

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 8 of 2017

AN ORDINANCE AMENDING CHAPTER 123 OF THE CODE OF ORDINANCES OF WILLISTOWN TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, IN ORDER TO CREATE PLAN EXPIRATION PROVISIONS FOR FINAL PLANS. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

Section 1. The Code of the Township of Willistown, Chapter 123 thereof, being the Willistown Township Subdivision and Land Development Ordinance, Article V, §123-18, Final Plan, is amended by adding a new subsection (d) to §123-18.A(2), as follows:

(d) Plan expiration

- [1] A condition of plan approval shall be the acceptance of the plan expiration procedure enumerated herein. Applicants shall agree in writing to this procedure as part of final plan submission. Should the applicant wish to appeal this provision to the Planning Commission and Board of Supervisors, such appeals must also be made in writing at the time of plan submission and shall indicate the reasons why the procedure should not apply to them. No final plan shall be approved without written correspondence accepting the plan expiration date or providing an adequate explanation why an expiration date is not warranted.
- [2] A final plan expires three years after the date of its approval unless:
 - [a] The Board of Supervisors approves a later expiration date when it approves the plan;
 - [b] For a subdivision plan involving no improvements, the plan is recorded within 90 days of final approval;
 - [c] For a land development plan, the plan is recorded prior to or within one year of its' expiration, financial security is posted for the improvements per the requirements of plan approval and site work is commenced within the three-year approval period and diligently pursued to completion; or
 - [d] The Township Zoning Officer extends the expiration date under Subsection [3].

[3] An applicant may request that the Township Zoning Officer extend the expiration date of a final plan by filing a written request and justification before the expiration date.

[a] The Township Zoning Officer may extend the expiration date of the plan once for a period of two years if he/she determines:

- (i) there is good cause for the extension;
- (ii) there has not been a significant change in circumstances involving the property or the neighborhood affecting the plan; and
- (iii) there is no deviation from the approved plan on file.

[b] Reasons for not extending the expiration date of the final plan include changes in circumstances, as well as, but not limited to:

- (i) Compatibility with adjacent uses. The proposed improvements of the property are no longer compatible with the later improvement of immediately adjacent properties.
- (ii) Impact upon public services. The impact of the use now exceeds the existing or planned capacity of public services, including but not limited to utilities, streets, police and fire protection services, and educational services.
- (iii) Traffic impacts. The use creates adverse traffic impacts.
- (iv) Impact upon the environment and the public health, safety, and welfare. The use will be detrimental or injurious to the environment or the public health, safety, and welfare due to traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
- (v) Isolation of existing uses. Extending the expiration date will result in a small residential or nonresidential area being substantially surrounded by incompatible uses.
- (vi) Site modifications. Modifications made in intervening years to the proposed site significantly change the physical characteristics of the site and render components of the approved plan invalid.
- (vii) Changes in environmental or land use laws that impact the legality of the final plan.
- (viii) Changes in the Township's comprehensive plan, land use or other regulations, and/or creation of a special study area plan that directly impact the property in question and could make the final plan unworkable, impracticable, or inconsistent with Township policies.

- [c] An applicant may appeal the Township Zoning Officer's decision under this subsection to the Township Planning Commission for recommendation and to the Board of Supervisors for decision.
 - [d] The Township Zoning Officer shall give notice of the Planning Commission's and Board of Supervisor's consideration of an appeal at the Township website.
 - [e] The Board of Supervisors shall consider the appeal at a regularly scheduled public meeting before acting.
 - [f] An appeal may be granted only by Board of Supervisors.
- [4] If the Board of Supervisors approves a different expiration date, the earlier date no longer controls.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Section 3. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and **ORDAINED** this 27th day of November, 2017

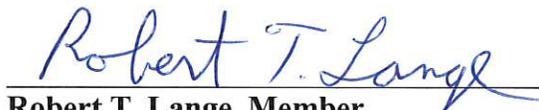
**BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP**



 William R. Shoemaker, Chairman



 George J. McHugh IV, Vice Chairman



 Robert T. Lange, Member

ATTEST:



 David R. Burman, Secretary



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