

ORDINANCE NO. 123

ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE AMENDING THE WESTFALL TOWNSHIP ZONING ORDINANCE IN ORDER TO CREATE A NEW ZONING DISTRICT ENTITLED "ENTERPRISE ZONE" (HEREINAFTER "ED ZONE") AND A NEW ZONING DISTRICT ENTITLED "GENERAL COMMERCIAL ZONE" (HEREINAFTER "GC ZONE") AND TO AMEND THE WESTFALL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO CREATE CERTAIN PERFORMANCE STANDARDS AND SPECIFICATIONS FOR ALL ACTIVITIES WITHIN THE "ED" AND "GC" ZONES AS HEREAFTER CREATED

WHEREAS, by virtue of a certain Equitable Settlement Agreement (hereinafter "Equitable Settlement Agreement") entered into by Westfall Township (hereinafter the "Township") in the matters of Katz v. Westfall Township, et. al., No. 01-CV-0016 and No. 00-CV-383, United States District Court for the Middle District of Pennsylvania, the Township became obligated to create new zoning districts to serve certain real properties of David H. Katz and Barbara D. Katz;

WHEREAS, the United States District Court for the Middle District of Pennsylvania approved the Equitable Settlement Agreement in the aforementioned case and made the same an Order of that Court;

WHEREAS, the Equitable Settlement Agreement required the creation of a new Enterprise Zone to serve the Katz' properties more particularly described as Tax Parcel Nos. 082.00-01-51 and 082.00-01-63 and a new General Commercial Zone to serve the Katz' property more particularly described as Tax Parcel No. 083.17-01-01;

WHEREAS, the Equitable Settlement Agreement provided for the various terms and conditions which would regulate any land development, subdivision and zoning within the confines of the Katz' properties; and

WHEREAS, the Township hereby intends to create the aforementioned new zoning districts

in compliance with the terms of the Equitable Settlement Agreement and Settlement Agreement/Release which are incorporated herein as Exhibit "A" if more fully set forth at length.

Be it therefore ordained by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania that it hereby amends the existing Zoning Ordinance, last amended June 1, 2004 by creating the new zoning districts of Enterprise Zone and General Commercial Zone as set forth below and amends the existing Subdivision and Land Development Ordinance as set forth below:

1. The WHEREAS clauses set forth above are incorporated herein as if more fully set forth at length.

2. There shall henceforth be created a new ED zone which shall consist only of the real properties identified as Pike County Tax Parcel Nos. 082.00-01-51 and 082.00-01-63.

3. The ED zone real property as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.

4. There shall also be henceforth created a new GC zone which shall consist only of the real property identified as Pike County Tax Parcel No. 083.17-01-01.

5. The GC zone real property as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.

6. All applications for zoning, land development and/or subdivision approval pertaining to the ED zone shall be considered and determined exclusively by the Court appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.

7. Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with this Ordinance is hereby repealed in so far as the same is inconsistent with this Ordinance.

8. The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real properties within the ED and GC zoning districts and any conflict or inconsistency between the terms of this Ordinance and the terms of the Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.

9. In all other respects, the remaining terms and conditions of the Westfall Township Zoning Ordinance and Subdivision and Land Development Ordinance are hereby reaffirmed and ratified as to all other properties within Westfall Township except that the same do not apply to the newly created ED and GC zoning districts.


The provisions of this Ordinance Amendment shall become effective five (5) days after the date of adoption by the Westfall Township Board of Supervisors.

This Ordinance is duly ordained and enacted into law this 27th day of April, 2005, at a duly and legally convened meeting of the Board of Supervisors of Westfall Township, after public hearing thereon having been held on the 27th day of April, 2005.

WESTFALL TOWNSHIP
BOARD OF SUPERVISORS


KENNETH L. THIELE, Chairman


KEITH F. PETERS, Vice-Chairman


JAMES MUIR, Supervisor

LESTER J. BUCHANAN, Supervisor


ROBERT M. EWBank, Supervisor

Exhibits Referred to in this Ordinance are filed with the Zoning Ordinances of Westfall
Township kept in the back file room of the Township of Westfall