 - (b) The chairperson of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - (c) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - (d) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - (e) The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer. It shall be paid by the Person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
 - (f) The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless

the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(3) Decision.

- (a) The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) calendar days after the last hearing before the Zoning Hearing Board or hearing officer.
- (b) Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. 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) If the hearing is conducted by a hearing officer, and there has been no stipulation that the officer's decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) calendar days, and the parties shall be entitled to make written findings to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) calendar days after the decision of the hearing officer.
- (d) Where the Zoning Hearing Board has power to render a report and the Zoning Hearing Board or the hearing officer as the case may be, fails to render the same within the period required by this subsection, or fails to hold the required hearing within sixty (60) calendar 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 to an extension of time.
- (e) When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give Public Notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in § 27-111.E.(1). If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.
- (f) 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 them not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

F. Jurisdiction. The Zoning Hearing Board shall have exclusive Jurisdiction to hear and render final adjudications in the following matters:

- (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 of the MPC.

- (2) Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.
- (3) Appeals from a Determination by the Floodplain Administrator with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land Use ordinance.
- (4) Applications for Variances from the terms of this Chapter pursuant to Article 910.2 of the MPC.
- (5) Applications for Special Exceptions under this Chapter pursuant to Article 912.1 of the MPC.
- (6) Appeals from the Zoning Officer's Determination under Article 916.2 of the MPC.
- (7) Appeals from the Determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

G. Borough Council. Borough Council shall have exclusive jurisdiction to and render final adjudications in the following matters:

- (1) All applications for approvals of planned residential development under Article VII of the MPC pursuant to the provisions of Section 702 of the MPC.
- (2) Applications for a curative amendment to this Chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC.
- (3) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article 609 of the MPC.
- (4) Appeals from the Determination of the Zoning Officer or the Borough Engineer in the administration of any land Use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for Land Development under Articles V and VII of the MPC. Where such Determination relates only to development not involving an Article V or VII application, the appeal from such Determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Part. Where the applicable land Use ordinance vests jurisdiction for final administration of Subdivision and Land Development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

H. Zoning Hearing Board Functions.

- (1) Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in each case.
 - (a) 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 this Chapter in the zoning district in which the property is located.

- (b) 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 this Chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- (c) That such necessary hardship has not been created by the appellant.
- (d) That the variance, if authorized, shall not alter the essential character of the zoning district in which the property is located, nor substantially or permanently impair the appropriate Use or development of an adjacent property, nor be detrimental to the public welfare.
- (e) That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least modification possible of the regulation in issue.
- (f) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Chapter.

(2) Special Exceptions. See § 27-118 of this Chapter.

I. Parties Appellant Before Zoning Hearing Board. Appeals under § 27-116 of this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected or any officer or agency of the Borough, or any Person aggrieved. Requests for a variance under § 27-117.H and for Special Exceptions under § 27-118 of this Chapter may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

J. Time Limitations. The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:

- (1) No Person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Borough officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such Person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such Person has succeeded their interest after such approval they shall be bound by the knowledge of their predecessor in interest.
- (2) The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan, or from an adverse decision by a Zoning Officer on a challenge to the validity of this Chapter or Zoning Map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- (3) All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

- K. Stay of Proceedings. Upon filing of any proceeding with the Zoning Hearing Board and during its pendency before the Zoning Hearing Board all Land Development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the Applicant, the Applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question of whether such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

§ 27-118 Special Exception Use Procedures

A. General.

- (1) It is the intent of this Section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Part 2 of this Chapter.
- (2) Where the Borough Council has stated, under Part 3 of this Chapter, Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria specified below, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.

B. Application. Each application for a Special Exception use shall be accompanied by a proposed Site Plan as specified under § 27-111 of this Chapter.

C. Referral to Gettysburg Borough Planning Commission.

- (1) In its review of the Special Exception application, the Borough Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its recommendation may, to the maximum extent possible, further the expressed intent of this Chapter and the accomplishment of the following objectives in particular.
 - (a) That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
 - (b) That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

- (c) That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:
 - 1. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
 - 2. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
 - 3. Planning Commission Recommendation. Within thirty (30) calendar days of the submission of the special exception application to the Borough, the Planning Commission shall forward its written recommendations to the Zoning Hearing Board. The Commission may recommend approval, disapproval, or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.

