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## Article 7

### Administration

#### Section 701 Administration and Enforcement

##### A. Administration

1. Zoning Officer - For the administration and enforcement of This Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed by the Board of Supervisors.
2. The Zoning Officer shall have the power and the authority to perform all of the following functions.
  - a. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The Zoning Officer shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved.
  - b. To record and file all applications for zoning permits or certificates of use and occupancy, and accompany plans and documents, and keep them for public record.
  - c. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments.
  - d. To inspect nonconforming uses, structures, and lots and to keep a filed record of such nonconforming uses and structures, together with the reasons why the Zoning Officer identified them as nonconformities, as a public record and to examine them periodically, with the view of eliminating the nonconforming uses under the existing laws and regulations.
  - e. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions.
  - f. To be responsible for keeping this Ordinance and the Official Zoning Map up to date, including any amendments thereto.

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- g. To render a preliminary opinion regarding a proposed land use in accordance with Section 916.2 of the Pennsylvania MPC, Act 1968, P.L. 805, No. 247.
  - h. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance, or otherwise permitted by law.
  - i. To enforce the provisions of this Ordinance in accordance with this Article 7.
  - j. To issue stop work orders when the Zoning Officer determines that a violation of this Ordinance exists or that construction is being commenced in a manner not authorized by a zoning permit or in a manner violating any approvals issued under this ordinance. The Zoning Officer may issue stop work orders orally or in writing. If the Zoning Officer issues an oral stop work order, the Zoning Officer shall subsequently confirm the oral stop work order with a written notice within five days.
  - k. To receive and render determinations upon applications for reasonable accommodations requested in accordance with the United States Fair Housing Amendments Act of 1988, 42 U.S.C. §3601 et seq., or the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., and the federal regulations adopted pursuant to such statutes.
  - l. The Zoning Officer or their authorized assistant(s), shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duties, provided that:
    - m. The Zoning Officer shall notify the owner and tenant before conducting any inspection.
    - n. The Zoning Officer or his duly authorized assistant(s) shall display Township Identification upon commencing an inspection.

**B. Violations**

The construction, alteration, maintenance or use of any structure building, sign, land, or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Ordinance; or the use of property for a use different from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for

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such new or different use; or the excavation, grading of or earthmoving activities on any property in preparation for the erection of a structure or change in use of a property without first obtaining a zoning permit; or the failure to comply with any other provision of this Ordinance; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance or conditional use is granted by such court; or the inclusion of false or misleading information on any application filed with the Township are hereby declared to be violations of this Ordinance.

**C. Enforcement Notice**

If it appears to the Zoning Officer that a violation of this Ordinance shall exist, the Zoning Officer shall send an enforcement notice to the owner of record of the lot on which the violations has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record, and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain all information the MPC requires.

**D. Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under the Act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment to the Township of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.

The imposition of a fine or penalty for any violation or non-compliance with This Ordinance shall not excuse the violation or non-compliance or permit it to continue; and all convicted persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

Any development initiated or any building or structure constructed, reconstructed, enlarged, altered, or relocated, not in compliance with This Ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such.

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**E. Causes of Action**

In case any building, structure landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used in violation of this Ordinance enacted under the MPC or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his/her property or person will 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 to 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 municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

**Section 702 Permits**

**A. General Requirements for Zoning Permits**

1. A zoning permit shall be required prior to a change in use of land or structure, or the erection, construction, improvement or alteration of any structure or portion thereof, or the alteration or development of any improved or unimproved real estate, including, but not limited to , mining, dredging, filling, grading, paving, excavation or drilling operations or the erection or alteration of any signs specified in Article 3 of this Ordinance. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams or other water retention basins. No zoning permit shall be required for repairs or maintenance of any structure or land provided such repairs do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance. No Zoning Permit shall be issued and no work shall proceed and no uses shall exist except in conformity with all applicable regulations of This Ordinance and any conditions imposed upon the site by the Zoning Hearing Board.
2. Applications for zoning permits shall be made in writing to the Zoning Officer. The Zoning Officer shall grant or deny application for zoning permits within the time period established by the MPC and other applicable statutes.
3. No zoning permit shall be issued except in conformity with:
  - a. all applicable regulations of this Ordinance; and
  - b. any conditions imposed upon the site or upon the use by the Zoning Hearing Board.

