

**CHARLESTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 221 - 2022**

**AN ORDINANCE OF CHARLESTOWN TOWNSHIP, CHESTER COUNTY  
PENNSYLVANIA, PURSUANT TO THE SECOND-CLASS TOWNSHIP  
CODE, AS AMENDED, AMENDING CHAPTER 27 OF THE TOWNSHIP  
CODE, BY ADDING GENERAL PROCEDURES TO SECTION 18,  
STANDARDS FOR APPROVAL OF CONDITIONAL USES BY THE BOARD  
OF SUPERVISORS**

AND NOW THEREFORE, this 7<sup>th</sup> day of November, 2022, the Board of Supervisors of the Township of Charlestown, Chester County, Pennsylvania hereby **ENACTS** and **ORDAINS** that Chapter 27 of the Charlestown Township Code of Ordinances, being the Charlestown Township Zoning Ordinance, is amended as follows:

**Section 1.** Section 27-1809, Standards for Approval of Conditional Uses by the Board of Supervisors is hereby amended to add the following:

2. The Board may impose such conditions as are necessary to insure any or all of the above matters as well as any other ordinances, regulations and laws.

In addition, the Board of Supervisors shall require an environmental impact assessment for any proposed use, subject to the provisions of § 27-1616.

3. General Procedures.

- A. In the case of an application for conditional use, the Planning Commission shall perform a review and provide recommendations to the Board of Supervisors concerning the grant of approval or disapproval of the proposed use. Such review shall be conducted and a written report submitted to the Board of Supervisors within 90 days of the filing of the application, unless mutually agreed otherwise with the applicant. The Planning Commission shall discuss the application, at least, at one of its regularly scheduled public meetings during the 90-day review period.

- B. The Board of Supervisors may, in the case of an application for conditional use, schedule a hearing for public review and comment. Such hearing shall commence during the ninety-day review period by the Planning

Commission and the Board of Supervisors, at a regularly scheduled meeting or special meeting, shall take action to either approve or disapprove the use.

- C. The Planning Commission and Board of Supervisors shall be responsible for providing notification to the applicant, no less than 20 days prior to the initial Planning Commission meeting at which an application will be publicly discussed and the hearing on the application at which testimony will be heard. Subsequent to the receipt of such notification, the applicant shall be responsible for notifying, no less than 10 days prior to such meeting or hearing, all property owners within 250 feet of the lot of the proposed use.
- D. Proof of proper notification shall be required as a precondition to the commencement of any discussion of the application at a meeting or hearing.
- E. Notification of the action taken by the Board of Supervisors shall be made in writing to the applicant. In the event of disapproval, it shall be accompanied by a statement of the reasons therefore. Within 30 days of the receipt of any notification of disapproval the applicant may submit a revised application which will be acted upon by the Board of Supervisors at their next regularly scheduled meeting occurring more than 20 days from the filing date of the revised application. In the event of ultimate disapproval, the applicant may, after an elapsed period of 90 days since receipt of notification, file a new application for conditional use or subdivision or other use of the subject property.
- F. In the event of approval, should the applicant fail to obtain the necessary Township approvals and permits within 12 months of notification; or, having obtained the necessary approvals and permits, fails to commence work thereunder within six additional months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned his/her appeal or application; and all provisions, conditional use(s) and permits granted to his/her, shall be deemed automatically rescinded by the Board of Supervisors. If the Board of Supervisors finds that a good reason exists for the failure to comply with the time periods, specified above, an extension may be granted.
- G. The grant of approval by the Board of Supervisors for a conditional use shall in no way release the applicant from his/her obligation to comply with

the applicable provisions of this chapter, the Charlestown Township Subdivision and Land Development Ordinance of 1982 [Chapter 22], as amended, and any other applicable Township, county, state and federal regulations.

- H. Whenever a conditional use permit is required by this chapter for any use proposed or inherent in any proposed subdivision andlor land development or a planned residential development, all applications therefore shall be filed and all plans, documents, and other submissions required to accompany same shall be filed with the Township at the same time of filing for review of a preliminary plan for subdivision andlor land development or a tentative plan for a planned residential development.
4. When an application for a conditional use has been filed with the Board of Supervisors, and the subject matter of such application would ultimately constitute either a "land development" or a "subdivision," no change or amendment to the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Board of Supervisors, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six months, or longer or as may be approved by the Board of Supervisors following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Board of Supervisors.

If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of §§ 508(1) through 508(4) of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10508(1) through 10508(4), as amended, and specifically to the time limitations of § 508(4), 53 P.S. § 10508(4), which shall commence as of the date of filing such land development or subdivision plans.

ENACTED and ORDAINED this 7<sup>th</sup> day of November 2022.

Attest:

**CHARLESTOWN TOWNSHIP  
BOARD OF SUPERVISORS**

Christopher W. Heleniak  
Christopher W. Heleniak, Manager

[Signature]  
Frank A. Piliero, Chairperson

Charles A. Philips, Vice Chairperson

[Signature]  
Susan T. Bednar, Member

[Signature]  
Kevin R. Kuhn, Member

[Signature]  
Hugh D. Willig, Member