

ORDINANCE NO. 226

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD, AS HERETOFORE AMENDED, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 200 "ZONING", ATTACHMENT 3 "TOWNSHIP OF MIDDLE SMITHFIELD TABLE OF USE REGULATIONS WITHIN ZONING DISTRICTS" SO AS TO PERMIT BY RIGHT USE CATEGORY C3 "COMMUNITY CENTER" IN THE C-1 COMMERCIAL ZONING DISTRICT; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield have heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield"; and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes the Board of Supervisors to take and adopt ordinances necessary for the property management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, Section 1516 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Land Use Regulations", authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code; and

WHEREAS, pursuant to such authority, the Township has enacted the Middle Smithfield Township Zoning Ordinance of 2010-A, including Attachment 3 "Township of Middle Smithfield Table of Use Regulations Within Zoning Districts" ("Table of Uses"), which is codified in the Code of the Township of Middle Smithfield, as heretofore amended, as Part II, "General Legislation", Chapter 200 "Zoning" (the "Zoning Ordinance"); and

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of Zoning Ordinance Amendments", sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities;

WHEREAS, from time to time the Board of Supervisors reviews the Zoning Ordinance for possible amendments that would be in the best interests of residents, property owners, and businesses, among others, in the Township;

WHEREAS, the Board of Supervisors finds that it is in the best interests of the Township residents' health, safety and welfare to amend the Zoning Ordinance as provided herein for one or more of the following purposes: (i) provide for reasonable use of land including the requirement for open space, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; (ii) regulate the size, height, bulk, location and use of structures; (iii) establish the density of populations and intensity of use of land; (iv) preservation of the beauty and unique character of the Township; (v) furtherance of economic development; and (vi) provide for efficiency in transportation; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: The Zoning Ordinance's Attachment 3 "Township Of Middle Smithfield Table Of Use Regulations Within Zoning Districts" is amended so as to permit by right Use Category C3 "Community Center" in the C1 Commercial District.

Use Category C3 "Community Center" in the Table of Uses is specifically amended, so as to state in its entirety:

Zoning District									
Use Category	Use	CON	RR	R1	R2	R3	C1	C2	I
C3	Community Center	N	N	P	P	P	P	C	N

SECTION 2: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 3: All Ordinances or parts of Ordinances, inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of the amended Zoning Ordinance are the same or similar in substance to Zoning Ordinance provisions in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

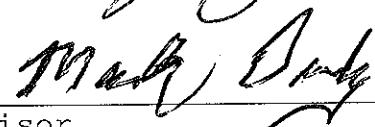
SECTION 4: This ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 23rd day of May, 2019.

TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS


Chairperson


Vice Chairperson


Supervisor


Township Secretary

(TOWNSHIP SEAL)