D. Standards and Criteria. In any instance where the Zoning Hearing Board is required to consider a Special Exception to this Chapter in accordance with the provisions of this Chapter, the Zoning Hearing Board shall, among other things, consider the following standards and conditions that have been provided in writing by the applicant to the Zoning Hearing Board:

- (1) The proposed use is consistent with the purpose of the Part whereby it is permitted and the overall purposes contained in Part 1.
- (2) The proposed use and its location are generally consistent with the Comprehensive Plan and the current Gettysburg Borough Zoning Map.
- (3) The proposed use complies with the lot requirements and the building height of the district where it is proposed.
- (4) The proposed use is consistent with the general and supplemental regulations set forth in Part 15, and the design standards of Part 19 of the Code of Ordinances of the Borough of Gettysburg.
- (5) The proposed use will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded. Further, the proposed use, located on the proposed property, with the present and proposed characteristics of each, and considering the present and proposed characteristics of the neighboring properties, will not cause negative impacts over and above those typically associated with such uses located and operated in a usual manner.
- (6) Where determined by the Zoning Hearing Board to be applicable, the proposed use will provide a fence or a planting screen and/or additional yard or open space area to reduce the effect of the proposed use upon adjacent properties.

- (7) The proposed use will promote preservation or adaptive reuse of the sites and structures identified by the Local Historic District Regulations [Chapter 11 of the Code of Ordinances of the Borough of Gettysburg].
 - (8) The proposed use complies with the required off-street parking and loading regulations in Part 13 of the Code of Ordinances of the Borough of Gettysburg.
 - (9) The proposed use will provide safe and adequate access to streets and that the applicant will make any improvements needed to guarantee compatibility with adjacent streets as recommended by the Borough Engineer.
 - (10) The proposed use will provide for pedestrian access to the site.
 - (11) The proposed use will not adversely affect public facilities and utilities, such as water, sewer, police and fire protection, schools, etc.
 - (12) The proposed use will comply with the signage regulations of Chapter 19 of the Code of Ordinances of the Borough of Gettysburg.
- E. Zoning Hearing Board Action. The Zoning Hearing Board shall conduct a public hearing on each application for a Special Exception use in accordance with the public hearing procedures outlined under § 27-117.E of this Chapter.
- F. Conditions and Safeguards of Special Exception Permits. The Zoning Hearing Board may require the Special Exception use permits be periodically renewed. Such renewal shall be granted upon a determination by the Zoning Hearing Board to the effect that such conditions as may have been prescribed by the Zoning Hearing Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such cases, a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit.
- G. Effect of Special Exception Approval. Any use for which a Special Exception use permit may be granted shall be deemed to be a conforming use in the zoning district in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

§ 27-119 Enforcement Notification

- A. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Part.
- B. The enforcement notice shall be sent to the Owner of record of the parcel on which the violation has occurred, to any Person who has filed a written request to receive enforcement notices regarding that parcel, and to any other Person requested in writing by the Owner of record.
- C. An enforcement notice shall state at least the following:
 - (1) The name of the Owner of record and any other Person against whom the Borough intends to take action.
 - (2) The location of the property in violation.

- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
 - (4) The date before which the steps for compliance shall be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps shall be completed.
 - (5) An outline of remedial action which, if taken, shall affect compliance with the provisions of this Chapter, or any part thereof, and with any regulations adopted pursuant thereto.
 - (6) A statement indicating 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 elsewhere in this Chapter.
 - (7) A statement indicating 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.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- F. Causes of Action. In case any Building, Structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted by the Borough or prior enabling laws, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved Owner or tenant of real property who shows that his property or Person shall 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 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 Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Borough Council. No such action may be maintained until such notice has been given.
- G. Supplementary Provisions. No Zoning Permit, Building Permit, Certificate of Use, or any other permit referenced in this Chapter shall be issued with respect to a property unless the Owner(s) of that property is/are in compliance with all other ordinances, laws, and regulations of federal and state government, the Borough, Gettysburg Municipal Authority, and Gettysburg Stormwater Authority. Additionally, no such permit shall be issued where a charge for drinking water, wastewater, and stormwater Use, real estate taxes, or other municipal charges associated with the Use or ownership of the property have not been paid and are past due.

