

Part 25

Application, Administration and Enforcement

§27-2501. Application.

1. Hereafter no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.

2. In case of mixed occupancy, the regulations for each use shall apply in that portion of the building or land so used.

§27-2502. Zoning Officer

The provisions of this Chapter shall be enforced by an officer appointed by the Board of Supervisors who shall be known as the "Zoning Officer." The Zoning Officer shall be appointed by the majority of the Board of Supervisors and shall serve at the pleasure of the Board and shall be removable from office by that Board at the Board's sole and unfettered discretion. The compensation of the Zoning Officer shall be determined by the Board of Supervisors and may be modified at the pleasure of the Board. In addition, the Board of Supervisors may appoint such Assistant Zoning Officers or Deputy Zoning Officers as the Board, in its discretion, deems appropriate. The Zoning Officer shall not hold any elective office within the Township Government. The qualifications for the office of Zoning Officer shall be those qualifications deemed satisfactory to the Board of Supervisors and the Zoning Officer shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.

A. *Duties.* The duties of the Zoning Officer shall be as follows:

(1) To receive all applications for zoning permits and sign permits as permitted by this Chapter.

(2) To record and file all applications for permits, and accompanying plans and documents, and keep them as public records.

(3) To inspect nonconforming uses, buildings and lots and maintain records thereof, which shall be public records, and to examine such lots, structures and uses periodically with the view toward appropriate regulation and restriction thereof.

(4) Upon the request of the Board of Supervisors, the Zoning Hearing Board, the Planning Commission or other appropriate bodies of the Township, to present to such body facts, records and any similar information on specific requests to assist such bodies in reaching their determinations, decisions or recommendations.

(5) To be responsible for maintaining current records as to this Chapter and the Zoning Map filed with the Township Secretary and to include any amendments thereto.

(6) To make inspections as required to fulfill his/her duties. He/she have the right, with the owner's permission, to enter any building or structure or to enter upon any land at any reasonable hour in the course of his/her duties.

(7) To enforce literally the provisions of this Chapter in strict accordance with the terms thereof. No permit of any kind, as provided in this Chapter, shall be granted by him for any purpose except in strict compliance with the provisions hereof.

(8) To issue enforcement notices where it is determined that a violation of this Chapter exists and to report the issuance thereof and the facts surrounding such determination to the Board of Supervisors.

(9) To issue zoning permits only for construction and uses which are in accordance with the regulations of this Chapter and as may be subsequently amended.

(10) To issue zoning permits for uses by special exception and/or variance only after such uses and buildings are ordered by the Zoning Hearing Board in accordance with the regulations of this Chapter, or court of appeals, subject to any stipulations contained in such order.

(11) To be responsible for the administration of the National Flood Insurance Program in the Township and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.

(12) To notify in riverine situations, adjacent communities and the State coordinating office prior to any alteration or relocation of a watercourse, and maintain copies of such notification.

(13) To assure the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(14) To be responsible for applicable provisions included in all other codes, ordinances and regulations are applied insofar as they are consistent with the Township's needs to minimize the hazard and damage which may result from flooding.

(15) With the consent and approval and at the direction of the Board of Supervisors and in conjunction with the Township Solicitor, to pursue such causes of action and enforcement remedies as may be herein provided or otherwise authorized by law to secure compliance with the terms of this Chapter and any order issued hereunder and punish as appropriate violations thereof.

(16) To receive and process applications for hearings before the Zoning Hearing Board with reference to applications and appeals from the determination of the Zoning Officer or for such other relief as is provided in this Chapter.

§27-2503. Violations.

1. Failure to secure a zoning permit prior to the use or change in use of land or building(s) or the erection, enlargement or alteration, demolition of a building or failure to secure a certificate of use and occupancy shall be a violation of this Chapter. It shall also be a violation of this Chapter to undertake other deliberate actions which are contrary to the terms of this Chapter or other existing statutes, or to violate the terms and conditions attached to any zoning permit or approval issued by Township officials, the Zoning Hearing Board, or the Board of Supervisors.

2. If it appears to the Zoning Officer that a violation of this Chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

3. 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, to any person in apparent occupancy or control of that parcel, to the apparent violator of the terms of this Chapter, and to any other person requested in writing by the owner of record to receive such notice.

4. An enforcement notice shall state, at the least, the following:

A. The name of the owner of record and any other person against whom the municipality intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days in accordance with the procedures set forth in this Chapter.