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4. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed use to meet all of the above-described requirements, the applicant shall furnish adequate evidence in support of his application. If such evidence is not present, the zoning permit shall be denied.
  5. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization of the owner or the qualified person making an application, that the proposed work is authorized by this owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
  6. The Zoning Officer may call upon the Township Staff and/or Township-appointed consultants in the review of submitted materials for applications.
  7. The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance. It shall be a violation of this Ordinance to place any false statement or misrepresentation of facts on any application or plan submitted with an application for a zoning permit or other approval.
  8. Where a permit is required by this Ordinance, if 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 Board of Supervisors for such permit shall be doubled. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received. The payment of such increased permit fee shall not relieve any person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance or the MPC.
  9. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the applicant does not demonstrate to the satisfaction of the Zoning Officer that the applicant has obtained all other permits or approvals required for work proposed in the application or supporting plans, including but not limited to subdivision and/or land development approval, permits or approvals issued by the PA DEP, and permits or approvals issued by PennDOT, the Zoning Officer may deny the application. The Zoning Officer shall deny the application if the applicant has not demonstrated compliance with all requirements of this Ordinance and all other Township ordinances and with any duly adopted

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Official Map. The Zoning Officer shall inform the applicant of any denial of the application in writing stating the reasons therefore. He shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, and that the building permit as required herein has been applied for, a zoning permit shall be issued therefore as soon as possible. The issuance of a zoning permit shall not be considered a guarantee that an applicant has obtained any or all other permits or approvals necessary for the construction and/or use proposed in the application.

10. An applicant whose request for a permit has been denied by the Zoning Officer may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated.
11. The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year, upon written request by the applicant which demonstrates good cause to the Zoning Officer.
12. The zoning permit shall be a license to apply for a building permit, or in the event a building permit is not otherwise required, proceed with the work. A zoning permit shall not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning Ordinance, except as stipulated by the Zoning Hearing Board.
13. 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 site receives its certificate of use and occupancy.
14. Temporary Zoning Permits. The Township recognizes that service organizations and landowners within the Township may, from time to time, desire to institute a specific use for a brief time period. The Township recognizes that certain temporary uses, such as a fund raising auction for a service organization conducted on the lands of a third party, may provide benefits for the entire Township. *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 ordinance.*
  - a. Where the proposed temporary use is permitted within the zone, such as the sale of flowers from a tent prior to a holiday, the applicant

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shall apply to the Zoning Officer for a zoning permit. If the temporary use will be operated from a temporary, removable structure and shall have a duration of not more than 14 calendar days at any time, the Zoning Officer may issue a zoning permit upon the applicant's presentation of evidence that adequate off-street parking shall be provided, any signs will be temporary in nature, and any signs shall not exceed the number or area which would be permitted for a permanent use. The off-street parking for the temporary use may be shared with off-street parking for an existing permanent use. The Zoning Officer shall issue the temporary zoning permit which 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.

- b. The Zoning Hearing Board, by special exception, may authorize a temporary use in a zone where such use is not allowed if the applicant demonstrates *compliance with the general standards for all special exceptions in Article 6 and with all the following requirements.*
  - (1) The temporary use shall not exceed five calendar days in any calendar year.
  - (2) The applicant shall demonstrate that adequate off-street parking and other facilities, including but not limited to sewage disposal facilities, are available for persons reasonable anticipated to attend the temporary use.
  - (3) The applicant shall provide 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.
  - (4) The applicant shall present evidence to demonstrate that the temporary use provides a benefit to the community.
  - (5) The applicant shall present evidence to demonstrate that the temporary use will 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.

**B. Application for All Zoning Permits**

1. Applications shall contain a general description of the proposed work, development, use or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following.
  - a. Actual dimensions and shape of lot to be developed;

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- b. Exact location and dimensions of any structures to be erected, constructed and altered;
  - c. Existing and proposed uses, including the number of occupied units, businesses, etc., all structures are designed to accommodate;
  - d. Off-street parking and loading spaces;
  - e. Utility systems affected and proposed;
  - f. Alteration or development of any improved or unimproved real estate;
  - g. The size of structures and the number of employees anticipated;
  - h. Any other lawful information that may be required by the Zoning Officer to determine compliance with this Ordinance;
  - i. Copies of any applicable approved subdivision or land development plans;
  - j. Existing man made and natural features on the property; and
  - k. Easements of record and the purpose for which they are reserved.
2. If the proposed development, excavation or construction is located within the Floodplain, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
    - a. The accurate location and elevation of the floodplain and floodway;
    - b. The elevation, in relation to the North American Vertical Datum of 1988 (NAVD), or the lowest floor, including basements;
    - c. The elevation, in relation to the NAVD, to which all structures and utilities will be floodproofed or elevated; and
    - d. Where floodproofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed professional architect registered by the Commonwealth of Pennsylvania certifying that the floodproofing methods used meet the provisions of Section 210.

