

# ZONING

## *27 Exhibit A2*

### **Borough of Pottstown**

#### **APPENDIX A2 APPLICATIONS**

##### **SECTION A200. Permits Required.**

All zoning permits shall be issued in accordance with this Article by the Zoning Officer who shall affix his signature to such permit.

1. No person shall excavate for or store material machinery, or equipment on a lot in connection with the erection, construction, placement, reconstruction, alteration, repair, extension, replacement, restoration or conversion of any structure, building, or sign, except if specifically excluded by this Article; or change the use, area of use, or percentage of use; or extend or displace the use in part or in total of any structure, building, sign, or land without first filing an application in writing for subsequently receiving approval for a zoning permit. Regardless of whether or not said activity is in conformity with this Article, failure to obtain said permit shall constitute a violation of this Article and said failure shall subject the violator to the penalties specified herein.
2. The application for a permit shall be made by the owner or lessee of the structure, building, sign, or land, or by the agent of either. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application; in the absence of said affidavit, affixing a signature a zoning application shall constitute the making of such affidavit. Attorneys at law and others governed by the law of agency, when acting as the agent of the owner or lessee, are excluded from this requirement. The full names and addresses of the owner, lessee, applicant, or, if the owner or lessee is a corporate body, the responsible officers of said body, shall be stated in the application.
3. A zoning permit shall be deemed to have been abandoned six months after its date of issuance unless such application has been prosecuted diligently, except that for reasonable cause the Zoning Officer may grant one or more extensions of time for additional periods not exceeding 90 days each. Such permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. Upon expiration or invalidation of the zoning permit, all other permits issued thereon shall become invalid.
4. No building shall be occupied or otherwise used until such time as a certificate of occupancy is approved by the Zoning Officer after determining that the

## POTTSTOWN CODE

building, structure, or use is in conformance with the provisions of this Article and is a safe and sound building.

5. The Zoning Officer may revoke a permit or approval issued under the provisions of this Article 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. Any such revocation shall make null and void any other permit issued on the strength of zoning approval.
6. Any permit issued in conflict with the provisions of this Article shall be null and void and may not be construed as waiving any provisions of this Article.
7. Exclusion. This Section shall not apply to repairs or improvements required to meet Borough codes when said repairs or improvements do not create a change, intensification, or expansion of use.

### **SECTION A200.1. Site Plan Approval Requirements.**

1. No person shall commence any use or erect any structure without first obtaining the approval by the Zoning Officer of a site plan as set forth in these sections, and no use shall be carried on, no structure erected or enlarged and no other improvement or construction undertaken except as shown upon an approved site plan.
2. No certificate of occupancy shall be granted until all improvements shown on an approved site plan have been completed in accordance therewith. However, upon a finding by the Zoning Officer that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer, and that temporary occupancy prior to completion will involve no health or safety hazard, he may authorize a temporary certificate of occupancy bearing an expiration date. The expiration date shall allow reasonable time for completion. It will require posting of a cash bond in double the sum estimated by the Zoning Officer to be needed to complete all required improvements, and it will be conditioned on completion of all required improvements prior to the date of expiration of the temporary certificate of occupancy.
3. Acceptance of a temporary certificate implies consent to application of the bond money to completion of any required improvements not completed prior to the expiration date of the temporary certificate of occupancy and forfeiture of any portion thereof not so applied. However, no action or inaction by the Borough of Pottstown in respect to any required improvement shall serve to extend the time of validity of any temporary certificate of occupancy or excuse any violation of this Article. A temporary certificate of occupancy may be extended in time, however, and from time to time, for good cause shown. Any such extension shall operate to extend, for the same period, the time for completion under the terms of the bond.

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