F. The 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 of \$500 plus costs and reasonable counsel fees, and that each day the violation continues shall be deemed a separate offense subject to like penalty.

§27-2504. Causes of Action

In case any building, structure, landscaping or land is or proposed to be erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of any provision of this Chapter or of any regulation made pursuant thereto, the Board of Supervisors, or with the approval of the Board of Supervisors, the Zoning Officer on behalf of the Township or any aggrieved owner or tenant of real property who shows that his 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 Township at least 30 days prior to the time the action is begun by serving a notice of a complaint on the Zoning Officer. No such action may be maintained until such notice has been given.

§27-2505. Enforcement Remedy.

1. Any person, partnership or corporation or the officers thereof who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Zoning Officer with the approval of the Board of Supervisors, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township 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 magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township Solicitor shall enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation or officer thereof violating this Chapter, 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 day following

the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid over to the General Fund of London Grove Township.

2. The magisterial district judge for District Court 15-4-04, or such other magisterial district judge as shall be designated by general order or special rule of court be designated, shall have jurisdiction to hear and decide all enforcement proceedings brought under this Section for Enforcement Remedy.

3. The Court of Common Pleas, upon petition, may grant an order of stay upon cause shown tolling the per diem fine pending a final adjudication of the violation in judgment.

4. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than London Grove Township, the right to commence any action for enforcement pursuant to this Section.

§27-2506. Finances, Expenditures and Fees.

1. The Board of Supervisors shall make provision in its budget and appropriate funds for the operations of the Zoning Officer and Code Officer, including administration, enforcement and legal actions.

2. The Board of Supervisors shall by resolution establish a schedule of fees, charges and expenses and collection procedures for zoning permits and certificates of occupancy.

3. The schedule of fees shall be available for inspection in the office of the Zoning Officer and/or the Township Secretary and may be altered or amended by the Board of Supervisors. Such alteration shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Board by resolution.

4. Until all application fees have been paid in full, no action shall be taken on any application.

§27-2507. Exemptions.

This Chapter and the provisions thereof shall not apply to any existing structure or extension thereof, used or to be used, by a public utility corporation, if,

upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonable necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to insure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceeding.

§27-2508. Zoning Permits

1. *General Requirements of Zoning Permits*

A. A zoning permit shall be required prior to the placement, erection, movement, structural alteration, enlargement of any building or other structure or portion thereof upon any lands within London Grove Township. A zoning permit shall be required prior to obtaining a building permit; changing the use of land or buildings; changing the use or extending or enlarging a nonconforming use. The placing of vacant land under cultivation shall not require a zoning permit.

B. It shall be unlawful to commence any site work or other work requiring a zoning permit until a zoning permit has been properly issued therefor. The zoning permit certifies that such specifically enumerated activities or uses are in conformance with all applicable ordinances, approvals and all conditions or stipulations specified in said approvals. It shall be unlawful for any person to commence work on any of the above enumerated activities prior to obtaining of such zoning permit or continuing such activities after the expiration, termination or revocation thereof.

C. It shall be unlawful to locate a travel trailer within the mapped floodway in the Flood Hazard District or in the floodway of any stream. It shall also be unlawful to locate a mobile home, other than one permanently anchored to a permanent foundation any place within the Township until a zoning permit has been duly issued therefor.

D. Applications for a zoning permit shall be made in writing to the Zoning Officer on such forms as the Zoning Officer may prescribe and shall contain all information necessary for such officer to ascertain whether the

proposed erection, construction, alteration or use complies with the provisions of this Chapter.

E. Such permits shall be granted or refused within 30 days upon satisfaction of the Township that all required information has been supplied. In the case of refusal, the applicant shall be informed of his right to appeal.

F. No permit shall be issued except in conformity with the regulations of this Chapter and other applicable ordinances except after written order from the Zoning Hearing Board or the Board of Administrative Appeals or a court of competent jurisdiction.

G. 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 requirements of this Chapter, it shall be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit shall be denied.

H. No application for a permit shall be filed except by the landowner or agent thereof authorized in writing. Proof of standing shall be submitted to the Zoning Officer at time of filing of the application. The parcel or parcels of land and/or buildings or parts of buildings for which an application is being submitted shall be filed at the time of application.

