CHAPTER 23
ADMINISTRATIVE INTERPRETATIONS

23-1 AUTHORITY

The Administrative Official, subject to the procedures, standards, and limitations of this Chapter, may render interpretations, including use interpretations, of the provisions of this Resolution and of any rule or regulation issued pursuant to it.

23-2 PURPOSE

The interpretation authority established by this Chapter is intended to recognize that the provisions of this Resolution, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Resolution in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Resolution but rather is intended only to allow authoritative application of that content to specific cases.

23-3 PARTIES ENTITLED TO SEEK INTERPRETATIONS

Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

23-4 PROCEDURE

23-4.1 Application

Applications for interpretations of this Resolution shall be filed on a form provided by the Administrative Official and shall contain the following information:

(a) The specific provision or provisions of this Resolution for which an interpretation is sought.

(b) The facts of the specific situation giving rise to the request for an interpretation.

(c) The precise interpretation claimed by the application to be correct or incorrect.

(d) When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.

(e) When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

23-4.2 Action on Application

Within thirty (30) days following the receipt of an application for interpretation determined to be complete pursuant to Chapter 20, Section 20-2.2, the Administrative Official shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Administrative Official to act within thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.

23-4.3 Appeal

Appeals from interpretations rendered by the Administrative Official may be taken to the Board of Zoning Appeals pursuant to Chapter 22.

23-5 STANDARDS FOR USE INTERPRETATIONS

The following standards shall govern the Administrative Official and the Board of Zoning Appeals on appeals from the Administrative Official in issuing use interpretations:

(a) Any use defined in Chapter 2 of this Resolution shall be interpreted as therein defined.

(b) No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.

(c) No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

(d) If the proposed use is more closely similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a Conditional Use Zoning Certificate and all the specific criteria where appropriate for such use pursuant to Chapter 17.

(e) No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

23-6 EFFECT OF FAVORABLE USE INTERPRETATIONS

No use interpretation finding that a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the regulations of the Township including, but not limited to: a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and development plan approval.

23-7 LIMITATIONS ON FAVORABLE USE INTERPRETATIONS

Subject to an extension of time granted by the Administrative Official, no use interpretation finding a use to be permitted or specially permitted in a particular district shall be valid for a period longer than six (6) months from the date of issuance unless applications for permits or approvals referenced in Section 23-6 have been filed, building permits issued, and construction is diligently pursued to completion.

A use interpretation, finding a particular use to be permitted or specially permitted in a particular district, shall be deemed to authorize only the specific use for which it was issued. Such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall for any reason be discontinued for a period of six (6) consecutive months or more, unless extended in writing by the Administrative Official or the Board of Zoning Appeals.

23-8 APPEALS FROM ADMINISTRATIVE DECISIONS

23-8.1 Procedure

The Board of Zoning Appeals shall hear and decide appeals in accordance with the provisions in Chapter 22.