

TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 01 -2024

AN ORDINANCE OF THE TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE MAXATAWNY TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1984, AS AMENDED, TO AMEND SECTION 302 TO PROVIDE FOR IDENTIFICATION OF HISTORIC PROPERTIES.

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its Subdivision and Land Development Ordinance to regulate the application process for subdivision and land development; and

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code the Township of Maxatawny adopted a Subdivision and Land Development Ordinance ("SALDO") by enacting Ordinance Number 1984-5 on July 9, 1984; and

WHEREAS, the Township of Maxatawny amended the Township's SALDO by Ordinance Number 2007-2 on May 9, 2007; and

WHEREAS, the SALDO provides for the requisite plan size of land development and subdivision plans in Article III entitled "Plan Requirements"; and

WHEREAS, the Board of Supervisors desires to further amend the Township's SALDO to require exhibition of historic overlay and structures on plans.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, , Article III entitled "Plan Requirements", Section 302 entitled "Preliminary Plan", Subsection 302.1 is hereby amended to add a Letter P which shall read in its entirety as follows:

Section 302 Preliminary Plan

302.1 The Preliminary Plan shall include all information as required for Sketch Plan under Article III, Section 301. in these regulations and shall be drawn to the same scales and presented on the same sheet size as required for the Sketch Plan. In addition. the following information shall be shown:

P. Historic Properties and Structures

1. Show if the property or properties or structure or structures involved in or are located on the property that is the subject of the subdivision or land development are located in the Maxatawny Township Historic Overlay Zoning District, on the Maxatawny Township Historic Properties Inventory (as may be amended from time to time), denote historic and/or architecturally significant resources listed in the National Register of Historic Places, or determined eligible by the Pennsylvania Historic and Museum Commission to be listed individually in the National Register of Historic Places, or is classified as "certified historic structure" by the Secretary of the Interior or are over 100 years old. Plans exhibiting development of said properties or structures shall be referred for review and comment to the Maxatawny Township Historic Commission. The Maxatawny Township Historic Commission shall have thirty (30) days to review and comment on such plans.

2. Show, if any, structure or structures located on the property that is the subject of the subdivision or land development that are located in the Maxatawny Township Historic Overlay Zoning District, on the Maxatawny Township Historic Properties Inventory (as may be amended from time to time), denote historic and/or architecturally significant resources listed in the National Register of Historic Places, or determined eligible by the Pennsylvania Historic and Museum Commission to be listed individually in the National Register of Historic Places, or is classified as "certified historic structure" by the Secretary of the Interior or are over 100 years old which will be demolished, removed or relocated as part of development of the property. Designating proposed demolition of any such structures and indicating if the structure(s) proposed for demolition is subject to further review by way of Special Exception before the Zoning Hearing Board pursuant to the provisions of the Maxatawny Township Zoning Ordinance.

SECTION 2. The Maxatawny Township Subdivision and Land Development Ordinance of 1984 shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of such Subdivision and Land Development Ordinance upon enactment.

SECTION 3. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.


SIGNATURES ON NEXT PAGE

ENACTED AND ORDAINED as an Ordinance of Maxatawny Township, Berks County, Pennsylvania, this 4th day of March, 2024.

**BOARD OF SUPERVISORS OF
MAXATAWNY TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**



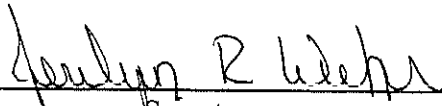
Chairman



Vice Chairman

Member

ATTEST:

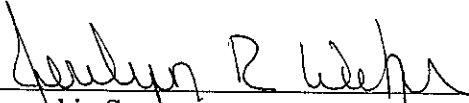


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2024-01 adopted by the Board of Supervisors of Maxatawny Township, Berks County, Pennsylvania at a public meeting held on March 4, 2024, pursuant to notice as required by law.

Dated: 3/4/2024


Township Secretary