§ 27-120 Amendments

- A. General.
- (1) Borough Council Action.
 - (a) Borough Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Chapter.

- (b) Before voting on the enactment of an amendment, the Borough Council shall hold a Public Hearing thereon, pursuant to Public Notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said Public Hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - (c) In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- (2) Report of the Planning Commission. In making such report on a proposed amendment, the Planning Commission shall make inquiry and recommendation including the items specified below:
- (a) Concerning a proposed amendment to or change in the text of this Chapter:
 - 1. Whether such change is consistent with the aims and principles embodied in this Chapter as to the particular zoning district(s) concerned.
 - 2. Which areas, land uses, Structures and establishments in the Borough shall be directly affected by such change, and in what way they shall be affected.
 - 3. The indirect implications of such change in its effect on other regulations.
 - 4. Whether such proposed amendment is consistent with the aims of the Borough Comprehensive Plan.
 - (b) Concerning a proposed amendment involving a change in the Zoning Map:
 - 1. Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - 2. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed because of such change.
 - 3. Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - 4. The effect of the proposed amendment upon the growth of the Borough is envisaged by the Borough's Comprehensive Plan.
 - 5. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Borough and the probable effect thereof.
- (3) Referral to County Planning Commission. Borough Council shall at least thirty (30) days prior to the Public Hearing, refer the proposed amendment to the Adams County Planning Commission for recommendations.

- (4) Borough Council Public Hearing. By motion adopted at a public meeting of the Borough Council, the Borough Council shall fix the time and place of a Public Hearing on the proposed amendment pursuant to Public Notice.
- (5) If, after any Public Hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another Public Hearing, pursuant to Public Notice, before proceeding to vote on the amendment.
- (6) Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

B Procedure for Landowner Curative Amendments.

- (1) A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the Use or development of land in which the landowner's interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Article 916.1 of the MPC. The curative amendment and challenge shall be referred to the Planning Commission, and the Adams County Planning Commission provided in MPC Section 609 and notice of the hearing thereon shall be given as provided in Articles 610 and 916.1 of the MPC.
- (2) The hearing shall be conducted in accordance with Article 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Part, be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity of this Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- (3) Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that shall cure the challenged defects. Borough Council shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
 - (b) If the proposal is for residential Use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.
 - (c) The suitability of the site for the intensity of Use proposed by the site's soils, slopes, woodlands, Wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (d) The impact of the proposed Use on the site's soils, slopes, woodlands, Wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.

- (e) The impact of the proposal on the preservation of agriculture and other land uses, which are essential to public health and welfare.

C. Procedure for Municipal Curative Amendments.

- (1) If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - (a) The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid, and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal, the Borough Council shall:
 - 1. By resolution, make specific findings setting forth the declared invalidity of this Chapter which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. Reference to a class of Use or uses which requires revision; or,
 - c. Reference to this Chapter which requires revisions.
 - 2. Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
- (2) Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of Article 609 of the MPC, to cure the declared invalidity of this Chapter.
- (3) Upon the initiation of the procedures, as set forth in § 27-120C.(1), the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under Article 609.1 of the MPC, nor shall the Zoning Hearing Board be required to give a report requested under Article 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by § 27-120C.(1)(a)1. Upon completion of the procedures as set forth in § 27-120C.(1) and § 27-120C.(2), no rights to a cure pursuant to the provisions of Articles 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Part.
- (4) The Borough, having utilized the procedures set forth in this Chapter, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment or reaffirmation of the validity of this Chapter. Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or a Pennsylvania Appellate Court decision to propose a curative amendment to this Chapter to fulfill said duty or obligation.

- D. Applicability of Ordinance Amendments. When an application for a Special Exception has been respectively filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a Subdivision or Land Development as defined in Part 5 of this Chapter, no change or amendment of this Chapter shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of

the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of MPC Section 508(1) through (4), and specifically to the time limitations of MPC Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

PART 2 ZONING DISTRICTS

PART 3 ZONING USES

PART 4 SUPPLEMENTAL REGULATIONS

PART 5 DEFINITIONS