C. **Application for Zoning Permits within all Commercial, Industrial and/or Apartment Office Zones or Commercial, Industrial and/or Apartment Office Uses**

1. A location plan showing the tract to be developed, zone boundaries adjoining tracts, significant natural features, and streets for a distance of two hundred feet (200') from all tract boundaries;



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2. A plot plan of the lot showing the location of all existing and proposed buildings, driveways, parking lots showing access drives, dumpsters, 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;
  3. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing waste and recyclables, traffic congestion, noise, glare, air pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation;
  4. Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within York County which have been contracted to dispose of the materials used and wastes generated on-site. The zoning permit shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future such that 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 section;
  5. Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, smoke, or the emission of any potentially harmful or obnoxious matter or radiation;
  6. Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained;
  7. The proposed number of shifts to be worked and the maximum number of employees on each shift; and
  8. 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.

**D. Building Permits**

1. No building or structure in any District shall be erected, installed, reconstructed or restored, or structurally altered without a building permit duly issued upon application to the Township. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of This Ordinance. Any building permit issued in violation of the provisions of This Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of

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nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.

However, no such building permit shall be required for the following:

- a. Building restoration costing less than \$1,000.00.
  - b. Erection or installation of buildings or structures less 200 square feet.
  - c. Unfiltered above-ground swimming pools.
2. Every application for a building permit shall contain the following information and be accompanied by the required fee.
- a. The actual shape, dimensions, radius, angles and area of the lot on which the building is proposed to be erected or of the lot in which it is situated if an existing building;
  - b. The block and lot numbers as they appear on the latest tax records;
  - c. The exact size and location on the lot of the proposed building or buildings or alteration of an existing building and of other existing buildings on the same lot;
  - d. The dimensions of all yards in relation to the subject building and the distances between such buildings and any other existing buildings on the same lot;
  - e. The existing and intended use of all buildings, existing or proposed, the use of land, and the number of dwelling units the building is designed to accommodate;
  - f. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of This Ordinance;
  - g. Name and address of the applicant;
  - h. Name and address of the owner, if other than the applicant, of the land on which the proposed construction is to occur;
  - i. Name and address of the contractor;
  - j. Listing of other permits required including their identification numbers; and
  - k. Brief description of proposed work and estimated cost.
3. No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway.
4. No building permit shall be issued for any building where a Land Development Plan is required, except in the conformity with the Land

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Development plans approved by the Township and recorded in York County Court House.

5. No building permit shall be issued for a building to be used for any use by Special Exception/Conditional Use in any District where such use is allowed only by approval of the Zoning Hearing Board/Board of Supervisors unless and until such approval has been duly granted by the Zoning Hearing Board/Board of Supervisors.
6. The building permit application and all supporting documentation shall be made in duplicate. On the issuance of a building permit, the Zoning Officer shall return one copy of all filed documents to the applicant.
7. The Zoning Officer shall, after the filing of a complete and properly prepared application, either issue or deny a building permit. If a building permit is denied, the Zoning Officer shall state in writing to the applicant the reasons for such denial.
8. Every building permit shall expire if the work authorized has not commenced within 3 months after the date of issuance, or has not been completed within 12 months from such date. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Zoning Officer 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 building permit.
  - a. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundation, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.
9. As soon as the foundation of a building or of any addition to any existing buildings is completed, and before first story framing or wall construction is begun, there shall be filed with the Township an accurate survey signed by the person responsible for said survey, showing the exact location of such foundation with respect to the street and property lines of the lot.
10. Prior to the issuance of any building permit the Zoning Officer shall review the application for building permit to determine if all other necessary governmental permits such as those required by Commonwealth and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Dam Safety and Encroachment Act, the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334, and the Pennsylvania Clean Streams Act. No permit shall be issued until this determination has been made. No construction shall commence until evidence of approved Pennsylvania Department of Transportation and/or Township driveway permits (if required) has been provided to the Zoning Officer, and a determination that the permit complies with

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applicable building codes and/or a Township Stormwater Management Permit has been received.

