

TOWNSHIP OF POTTER

ORDINANCE NO. 03 OF 2024

AN ORDINANCE OF THE TOWNSHIP OF POTTER, CENTRE COUNTY, PENNSYLVANIA, TO AMEND AND RESTATE CHAPTER 220 – ZONING, ARTICLE IX – ADMINISTRATION AND ENFORCEMENT, SECTION 220-100 – AMENDMENTS TO ZONING ORDINANCE, OF THE CODE OF THE TOWNSHIP OF POTTER

Background

WHEREAS, the Township of Potter is a Second Class Township of the Commonwealth of Pennsylvania; and

WHEREAS, the Township of Potter previously adopted a Potter Township Zoning Ordinance, which Ordinance, as amended from time to time, is codified at Chapter 220 §§220-1 to 220-111; and

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code (“MPC”), Article VI, Section 609(a), 53 P.S. §10609(a), as codified, an optional procedure for the preparation of amendments to zoning ordinances is set forth in the Pennsylvania Municipalities Planning Code, Article VI, Section 607, 53 P.S. §10607, as codified; and

WHEREAS, the Board of Supervisors has determined it to be in the best interests of the Township and its citizens to elect such procedure for the preparation of amendments to zoning ordinances in the Township of Potter; and

WHEREAS, the Board of Supervisors has further determined it to be in the best interest of the Township and its citizens to set forth additional requirements for legal review, prior to public notice being issued in anticipation of public hearing in accordance with the requirements of the Pennsylvania Municipalities Planning Code (“MPC”), Article VI Sections 609-610, 53 P.S. §§10609-10610, and the Second Class Township Code, 53 P.S. §66601; and

WHEREAS, the Board of Supervisors has determined to amend Chapter 220, Article IX, §220-100, of the Potter Township Zoning Ordinance accordingly.

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Potter, Centre County, Pennsylvania, as follows:

§ 220-100 Amendments to Zoning Ordinance.

The regulations, restrictions, and district boundaries set forth in this chapter may, from time to time, be amended through action of the Board of Supervisors in accordance with the following procedure:

- A. Preparation of Zoning Ordinance or Zoning Ordinance Amendment by Township planning agency.

- (1) Any request submitted by a resident of the Township, an owner of property situated within the Township, or any other person or party having a recognized interest in the Township's zoning or land use regulations within any Township zoning district(s) (hereinafter, an "Applicant") shall deliver such request, in writing, to the Township's Secretary;
- (2) The Township's Secretary shall document the date such written request is received;
- (3) The written request shall promptly then be forwarded to the Township's local planning agency, which shall follow the procedure set forth under 53 P.S. §10607;
- (4) For the purpose of clarity and the avoidance of doubt, 53 P.S. §10607 applies to newly-enacted ordinances, as a matter of course, and the Township hereby elects this procedure for proposed ordinance amendments, as well, pursuant to 53 P.S. §10609(a).
- (5) Consistent with the procedure set forth under 53 P.S. §10607, the text and map forming any proposed Zoning Ordinance or Zoning Ordinance Amendment shall be prepared by the Township planning agency, consistent with the zoning purposes set forth at 53 P.S. §10604, and the Township's Comprehensive Plan;
- (6) The procedure supplied by this Ordinance shall apply to both newly-enacted ordinances and ordinance amendments, when requested by an Applicant;
- (7) The Applicant shall supply to the Township, at the time of such request or submission true and correct copies of any studies, surveys, measurements, or other data, information or documents necessary or convenient to enable the Township's local planning agency to prepare a draft proposed Zoning Ordinance Amendment;
- (8) In preparing a draft proposed Zoning Ordinance or Zoning Ordinance Amendment, the Township planning agency shall hold at least one public meeting pursuant to public notice required by law, and may hold additional public meetings upon such notice as it shall determine in its discretion to be advisable;
- (9) Upon the completion of its work, the Township planning agency shall present the draft proposed Zoning Ordinance Amendment, together with its recommendations and explanatory materials to (i) the Township of Potter Board of Supervisors; and (ii) the Centre County planning agency for its recommendations with respect to the draft proposed Zoning Ordinance or Zoning Ordinance Amendment;
- (10) The Centre County planning agency shall have a period of up to forty-five (45) days to provide its recommendations;

(11) On the earlier of the Township’s receipt of the Centre County’s Planning agency’s recommendations or the expiration of forty-five (45) days from the date of the Centre County planning agency’s receipt of the draft proposed Zoning Ordinance or Zoning Ordinance Amendment, Township staff shall refer the draft Zoning Ordinance or Zoning Ordinance Amendment, along with all recommendations received from the local Township planning agency and the Centre County planning agency, to the Township’s Solicitor for legal review; and

- B. Prior to any public hearing by the Township Board of Supervisors, the Township Solicitor shall conduct a legal review of the proposed Zoning Ordinance, considering all recommendations and explanatory materials prepared by the local Township planning agency and Centre County planning agency, and shall advise the Board of Supervisors of any additional recommendations within a period not to exceed fortyfive (45) days from the date of Solicitor’s receipt.
- C. Prior to any deliberation or action concerning the potential enactment of any Zoning Ordinance or Zoning Ordinance Amendment by the Township of Potter Board of Supervisors, the Township Board of Supervisors shall first hold a public hearing, following its provision of all prerequisite public notice, in the manner required by the MPC, Article VI Sections 609 and 610, 53 P.S. §§10609 and 10610, as codified, and the Second Class Township Code, 53 P.S. §66601, as codified. No public hearing shall take place sooner than forty-five (45) days after submission of the draft proposed Zoning Ordinance to the Centre County planning agency, in accordance with §220100(A)(3)(ii) herein and, in any event, not until a legal review by the Township Solicitor has concluded or an additional forty-five (45) days has expired from the date of the Solicitor’s receipt of the draft proposed Zoning Ordinance or Zoning Ordinance Amendment.
- D. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed, provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Potter which is not in conflict with the provisions hereof shall be deemed to remain in full force and effect.

ENACTED AND ORDAINED this _____ day of _____, 2024, by the Board of Supervisors of Potter Township.

ATTEST:

Secretary

POTTER TOWNSHIP SUPERVISORS:

Chairman