WHITPAIN TOWNSHIP

ORDINANCE #4-257

AN ORDINANCE AMENDING THE TOWNSHIP’S ZONING CODE BY AMENDING ARTICLE XXX, SECTION 160-235 [CONDITIONAL USE PROCEDURES] TO (1) ADD A REQUIREMENT THAT CERTAIN INFORMATION MUST BE INCLUDED WITH ANY CONDITIONAL USE APPLICATION; AND (2) TO REMOVE CERTAIN REQUIREMENTS FOR THE SUBMISSION OF PLANS AND OTHER MATERIALS AS PART OF CONDITIONAL USE APPLICATIONS

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER OF WHITPAIN TOWNSHIP IN MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE #4-257

[Signature]
Roman M. Pronczak, P.E., Township Manager

[Date], 2019

ENACTED: 12-3-2019
WHITPAIN TOWNSHIP

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IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors that the Township’s Zoning Ordinance shall be amended as follows:

SECTION 1. Amendment to Article XXX, Section 160-235 [Conditional Use Procedures]

Article XXX, Section 160-235 [Conditional Use Procedures] is amended to read as follows:

Section 160-235. Conditional Use Procedures.

Whenever a conditional use is authorized pursuant to the terms of this chapter, as amended, the procedures for application and review of requested conditional uses shall be as follows:

A. Written request. The landowner shall make a written request to the Board of Supervisors that it hold a hearing on his or her application. The request shall contain a statement reasonably informing the Board of Supervisors of the matters that are in issue and shall set forth the following facts:

(1) Name and address of the applicant.

(2) Name and address of the owner of the real estate to be affected by the proposed conditional use.

(3) A brief description and location of the real estate to be affected by such conditional use.

(4) Present zoning classification of the real estate in question, the improvements thereon and its present use.
(5) A reasonably accurate description of the improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof, and attached thereto shall be a plot plan of the real estate to be affected, prepared by a registered engineer, indicating the location and size of the lot and the size of the improvements now erected and proposed to be erected thereon.

B. Plans and accompanying documents. If the application shall involve a subdivision or land development, then plans prepared in accordance with the requirements of Chapter 129, Subdivision and Land Development, of the Code of the Township of Whitpain shall be filed for review as well.

C. Hearing on conditional use request. The Board of Supervisors shall hold a hearing upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents, in writing, to an extension of time.

D. Decision on conditional use request. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors, unless the applicant has agreed, in writing or on the record, to an extension of time. In allowing a conditional use, the Board of Supervisors may attach reasonable conditions and safeguards as may be deemed necessary to implement the purposes of this chapter and to ensure the protection of adjacent uses from adverse impacts that may be determined from credible testimony.

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SECTION 2. Repeal and Ratification

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.
SECTION 4. Effective Date

This Ordinance shall become effective 5 days after enactment.

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ORDAINED AND ENACTED this 3rd day of December 2019 by the Board of Supervisors.

WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS

FREDERICK R. CONNER JR, Chair

[Seal]

Attested by:

MICHELE MINNICK
Secretary