

ORDINANCE 2024-01
BOROUGH OF OWNINGTOWN
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF DOWNINGTOWN, AS AMENDED, BY AMENDING CHAPTER 278, ARTICLE XXII, ENTITLED ZONING HEARING BOARD, SECTION 287-142, "PUBLIC HEARING PROCEDURES, SUBSECTION B, TO AMEND THE NOTICE PROCEDURES.

AND NOW, this 7th day of April, it is hereby enacted and ordained by the Borough Council of Downingtown, Chester County, Pennsylvania, that:

SECTION 1. Section 278-142 of the Borough Code, "Zoning Hearing Board", subsection B, Notice, is hereby amended to remove the requirement to send certified mail as follows:

§ 287-142 Public hearing procedures.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

B. Notice.

(1) Upon filing a request for a hearing, the Board shall fix a reasonable time and place for a public hearing and shall give notice thereof as follows:

- (a) By giving public notice thereof, as defined in § 287-7 of this chapter.
- (b) By providing written notice thereof to the applicant at least 14 days before the date fixed for the hearing.
- (c) By e-mailing or mailing by first-class mail written notice thereof to the Zoning Officer, the Borough Secretary, each member of the Borough Council, each member of the Planning Commission, the Director of the Chester County Planning Commission and to every person or organization who shall have registered with the Board for the purpose of receiving such notices, accompanied by the appropriate mailing fee. The Borough Council may fix an annual fee for provision of notices to such registered persons or organizations.
- (d) By posting the written notice of said hearing in a conspicuous location on the affected tract of land, at least one week prior to the hearing.

(e) By sending written notice thereof via first-class mail to the owner of every lot which abuts the property subject to the application, and to the owner of every lot within a one-hundred-fifty-foot radius of the subject property which does not abut the subject property. "Owner" shall be defined as the person(s) listed as the owner on the tax rolls and notice shall be sent to the address contained in the tax rolls. The notice required hereunder shall be sent at least 10 days before the scheduled hearing.

SECTION 2. Applicability. The provisions hereof shall supersede any ordinances or parts of ordinances which are inconsistent herewith.

SECTION 3. Severability. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

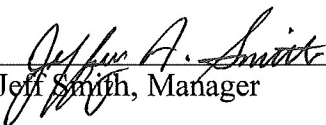
SECTION 4. Effective Date. This Ordinance shall become effective five (5) days from enactment.

ENACTED AND ORDAINED this 3rd day of April, 2024 by the Borough Council of Downingtown.


ADOPTED by Borough Council this 3rd day of April, 2024.

BOROUGH OF DOWNINGTOWN

ATTEST:

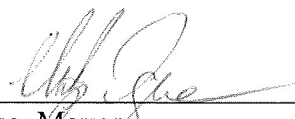


Jeff Smith, Manager



Alex Rakoff, President, Borough Council

APPROVED by the Mayor, this 3rd day of April, 2024



Phil Dague, Mayor

ENACTED this 3rd day of April, 2024.