I. Application for zoning permits under this Section, along with accompanying plans and data, may be submitted by the Zoning Officer to any governmental agency, authority or representative for review and comment relative to compliance with existing statutes and the Zoning Officer shall consider those comments in acting on the application.

J. A special exception, variance or conditional use shall expire at the end of one year unless the applicant has within that time made a proper application for a zoning permit and diligently pursued such application. A zoning permit once issued shall expire at the end of one year unless within that time the applicant has made proper application for a building permit under the Building Code [Chapter 5, Part 1]. Once any zoning permit granted expires, all underlying permits and approvals granted by this Township, with the exception of subdivision approvals, shall, in like manner, be deemed to expire. Provided, however, the Board of Supervisors may, on timely application and for cause shown, grant one or more

extensions of any such permit, but no extension shall be granted for a period in excess of six months, nor shall any extension be granted on applications filed after the expiration of such prior approval. Any extension granted shall be granted on such terms as the Board of Supervisors may deem reasonable under the circumstances, including the requirement that the applicant, as a condition to such extension, pay the costs incurred by the Township in the review and processing of such application, which costs shall include, but not be limited to, Engineering and Solicitor's fees incurred.

2. *Application for Zoning Permits in all Residential Districts.*

A. All applications shall be made in writing and shall be accompanied by three sets of plans showing at least the following if applicable:

(1) Three copies of the approved land development plan and/or zoning plan, if applicable, together with any other data and information required by the Zoning Officer to evaluate compliance with this Chapter and other existing statutes.

(2) Three copies of detailed architectural plans for any proposed building or structure under the application showing the exact size and location on the lot of buildings, structures or signs existing and/or proposed extensions thereto.

(3) The number of dwelling units, if applicable.

(4) The number of parking spaces provided and/or loading facilities.

(5) A statement indicating the existing and proposed use.

(6) The height of structure(s), building(s) or signs(s).

(7) Where the disturbance or movement of earth is contemplated, a sedimentation and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer and Chester County Conservation District; or, when applicable a copy of the permit issued by the

Pennsylvania Department of Environmental Protection approving earth-moving operations.

(8) Permit(s) or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control of objectionable effects as well as any other appropriate, lawful permits as may be required by statute.

(9) All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Chapter.

(10) No application is complete until all the necessary documents have been filed and fees have been paid.

B. One copy of the plan shall be returned to the applicant by the Zoning Officer after he/she shall have marked such copies either as approved or disapproved and attested to the same by his/her signature on such copy.

C. One copy of all approved plans shall be retained by the Zoning Officer for his/her permanent records.

D. In applications for minor additions or alterations to residential dwellings, the Board of Supervisors may, but shall not be obligated to, on request by the applicant, waive any procedural requirements with respect to the content of plans or applications so long as the plans or application demonstrate on its face compliance with all the terms of this Chapter and other applicable ordinances.

3. Application for zoning permits for all uses in these districts shall be accompanied by:

A. Application for zoning permits for all uses in these districts shall be accompanied by:

(1) Three copies of the land development and/or plot plan, if applicable, together with any other data and information required by the Zoning Officer to evaluate compliance with this Chapter and other existing statutes. The plot plan shall show the location of all present

and proposed buildings, drives, parking lots showing driveways, circulation patterns, curb cut accesses, parking stalls and bumpers, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal and other constructional features on the lot and the location of all topographical features.

(2) Three copies of detailed architectural plans for any proposed building, structure or sign under the application.

(3) 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, smoke or emission of any potentially harmful or obnoxious or radiation.

(4) Engineering and architectural plans for treatment and disposal of sewage and industrial waste, tailings or unusable by-products.

(5) Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, smoke or emission of any potentially harmful or obnoxious matter or radiation.

(6) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(7) 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.

(8) Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer; or when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approving earth-moving operations.

(9) Designation of the manner by which sanitary sewage shall be disposed and water supply obtained along with permits or

certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control of objectionable effects as well as any other appropriate, lawful permits as may be required by statute.

(10) No application is complete until all the necessary documents have been filed and fees have been paid.

B. Review by Township Engineer.

(1) Applications for permits under this Section, along with accompanying plans and data, shall be submitted by the Zoning Officer to the Township Engineer for the Engineer's technical review and comment. The Engineer shall review the material to determine that the proposed development is in harmony with this Part and the Comprehensive Plan.

(2) The Township Engineer shall make his comments on the application within 20 days of its receipt. The Zoning Officer shall take into consideration the comments of the Township Engineer in his approval or denial of the application.

