

ORDINANCE NO. 2019 - 01

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA, CHAPTER 110, ZONING, SECTION 110-107 TO REVISE USE NOT PROVIDED FOR REQUIREMENT FOR SIMILARITY; SECTION 110-111 (DEFINITIONS) TO AMEND DEFINITION OF FAMILY; SECTION 110-402.NN WIRELESS TELECOMMUNICATION FACILITIES TO COMPLY WITH FEDERAL COMMUNICATIONS COMMISSION DECLARATORY RULING ADOPTED SEPTEMBER 26, 2018; AND SECTION 110-1101(C) TO REVISE REQUIREMENTS FOR AN APPEAL FROM A DETERMINATION OF A ZONING OFFICER, AND AMEND THE ZONING MAP TO CORRECT THE SPELLING OF SPEELMAN KLINGER ROAD

WHEREAS, the Township desires to amend the Zoning Ordinance of Mount Joy Township to clarify a similarity requirement for a use not provided for; to revise the definition of the term “family;” to comply with the Federal Communication Commission’s September 26, 2018 Declaratory Ruling relating to wireless telecommunications application review procedures; and to revise site plan requirements for an appeal from a determination of the Zoning Officer, and to amend the Zoning Map to indicate the correct spelling of a Township road.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Mount Joy Township:

Section 1. Purpose

The purpose of this Ordinance is to amend the Zoning Ordinance to clarify a similarity requirement for a use not provided for; to revise the definition of the term “family;” to comply with the Federal Communication Commission’s September 26, 2018 Declaratory Ruling relating to wireless telecommunications application review procedures; and to revise site plan requirements for an appeal from a determination of the Zoning Officer, and to amend the Zoning Map to indicate the correct spelling of a Township road.

Section 2. Enabling Authority

This Ordinance is enacted pursuant to the enabling authority of the Pennsylvania Municipalities Planning Code, Article VI, 53 P.S. § 10609.

Section 3. Proposed Amendments To Zoning Ordinance

The following proposed amendments show new text in italics and strike text to be deleted.

Amend Section 110-107 (Use Not Provided For), Subsection B(1)(c) to read: “That the proposed use is similar *in scale and impacts* ~~and compatible~~ with a permitted use(s) in the district in which the subject property is located.”

Amend Section 110-111 (Definitions – Family) as follows:

Amend Subsection 1 to read: “Any number of persons occupying a single dwelling unit and maintaining in the dwelling unit a common household *with the sharing of food, rent, utilities and other household expenses and housekeeping of their dwelling unit*; provided”

Amend Subsection 2 to read: “Not more than five persons who are not related, but who are the functional equivalent of a family in that they live together *in a single dwelling unit*, participate *together* in such activities as meal planning, shopping, ~~meal~~-preparation *and eating* and the ~~cleaning~~-*housekeeping* of their dwelling unit ~~together~~, and who are part of a community-based residential home”

Amend Section 110-402 NN. Wireless Telecommunications Facilities and Support of the Zoning Ordinance as follows:

Amend Subsection (1) to read “ . . . released October 21, 2014 *and the FCC’s 2018 Declaratory Ruling released September 27, 2018*, and Pennsylvania’s”

Amend Subsection (14) (Complete Application) to read: “Upon receipt of the application, the Township shall perform an administrative completeness review and (i) within 30 calendar days of the date that an application for a *new* wireless telecommunications facility *is submitted to the Township and (ii) within 10 calendar days of the date that an*

application for a modified or collocated wireless telecommunications facility is submitted to ~~filed with~~ the Township, the Township shall notify the applicant in writing of any information that may be required to complete the application. Such writing must specify the provision, application instruction, or otherwise publically-stated procedure that required the information to be submitted. In the event the applicant fails in its supplemental submission to provide the missing information identified in the original notice delineating missing information, the Township shall within 10 days notify the applicant in writing of the still-missing information.

Amend Subsection 15 (New wireless telecommunications facility – review period) to read “An application for a new wireless telecommunications facility shall be acted upon within ~~90 150~~ days [~~(or the most recent timeframe established by the Federal Communications Commission)]~~ of the receipt of the application by issuance of a zoning permit or written notice of denial stating the grounds for denial. Such period *for action* may be ~~paused tolled~~ for any period of incompleteness, ~~(30 days or a single additional period of 10 days)~~ provided the Township has met the notice requirements set forth in Subsection (14) ~~€~~above.

Amend subsection 16 (Modified or collocated wireless telecommunications facility requiring a zoning permit - review period) to read “An application for modification or ~~€~~~~location~~ *collocation* of a wireless telecommunications facility that does not meet the requirements of *subsection 402.NN.3* shall be acted upon within ~~60 90~~ days [~~(or the most recent timeframe established by the Federal Communications Commission)]~~ of the receipt of an application” *If the application is incomplete upon submission, such period for action may be reset (60 days for action) upon submission of a complete application, provided the Township has met the notice requirements set forth in Subsection 14 above. In the event the applicant fails in its supplemental information to provide the missing information identified in the original notice delineating the missing information, the period for action may be paused until submission of a complete application, provided the Township has met the notice requirements set forth in Subsection 14 above.*

Amend Section 110-1101(C) (Appeals from the Determination of the Zoning Officer)

Subsection (1) as follows:

Amend Subsection 110-1101(C)(1)(a)[3] to read: A brief description and location of the real estate ~~to be affected by such proposed change that is the subject of the Determination. together with a plot site plan drawn to scale with sufficient clarity to show the nature and character of the request.~~

Amend Subsection 110-1101(C)(1)(d) to read: "A scaled drawing . . . depicting existing conditions and requested ~~variance(s)~~ *ground(s)* for appeal."

Section 4. Proposed Amendment to Zoning Map

The Zoning Map is proposed to be amended to correct the spelling of a road in the Township from Speelman-Klinger Road to Speelman Klinger Road.

Section 5. Effective Date

This Ordinance shall become effective within five calendar days after the date of enactment of this Ordinance.


ENACTED this 21st day of March, 2019

ATTEST:

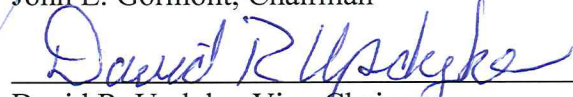


Sheri Moyer, Secretary

MOUNT JOY TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA

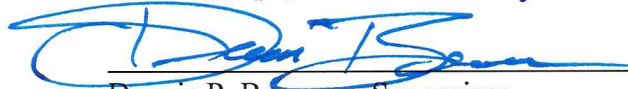


John E. Gormont, Chairman




David R. Updyke, Vice-Chairman


SEAL



Dennis P. Bowman, Supervisor



Jeffrey L. Patterson, Supervisor



Terry Scholle, Supervisor