11. No encroachment, alteration, or improvements of any kind shall be made to any watercourse, including such watercourses as may be located outside the mapped floodplain areas, until a Stormwater Management Permit is issued and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
  - a. The Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the applicant prior to any alteration or relocation of any watercourse, and said notification and all subsequent correspondence provided to the Township.
12. During the construction period and upon completion of the work, the Township shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all Township laws and ordinances.
  - a. In the event that the Township discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the building permit.
13. Applications for building permits for any construction or development proposed to be located within, or partially within, any identified floodplain area shall provide, in addition to the information required elsewhere, the following plans and information:
  - a. A site plan of the lot or parcel, drawn at a scale, completely legible, and accurate, showing the following:
    - (1) North arrow, written and graphic, scale, and a date.
    - (2) A location map showing the vicinity in which the proposed activity or development is to be located within the Township.
    - (3) Topography based upon the North American Vertical Datum of 1988 showing existing and proposed contours at intervals of two (2) feet.
    - (4) All property and lot lines including dimensions, and the size of the site expressed in square feet.
    - (5) The location of all existing streets, drives, and other accessways with information concerning widths, pavement types, construction, and elevations.
    - (6) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, and

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- any other natural or manmade features affecting, or affected by, the proposed activity or development.
- (7) The location of the identified floodplain area boundary line, floodway line information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.
  - (8) A general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements, including the location of any existing or proposed subdivision and land development in order to assure that:
    - i. All such proposals are consistent with the need to minimize flood damage;
    - ii. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
    - iii. Adequate drainage is provided so as to reduce exposure to flood hazards.
- b. Detailed architectural and engineering drawings drawn at a suitable scale. Such drawings shall show the following:
- (1) Building size, floor plans, sections and exterior building elevations.
  - (2) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
  - (3) Complete information concerning the impact and uplift forces and other factors associated with a one hundred (100) year flood.
  - (4) Details of proposed flood-proofing measures.
  - (5) Cross-sections for all proposed streets, drives, and other accessways and parking areas showing all rights-of-way and pavement widths.
  - (6) Profiles for all proposed streets, drives, and vehicular accessways including existing and paved grades.
  - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
  - (8) Soil types.
- c. The following data and information shall also be provided:

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- (1) Document, certified by a registered professional engineer, architect, or landscape architect which states that the proposed construction has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
  - (2) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development".
  - (3) Where excavation, grading or fill is proposed, a plan meeting the requirements of the Department of Environmental Protection and the Carroll Township Subdivision and Land Development Ordinance, and Carroll Township Stormwater Management Ordinance, to implement and maintain erosion and sedimentation control.
  - (4) A grading plan showing all proposed grades, stormwater facilities, changes in grades, walls, and ground elevations at points of entrance/exit, all in conformance with the Carroll Township Stormwater Management Ordinance.

**E. Certificate of Use and Occupancy**

1. It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a zoning permit and/or building permit is required herein until a certificate of use and occupancy for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a zoning permit is filed with the Zoning Officer as required herein. The applicant shall notify the Zoning Officer when construction is complete and is ready for the Certificate of Use and Occupancy inspection.
2. The application for a certificate of use and occupancy shall be in such form as the zoning Officer may prescribe and may be made on the same application as is required for a zoning permit.
3. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a building permit is required herein.
4. The Zoning Officer shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under

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the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, s/he shall issue a certificate of use and occupancy for the intended use listed in the original application.

5. The certificate of use and occupancy or a true copy thereof shall be kept available for official inspection at all times.
6. Upon request of a holder of a zoning or building permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a structure, building, sign, and/or land, or portion thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of use and occupancy for such temporary uses as tents, use of land for religious or other public or semi-public purposes and similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.
7. A Certificate of Use and Occupancy shall not be issued for structures and buildings located in subdivisions requiring Improvement Guarantees until the structure or building abuts either a roadway which has been accepted by the Township for dedication or abuts upon a street which has been paved with a base wearing course.
8. In commercial, apartment/office and industrial zones or uses in which operation standards are imposed, no certificate of use and occupancy shall become permanent until thirty (30) days after the facilities are fully operational when, upon a reinspection by the Zoning Officer, it is determined that the facilities are in compliance with all operation standards.

### **Section 703 Fees**

The Board of Supervisors may set fees, payable in advance, for all applications, permits, or appeals provided for by This Ordinance to defray the cost of advertising, processing, inspecting, mailing notices, charges of a stenographer for taking the notes of testimony, and copying applications and permits. Such fees shall be in accordance with a fee schedule adopted by Resolution of the Board of Supervisors upon enactment of This Ordinance, or as such schedule may be amended.

