

Ordinance No. #330-2021

AN ORDINANCE OF THE SUPERVISORS OF THE TOWNSHIP OF EAST WHITELAND TO REZONE CERTAIN PARCELS LOCATED BETWEEN CONESTOGA ROAD AND ROUTE 202 FROM THE OS – OPEN SPACE ZONING DISTRICT TO THE PO – PROFESSIONAL OFFICE ZONING DISTRICT

WHEREAS, the Board of Supervisors, pursuant to the Municipalities Planning Code (“MPC”), 53 P.S. §§ 10101, *et seq.*, has heretofore enacted a Zoning Ordinance codified at Chapter 200 of the Code of Ordinances of the Township of East Whiteland (“Township”); and

WHEREAS, the Board of Supervisors have met the procedural requirements of the MPC and the Pennsylvania Second Class Township Code, 53 P.S. §65101, *et seq.*, for the adoption of the proposed Ordinance, including advertising and holding a public hearing; and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make, amend, and adopt Ordinances that are consistent with the Constitution and Laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the health, safety, and welfare of its citizens; and

WHEREAS, certain portions of the Township’s OS – Open Space zoning district are within the floodplain of Valley Creek or its tributaries such that they are subject to periodic inundation and poor soils for construction; and

WHEREAS, the aforesaid lands are isolated in the strip of land between Conestoga Road and Route 202, and bisected by the Mill Lane overpass from Conestoga Road over Route 202; and

WHEREAS, the proximity of the aforesaid lands to Route 202 render them inappropriate for residential development; and

WHEREAS, the aforesaid lands are not contiguous to the Chester Valley Trail; and

WHEREAS, the foregoing limitations effectively limit the development potential of the said lands to the detriment of the Township’s residents and taxpayers; and

WHEREAS, the Township seeks to place the aforesaid lands to beneficial use of the Township, its residents, and taxpayers; and

WHEREAS, the aforesaid lands are appropriate for the uses described in the PO – Professional Office zoning district as described in the Zoning Ordinance; and

WHEREAS, the uses permitted in the PO – Professional Office zoning district are consistent with both the commercial and public educational and recreational uses already existing upon the aforesaid lands or sought by the Township to exist upon the same; and

WHEREAS, the PO – Professional Office zoning district is already contiguous with, and adjacent to, the northwestern boundary of the aforesaid properties;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for East Whiteland Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION 1. REZONING. The following parcels are hereby rezoned to the PO – Professional Office zoning district: Parcel Nos. 42-4-365, 42-4-2.1, 42-4-2.5, 42-4-2.4, 42-4-2.2, 42-4-18.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 3. SEVERABILITY. To the extent that any provision of this ordinance is deemed to be unlawful, such provision shall be severable from the remainder of provisions which are not deemed to be unlawful, which lawful provisions shall continue in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after date of adoption.

SECTION 5. REPUBLICATION. The Township Manager, Township Solicitor, and Township Engineer are hereby authorized to take all necessary and appropriate steps to republish the zoning map of the Township and to take such other steps as may be lawful or expedient to perfect the rezoning of the parcels as described hereinabove.

ENACTED AND ORDAINED this 1st day of February , **2021** by the Board of Supervisors of East Whiteland Township

**BOARD OF SUPERVISORS
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ATTEST:

Donna Wikert
By: _____
Township Secretary

Scott Lambert
By: _____
Scott Lambert

Richard Orlow
By: _____
Richard Orlow

Sue Drummond
By: _____
Susan Drummond