C. One copy of the plan shall be returned to the applicant by the Zoning Officer after he/she shall have marked such copies either as approved or disapproved and attested to the same by his/her signature on such copy.

D. One copy of all such plans shall be retained by the Zoning Officer for his/her permanent records.

4. *Application for Sign Permits.* A sign permit shall be required prior to the erection or modification of any sign, sign structure or change in location of an existing sign. Application for a sign permit shall be made in writing on an appropriate form to the Zoning Officer and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Chapter. No sign permit shall be issued except in conformity with the regulations of this Chapter, or except after written order from the Zoning Hearing Board, or a court of jurisdiction.

A. All applications for sign permits shall be accompanied by plans of diagrams in duplicate and approximately to scale, showing the following:

(1) Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.

(2) Size, dimensions and location of the said sign on lot or building together with its type, construction, materials to be used, and the manner of installation.

(3) Any other lawful information which may be required of the applicant by the Zoning Officer such as, setback information.

B. One copy of said plan or diagram shall be returned to the applicant, after the Zoning Officer shall have marked such copy either approved or disapproved, and attested to same.

5. *Application for All Other Permits.* Applications shall be accompanied by plans in triplicate, drawn to scale and showing the following:

A. Actual dimensions and shape of the lot to be built upon.

B. Exact size and locations on the lot of all existing buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alteration.

C. Existing and proposed uses, showing the number of families the building is designed to accommodate.

D. Any other lawful information that may be required by the Zoning Officer or by other Sections of this Part.

E. Water and sewer systems conforming to the most recent applicable regulations adopted by the Board.

6. *Temporary Use Permit.* A temporary permit may be authorized by the Zoning Hearing Board, subject to the requirements of this Chapter, for a nonconforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be

completely removed upon expiration of the permit without cost to the Township. Such a permit shall be issued for a specified period of time not exceeding one year and may be renewed annually for an aggregate period of not more than three years.

§27-2509. Building Permits and Use and Occupancy Permits.

1. *Building Permits.* Building permits shall be required, applied for and issued in accordance with the requirements of the Uniform Construction Code [Chapter 5, Part 1.]

2. *Use and Occupancy, General.*

A. It shall be unlawful for the applicant and/or person or other entity to sell, use or occupy a building or other structure or parcel of land until a certificate of use and occupancy, if required, has been duly issued therefor. A Certificate of Use and Occupancy shall be required prior to any of the following:

(1) Use and/or occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit is required.

(2) Any change in use including accessory uses of any parcel of land, building or structure.

(3) Changes in extension, or enlargement of a nonconforming use.

(4) For all commercial and industrial uses, a change of use of any parcel of land, building, or other structure for which a zoning permit has been or should have been issued under this or previous zoning ordinances.

(5) For new construction in all zoning districts prior to sale.

B. *Application Procedures.* Application shall be made in writing to the Township on a form specified for such purposes by the Township.

C. Issuance.

(1) Certificates of use and occupancy shall be granted or refused within 10 days from the date of application. No applications shall be granted or refused until the Zoning Officer has inspected the premises. Issuance of this certificate by a Township official or employee designated by the Zoning Officer shall be based in conformity of the work to the requirements of this Chapter and any other pertinent ordinances.

(2) Pending completion of a building or of alternations thereto, temporary certificate of use and occupancy may be issued by the Zoning Officer for a temporary occupancy of part or all of the building provided that such temporary occupancy will not damage in any way the health, safety and welfare of the public property and providing further that a time limit for temporary certificate no exceeding six months shall be established, and shall not be renewable.

(3) In Commercial and Industrial Districts in which performance standards are imposed by this Chapter or when required by the Zoning Officer, no certificate of use and occupancy shall become permanent until 60 days after the facility is fully operating, when upon a re-inspection by the Zoning Officer it is determined that the facility is in compliance with all performance standards.

§27-2510. Conditional Uses.

Where London Grove Township, in this Chapter, has stated conditional uses to be granted or denied by the Township, pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on the decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors of London Grove Township may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.

A. Application. An application for conditional use approval shall be accompanied by a plan showing the size and location of the proposed use, all proposed buildings and all proposed accessory facilities, including roads, access drives and parking areas. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to

demonstrate compliance with all applicable standards to be met. Feasibility of water supply, sanitary sewage disposal and storm drainage control should be demonstrated but need not be fully engineered.