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## Section 704 Amendments

### A. Amendments

The Board of Supervisors of the Township may, from time to time as hereinafter provided, amend, change or repeal this Ordinance or the Official Zoning Map of the Township. Any amendment, change or repeal may be initiated by the Board of Supervisors, The Township Planning Commission or by a petition to the Board of Supervisors. The Township shall refer any proposed amendment to this Ordinance or to the Zoning Map for review and recommendations in accordance with the requirements of the MPC. The Board of Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard.

### B. Hearing and Enactment Procedures for Zoning Amendments

The Township shall refer any proposed amendment to this Ordinance or to the Zoning Map to the Township and York County Planning Commissions for their review and recommendations in accordance with the requirements of the MPC. The Board of Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of such public hearing shall be given in accordance with the requirements of the MPC.

### C. Amendment Initiated by a Petition from an Interested Party

A petition for amendment, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee shall be established by the Board of Supervisors.

### D. Curative Amendment by Landowner

The Board of Supervisors shall consider, conduct hearings, and render decisions upon curative amendments filed by landowners in accordance with the requirements of the MPC.

### E. Curative Amendment by the Board of Supervisors

The Board of Supervisors may take action to declare this Ordinance or any portion thereof substantially invalid in accordance with the authorization and procedures set forth in the MPC. If the Board of Supervisors makes such a declaration, the Board of Supervisors shall proceed to amend this ordinance in accordance with the requirements of the MPC.



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**F. Authentication of Official Zoning Map**

Whenever there has been a change in the boundary of a zone or a reclassification of the zone adopted in accordance with the above, the change on the Official Zoning Map shall be made, and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

**Section 705 Conditional Uses**

**A. Filing of Conditional Use**

All Applications for conditional uses shall be submitted to the Zoning Officer. All applications shall be made on the form supplied by the Township and shall contain information requested on such form. All applications shall also contain the following information:

1. Name and address of the applicant and, if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application.
2. Existing and proposed features in accordance with SALDO requirements.
3. Dimensions and shape of the lot to be developed, and the location and dimensions.
3. The height of any proposed buildings or structures.
4. Existing and proposed uses of all existing and proposed structures and land uses.
5. Existing and proposed off-street parking and loading spaces.
6. Scaled, legible and accurate drawings with sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
7. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.
8. A listing of all special exceptions and/or variances which the applicant is requesting in connection with the proposed use.

**B. General Criteria**

Each applicant must demonstrate compliance with the following:

1. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.

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3. The proposed use will not effect a change in the character of the subject property's neighborhood.
  4. Adequate public facilities are available to serve the proposed use (e.g. schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).
  5. For development within the Floodplain Overlay District, that the application complies with those requirements listed in Section 208 of this Ordinance.
  6. The proposed use shall comply with those criteria specifically listed in Article 3 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
  7. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

**C. Conditions**

The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

**D. Site Approval Plan**

Any site plan presented in support of the conditional use pursuant to Section 705.1 shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a building permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

**E. Hearing Procedures**

Before voting on the approval of a conditional use, the Board of Supervisors shall hold a public hearing thereon, in accordance with the MPC.

**F. Time Limitation**

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within one (1) year after the date when the conditional use is finally granted.

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2. Should the appellant or applicant fail to obtain the necessary permits within said one (1) year period, or having obtained the permit should s/he fail to commence work there under within such one (1) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his/her application, and all approvals and permit granted to him/her shall be deemed automatically rescinded by the Board of Supervisors.
  3. The Board of Supervisors as a part of the original application before the Board, may approve extended deadlines from those listed above for just cause.

### **Section 706 Repeals and Continuation of Prior Regulations**

Except as otherwise required by law, this ordinance is intended as a continuation of, and not a repeal of existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intend of the Board that all provisions of this Ordinance shall be considered full force and effect as of the date such regulations were initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance of Carroll Township, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

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**Effective Date and Enactment**

DULY ENACTED AND ORDAINED by the Board of Supervisors of Carroll Township, York County, Pennsylvania, this 5<sup>th</sup> day of March, 2010.

ATTEST:

TOWNSHIP OF CARROLL  
COUNTY OF YORK, PENNSYLVANIA

Faye L. Romberger  
Faye L. Romberger - Secretary

Nancy L. Livingston  
Nancy L. Livingston - Chairman

Paul A. Walters  
Paul A. Walters - Vice-Chairman

Robert F. Faulkner  
Robert F. Faulkner - Member

Mark R. McCurdy  
Mark R. McCurdy - Member

William B. Turner  
William B. Turner - Member