

## **INSTRUCTION FOR FILING SPECIAL EXCEPTIONS**

### **PLEASE READ THOROUGHLY**

This is to assist you in applying to the Zoning Hearing Board for a special exception. The special exception process is explained more completely in Section 265-166 of the York Township Zoning Ordinance. You may wish to consult this chapter, as well as obtain the services of an attorney, engineer, architect, planner or other professionals in completing this application. The information is intended to provide a summary only.

### **WHO MAY APPLY FOR A SPECIAL EXCEPTION**

The application must be applied for by the owner, a contract purchaser, a tenant, or someone who has a legal or equitable interest in the land. The application cannot be filled out by some other company that is doing work for the applicant, such as a sign company or a real estate agent.

### **COMPLETING THE APPLICATION**

Please answer all questions fully. Only completed applications, which include the necessary information, will be accepted. Return **10 copies** of the application and all supporting information and the \$400.00 fee for the initial application. If additional special exception and/or variance application(s) are necessary, which involve the same property/project as the initial application, a fee of \$100.00 for each additional application must accompany the application(s) and be submitted on the same date as the initial application. Checks must be made payable to York Township.

Plans, drawings, and specifications are not required to be professionally prepared; BUT they must fully and accurately reflect your proposal. The importance of your project, your wish to avoid delays, and the relative complexity of your plan may suggest professional assistance.

### **GENERAL STANDARDS FOR SPECIAL EXCEPTIONS**

Section 265-166

B. Conditions: The Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter.

C. Application of Use Schedule: The extent-of-use regulations, as set forth in the Use Schedule must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements.

D. General standards for special exceptions:

a. Use: That the items below are in harmony with the orderly and appropriate development of the zoning district:

1. Location of the use, including location with respect to existing or future streets giving access to it.

2. Nature and intensity of the operations involved.

b. Facilities and services: That adequate water, sewerage, storm drainage and fire and police protection are or can be provided for the use.

c. Buildings, walls and fences: That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences.

d. Traffic: That the use will not create traffic congestion or cause commercial or industrial traffic to use residential streets.

**E. Specific Standards: In addition to the general standards for all special exceptions as contained in Subsection D, the specific standards for particular uses as listed in Article VII of the York Township Zoning Ordinance must be met prior to the granting of a special exception.**

## **GUIDELINES**

### **PRESENTATION:**

An applicant must be prepared to fully explain and document his proposal. This may be done personally or by an authorized representative (with or without counsel), before the Zoning Hearing Board.

Statements and testimony before the Zoning Hearing Board are taken under oath and every applicant or witness is subject to cross-examination or general questioning by the board or by other interested parties.

The board's decision must be made on the basis of the RECORD that is created by YOUR PRESENTATION. Formality is held to a minimum, but relevant FACTS are vital.

## DECISIONS:

Decisions are required to be made IN WRITING and mailed to the applicant and other interested parties as soon as possible after its approval at a public board session; moreover, decisions are required to include detailed findings of fact and conclusions. Complex cases may compel the decision to be deferred until the record can be reviewed and complete findings formulated, usually by the next regular monthly hearing session, but in all events within the required forty-five (45) days.

Summary decisions may be made at the time of hearing in appropriate cases, but ONLY if the applicant WAIVES the detailed findings required as a matter of record.

Special Exceptions are authorized for six (6) months unless specified or extended by the Zoning Hearing Board.

## PROTESTS AND APPEALS:

Any nearby property owner or other party in interest may PROTEST an application and present evidence in opposition. Protesting parties should be guided by the same attention to STANDARDS AND RELEVANT FACTS as applicants. Matters of personal preference or non-expert opinion may be relevant and may be admissible on the records, but such evidence must be weighed according to its value and may be of limited PERSUASIVE effect.

Any party AGGRIEVED by a decision of the Zoning Hearing Board, whether such party be an applicant or protestant may APPEAL such decision to the Court of Common Pleas within the LIMITED TIME and according to PROCEDURES currently prescribed by law.

**These instructions and suggestions are provided solely as an aid to zoning procedure and are not intended to enlarge, diminish, or supersede any current provision or rule of the law.**