

BRECKNOCK TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024- 237

AN ORDINANCE OF THE TOWNSHIP OF BRECKNOCK, LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF BRECKNOCK, CHAPTER 110 ENTITLED “ZONING”, ARTICLE XI ENTITLED “ZONING HEARING BOARD”, SECTION 110-101 ENTITLED “FUNCTIONS”, LETTER D. ENTITLED “SPECIAL EXCEPTIONS”, AND LETTER E. ENTITLED “VARIANCES” TO INCREASE THE TIME TO OBTAIN A ZONING PERMIT FOLLOWING A DECISION OF THE ZONING HEARING BOARD TO TWO YEARS

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, the Board of Supervisors of Brecknock Township enacted a Comprehensive Zoning Ordinance on April 13, 1993, entitled the Brecknock Township Zoning Ordinance of 1993 (“Zoning Ordinance”); and

WHEREAS, Brecknock Township has subsequently amended the Zoning Ordinance from time to time; and

WHEREAS, the Zoning Ordinance is codified as Chapter 110 in the Code of the Township of Brecknock; and

WHEREAS, the Zoning Ordinance provides that a special exception shall expire if an applicant fails to obtain a zoning permit within three months from the date of authorization by the Zoning Hearing Board; and

WHEREAS, the Zoning Ordinance further provides that a variance shall expire if an applicant fails to obtain a zoning permit within three months from the date of authorization by the Zoning Hearing Board; and

WHEREAS, the Board of Supervisors of Brecknock Township desires to amend the Zoning Ordinance to increase the time for an applicant to obtain a zoning permit to two years from the date of authorization by the Zoning Hearing Board.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Brecknock, Lancaster County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code as follows:

SECTION 1. The Code of the Township of Brecknock, Chapter 110 entitled “Zoning”, Article XI entitled “Zoning Hearing Board”, Section 110-101 entitled “Functions”, letter D. entitled “Special Exceptions”, number (8) is hereby amended to read in its entirety as follows:

(8) Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within two years from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within one year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one year.

SECTION 2. The Code of the Township of Brecknock, Chapter 110 entitled “Zoning”, Article XI entitled “Zoning Hearing Board”, Section 110-101 entitled “Functions”, letter E. entitled “Variances”, number (9) is hereby amended to read in its entirety as follows:

(9) Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within two years from the date of authorization thereof by the Board or by the court if such variance has been granted after an appeal or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within one year from the date of authorization thereof by the Board or by the court if such variance has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one year.

SECTION 3. Severability.

If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 4. Other Ordinances.

All other articles, sections, parts and provisions of the Brecknock Township Zoning Ordinance of 1993, as amended, and the Ordinances of Brecknock Township shall remain in full force and effect as previously enacted and amended.

SECTION 5. Repealer.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Brecknock Township, Lancaster County, Pennsylvania, this 10 day of September, 2024.

**BOARD OF SUPERVISORS OF
BRECKNOCK TOWNSHIP,
LANCASTER COUNTY, PENNSYLVANIA**

ADOPTED 09/10/24 SIGNATURES ON FILE

Chairman

Vice Chairman

Member

ATTEST:

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2024 - 237 adopted by the Board of Supervisors of Brecknock Township, Lancaster County, Pennsylvania at a public meeting held on September 10, 2024, pursuant to notice as required by law.

Dated: _____

Township Secretary