

RESOLUTION 2001-3

WHEREAS, a Resolution of Upper Southampton Township, County of Bucks, Commonwealth of Pennsylvania, recommending repeal by the Pennsylvania State Legislature of the recently enacted prohibition against the right of citizens to challenge or appeal Ordinances inconsistent with the Comprehensive Plan.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors, Upper Southampton Township, in the County of Bucks, Commonwealth of Pennsylvania:

SECTION 1.

That Article III, Section 303(C) of the Municipalities Planning Code which states "Notwithstanding any other provision of this act, no action by the governing body of a municipality shall be invalid nor shall the same be subject to challenge or appeal on the basis that such action is inconsistent with, or fails to comply with the provision of the Comprehensive Plan" should be repealed by the Legislature of the Commonwealth of Pennsylvania

ADOPTED, this 6th day of February 2001.

UPPER SOUTHAMPTON TOWNSHIP
BOARD OF SUPERVISORS


Gerald H. Crandley, Chairman

ATTEST:


Lola Buckians, Secretary/Treasurer

(c) Reference to this entire Chapter which requires revisions.

(2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township of Upper Southampton shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township of Upper Southampton, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of Upper Southampton by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township of Upper Southampton may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 119, 5/9/1972, §1201; as amended by Ord. 294, 1/21/1992)

§1204. Amendments to be in Compliance with Comprehensive Plan. Any amendment or other change to this Chapter shall be specifically found by the Board of Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the comprehensive plan before enactment of any such amendment. (Ord. 119, 5/9/1972; as added by Ord. 126, 2/13/1973, §1202)

Zoning Ordinance

SURVEY & ANALYSIS

"We believe planning is necessary to give reality to the coordinated and orderly development of the Township, and to insure that this development will lead to the results desired by township residents." p. 3

"Thirdly, through the Comprehensive Plan the Township presents a clear picture of its long-range and general policies on community development to all other persons concerned with development." p. 9

"Planners deal with desirable ratios of apartments to single family dwelling. It is desirable to keep the ratio low."

"As the Township begins to approach full development the remaining open land will tend to become relatively less important as a revenue producer and more important as a part of the community's physical structure."

COMPREHENSIVE PLAN

"While there is a temptation to resort to intensive development to obtain more tax ratables, such a gain is uncertain at best and of short duration. The long term result means substantial depreciation of existing residential properties."

"The Comprehensive Plan is a statement of public policy of both government and citizens. It is an expression of the common aspirations of the community. It serves as a platform for the Board of Supervisors to express the desires of the residents of Upper Southampton for an even better Upper Southampton."

"But inherent in planning is an even more important idea - the idea that within geographical and economic limits, the citizens can make of the township whatever they wish if they will decide on their goals, adopt a plan to achieve them and use the mechanics of elective government over a period of years to realize them."

I, Lola Biuckians move that we adopt the following statement regarding the validity of the present Township Comprehensive Land Use Plan:

1. The basic goals, objectives, and specific proposals of the plan are as valid now as they were when the plan was formulated.
2. The plan has been formally adopted and therefore is official policy for land use in our Township.
3. The Comprehensive Plan is long range and does not necessarily require periodic revision to maintain its validity and effectiveness.
4. Since the Plan is official policy it is the single most important consideration governing land use decisions in our Township.

recommendation from board
to membership

bring April 22