

ORDINANCE NO. \_\_\_\_\_

**“U&O Decision Deadline and Extension of Zoning Relief Expirations”**

**AN ORDINANCE AMENDING THE SPRINGFIELD TOWNSHIP CODE, CHAPTER 114 (ZONING), ARTICLE XV (ADMINISTRATION AND ENFORCEMENT), SECTION 114-152 (USE AND OCCUPANCY PERMITS) TO REPEAL AND REPLACE SUBSECTION C. TO ADD A DEADLINE WITHIN WHICH A DECISION ON A COMPLETE USE AND OCCUPANCY PERMIT APPLICATION MUST BE ISSUED, SUBJECT TO CERTAIN CONDITIONS; AND TO FURTHER AMEND ARTICLE XV (ADMINISTRATION AND ENFORCEMENT), SECTION 114-155 (CONDITIONAL USE PROCEDURES) TO PROVIDE FOR THE EXTENSION OF THE EXPIRATION OF ZONING RELIEF IN CERTAIN CIRCUMSTANCES; AND TO FURTHER AMEND ARTICLE XVI (ZONING HEARING BOARD), SECTION 114-165 (SPECIAL EXCEPTIONS AND VARIANCES) TO PROVIDE FOR THE EXTENSION OF THE EXPIRATION OF ZONING RELIEF IN CERTAIN CIRCUMSTANCES.**

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The Board of Commissioners of Springfield Township does hereby **ENACT** and **ORDAIN:**

**SECTION I. - Amendment to the Code.**

The Code of Springfield Township, Chapter 114 (Zoning), Article XV (Administration and Enforcement), Section 114-152 (Use and Occupancy Permits) is hereby amended to repeal Subsection C. and replace it with the following new Subsection C.:

**C. Issuance.**

- (1) The Zoning Officer shall have 45 days after the receipt of the submission of a complete application for a use and occupancy permit to approve or deny a permit, subject to the following. In order to be considered to be ‘complete,’ an application for a use and occupancy permit must include:
  - (a) A fully completed application form, signed by a landowner, equitable owner and/or tenant with a valid lease. If the applicant is an equitable owner or tenant, a copy of the agreement establishing such property right shall be included with the application;
  - (b) A description of the proposed use, the existing use, and the historic use;

- (c) The required application fee established by Resolution of the Board of Commissioners, as amended from time to time; and
  - (d) Any and all supporting documentation necessary to allow the Zoning Officer to properly evaluate the use and occupancy permit application, including but not limited to a plan of the property and structures thereon and information demonstrating compliance with the Township Building Code and Zoning Ordinance.
- (2) The Zoning Officer shall have 20 days to determine whether a use and occupancy application is complete. If it is determined that the use and occupancy permit application is incomplete, the Zoning Officer will notify the applicant within the 20 day period of the additionally required documents and/or items. The 45 day period within which the Zoning Officer has to issue a decision on the application will start anew upon the submission of the information necessary to complete the application.
  - (3) The deadline within which the Zoning Officer must issue a decision may be extended upon the written, signed agreement of the applicant.
  - (4) No use and occupancy permit shall be issued until the Building Inspector has certified that the proposed use complies with all the provisions of this Chapter and the Township Building Code and Subdivision of Land Ordinance.
  - (5) Pending completion of a building or of alterations thereto, and subject to the provisions of this Section, a temporary use and occupancy permit may be issued by the Building Inspector for a temporary occupancy of a part or all of a building in lieu of a permanent use and occupancy permit, provided that issuance of such a permit has been approved by the Board of Township Commissioners, and provided further that such temporary occupancy would not in any way tend to jeopardize the life or property or create a health hazard. The issuance of such a temporary occupancy permit shall in no way prejudice the right of the Building Inspector to refuse to issue a permanent use and occupancy permit. The issuance of a use and occupancy permit shall not, in any way, be construed to relieve a contractor, builder or developer of and from any contractual or other liability, responsibility or obligation to any other person, firm or corporation.

## **SECTION II. - Amendment to the Code.**

The Code of Springfield Township, Chapter 114 (Zoning), Article XV (Administration and Enforcement), Section 114-155 (Conditional Use Procedures) is hereby amended to add the following new Subsection F.:

- F. Unless otherwise specified by the Board of Commissioners, a conditional use approval shall expire if the applicant fails to engage in such use or obtain a building permit (if necessary) thereunder within twelve (12) months from the date of authorization thereof, except that such twelve (12) month period shall be tolled during the following:
  - (1) The diligent pursuit of any necessary land development and/or subdivision approval;
  - (2) Appeal of the relief granted by the Board of Commissioners, or the conditions thereof; or
  - (3) Any period for which the Commonwealth of Pennsylvania has declared a state of emergency lasting for a period of not less than 30 days.

## **SECTION III. - Amendment to the Code.**

The Code of Springfield Township, Chapter 114 (Zoning), Article XVI (Zoning Hearing Board), Section 114-165 (Special Exceptions and Variances) is hereby amended to repeal Subsection D. and replace it with the following new Subsection D.:

- D. Unless otherwise specified by the Zoning Hearing Board, approval of a special exception or variance shall expire if the applicant fails to engage in such use or obtain a building permit (if necessary) thereunder within twelve (12) months from the date of authorization thereof, except that such twelve (12) month period shall be tolled during the following:
  - (1) The diligent pursuit of any necessary land development and/or subdivision approval;
  - (2) Appeal of the relief granted by the Zoning Hearing Board, or the conditions thereof; or
  - (3) Any period for which the Commonwealth of Pennsylvania has declared a state of emergency lasting for a period of not less than 30 days.

**SECTION IV. - Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION V. - Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VI. - Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION VII. - Repealer.**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Board of Commissioners of Springfield Township, Montgomery County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**BOARD OF COMMISSIONERS OF  
SPRINGFIELD TOWNSHIP**

By: \_\_\_\_\_  
**Baird M. Standish**, President

Attest: \_\_\_\_\_  
**A. Michael Taylor**, Secretary

