

ORDINANCE NUMBER 229

An Ordinance by the Council of the Borough of Honey Brook, Chester County, Pennsylvania amending Chapter 27 of the Code of Ordinances, "Zoning" by amending Part 13 "Administration and Enforcement" Section 27-1311 "Conditional Use Process" as follows:

- I. Section 3. "General Requirements" is hereby amended by deleting Section 3.A. in its entirety and inserting the following Section 3.A. in its place:

3. General Requirements

A. Ownership

The tract of land under application (Applicant) for a Conditional Use approval shall be under one (1) ownership, or shall be the subject of an application filed jointly by the owners and the equitable owners of the entire tract, and shall be under unified control. If the ownership of the entire tract is held under more than one (1) person or entity, the application shall identify and be filed on behalf of all of the owners. Approval of the plan shall be conditioned upon agreement by the Applicant or Applicants that the tract shall be developed under single direction in accordance with the approved Conditional Use Plan as required under Section 27-1311. 4.B. below ("Conditional Use Plan") and the Land Development plan approved under the Borough Subdivision and Land Development Ordinance ("Land Development Plan"). No site preparation or construction shall be permitted other than in accordance with the approved Land Development plan. If ownership of all or any portion of the tract changes subsequent to approval of the Land Development plan, no site preparation or construction by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved Conditional Use Plan and agree in writing to be bound thereby with respect to development of the tract.

- II Section 4.A. "Application" is hereby amended by deleting subsection 4.A. (10) and inserting the following Section 4.A. (10) in its place"

(10) A phasing plan and narrative, if the development is to be carried out in progressive phases that demonstrates that all of the requirements and the intent of this section are met with the completion of each phase.

- III Section 4.A. "Application" is hereby amended by deleting subsection 4.A.(11) and inserting the following subsection 4.A.(11) in its place:

(11) A listing of all property owners on the same street within 500 feet of

the lot or building in question and of every lot not on the same street within 200 feet of the said lot or building.

- IV Section 4.B. "Development Plan" is hereby amended by (i) deleting the title "Development Plan" and inserting the title "Conditional Use Plan" in its place (ii) deleting "Development Plan" in the second paragraph, first sentence and inserting "Conditional Use Plan" in its place; (iii) deleting "Development Plan" in the second paragraph, third sentence and inserting "Conditional Use Plan" in its place, and (iv) deleting "Development Plan" in the fourth paragraph, first sentence and inserting "Conditional Use Plan" in its place.
- V Section 4.F. "Fiscal Impact Assessment" is hereby amended by deleting "staged" in the last sentence and inserting "phased" in its place.
- VI Section 5. A. "Procedures" is hereby amended by inserting the words "Engineer or other designated official" between the words "Borough" and "shall" in the first sentence.
- VII Section 5.B. (1) "Procedures" is hereby amended by deleting Section 5.B. in its entirety and inserting the following Section 5.B. in its place:
  - (1) Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in Honey Brook Borough in accordance with the requirements for public notice established in the Municipalities Planning Code. Property owners on the same street within 500 feet of the lot or building in question and of every lot not on the same street within 200 feet of the said lot or building shall be notified in writing via regular first class mail prior to the scheduled hearing. Additionally, like notice thereof shall be given to the Applicant, the Code Enforcement Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure to give this notice, either in part or in full or failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the Honey Brook Borough Council. The Borough Council shall commence its first hearing on the application within sixty (60) days from the date the fully completed application is accepted for review, unless extended by written authorization from the Applicant.
- VIII Section 6. I. is hereby amended by deleting the words "stage" or "stages" wherever they appear and inserting the words "phase" or "phases in their place.
- IX This Ordinance is hereby incorporated into Part 27, Part 13 of

the Code of Ordinances of the Borough of Honey Brook.

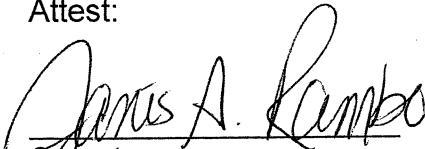
- X Repeal of Conflicting Ordinances. All existing ordinances or resolutions or parts of ordinances or resolutions which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.


This Ordinance shall become effective on the earliest date provided by law.

Adopted at a regular meeting of the Council of the Borough of Honey Brook held on December 15, 2014.


Attest:

**BOROUGH OF HONEY BROOK**

  
Secretary

  
President, Borough Council

Approved this 15<sup>th</sup> day of DEC, 2014

  
Mayor