B. Conditional Use Procedures.

(1) A conditional use application shall be filed with the Township on such forms as may be prescribed by the Board of Supervisors.

(2) The Board of Supervisors shall schedule and hold a public hearing on the application pursuant to public notice within 60 days of filing unless the applicant waives or extends the time limitation.

(3) At least 45 days prior to the date of hearing, one copy of the application and supporting material shall be furnished to the Township Planning Commission, the County Planning Commission and any other agencies or consultants deemed appropriate by the Board of supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use.

(4) Upon review of the application in terms of the standards and criteria of this Chapter, the Board of Supervisors shall render a decision within 60 days after the public hearing (or last public hearing if more than one is necessary to fully evaluate the proposal).

(5) Any applicant contemplating subdivision or land development as that term is defined in the Township Subdivision and Land Development Ordinance [Chapter 22] shall, upon receiving conditional use approval, submit a subsequent application for approval pursuant to that ordinance and the terms, conditions and requirements thereof, no later than six (6) months after the date on which the Conditional Use was granted.

(6) No application is complete until all the necessary documents have been filed and all fees have been paid.

C. Standards for review of proposed conditional use shall be as follows:

(1) The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the Section of this Chapter authorizing the proposed conditional use.

(2) The standards set forth in Part 24 for review of special exception applications, shall be met.

D. All applications for conditional uses shall comply and conform to the following general standards.

(1) For all uses, off-street parking regulations and design standards shall be as provided in Part 20 hereof.

(2) For all uses, sign regulations shall be as contained in Part 22 hereof.

(3) The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public health, public safety, or public welfare.

(4) The applicant shall establish by a fair preponderance of credible evidence that the interior traffic circulation for the proposed use at the proposed location, including, but not limited to, deceleration lanes where required at the proposed entrances to the location, shall be adequate to provide safe and convenient circulation for users of the facility, visitors to the facility, employees of the facility and all emergency vehicles that may require entrance thereon.

(5) The applicant shall establish by a fair preponderance of credible evidence that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking area.

(6) The applicant shall establish by a fair preponderance of credible evidence that adequate screening is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view, preclude any glare from lighting or noise from being ascertained beyond the boundaries of the property.

(7) Where the facility's operation and purpose, in the opinion of the Board, require supervision and protection, the applicant shall establish by a fair preponderance of credible evidence the adequacy of security and supervision, including, but not limited to, information of an adequate supervisor to inmate, student or patient ratio and such other evidence as may be required to establish this condition to the satisfaction of the Board.

(8) All the applicable standards of Part 18.

E. In all applications for conditional uses, the burden of persuasion shall as to all aspects and standards, shall be and remain upon the applicant. Further, the initial burden of going forward with the evidence shall be upon the applicant to demonstrate (1) compliance with each and every applicable term, condition and provision of this Chapter; and (2) compliance with all performance standards which by the terms of this Chapter are made relevant to the proposed conditional use as set forth in Part 18. With regard to proof of general requirements that the application, if granted, would not be contrary to the public health, safety and welfare, the initial burden as to specific objections shall be upon the protestant or township, but the burden of persuasion with respect to specific objections raised shall be and remain upon the applicant.

§27-2511. Amendments.

1. For the preparation of amendments to this Chapter, the procedure set forth in §607 of the MPC for the preparation of a proposed zoning ordinance shall be optional.

2. Before voting on the enactment of an amendment, the Board of Supervisors 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 Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

3. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed

amendment to provide the Planning Commission an opportunity to submit recommendations.

4. 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 Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

6. The Township may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IV of the MPC.

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

8. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §609.1 of the MPC and references thereto.

§27-2512. Liability

Municipal Liability. The granting of any permit under this Chapter by the Township or any of its designated officials or the use of land or structures or the erection, alteration or extension of any structure or the approval of any subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or any of its officials or employees as to any manner of injury resulting from such use, erection, alterations or extension, and shall create no liability upon, or a cause of action against such public body, officials or employees for any damage or injury that may result pursuant thereto.

§27-2513. Costs

The London Grove Township Board of Supervisors shall, from time to time, review municipal costs associated with various zoning activities as required by this Chapter. They shall then, at a regular public meeting, assign fees to various required municipal applications and permits. These fees will be contained in a fee schedule separate from this Chapter and herein referred to as the “Fee Schedule,” and adopted by Resolution of the Board of Supervisors.