

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY PA

ORDINANCE NUMBER 1074

AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING THE ZONING ORDINANCE AS IT RELATES TO PROCEDURES BEFORE THE AMBLER ZONING HEARING BOARD, ORDINANCE 922, ARTICLE XXIII, CODIFIED AT 27-2306, AS AMENDED BY ORDINANCE 991 OF 2005, TO REQUIRE NOTICE OF ZONING HEARINGS TO ALL PERSONS OWNING PARCELS ANY PART OF WHICH ARE WITHIN 300 FEET OF ANY PART OF THE PARCEL THAT IS THE SUBJECT OF THE APPLICATION BEING HEARD BY THE BOARD; LEAVING THE REMAINDER OF THE ORDINANCE IN FULL FORCE AND EFFECT; EFFECTIVE UPON ADOPTION

WHEREAS, the Borough has established and amended from time to time certain rules and procedures to be followed by applicants appearing before the Borough Zoning Hearing Board, and

WHEREAS, minimum standards for the notice that an applicant must provide to other persons of a hearing before the Board is set forth in the Pennsylvania Municipalities Planning Code, and

WHEREAS, it is the desire of the Borough to require even greater notice than that required by state law, and it is the desire of Borough Council to restore to the zoning ordinance a notice requirement that had previously been in the Borough ordinances but which was removed in 2005 in conjunction with a recodification of the Borough ordinances,

NOW THEREFORE, it is hereby ORDAINED as follows:

- I. The notice requirement currently codified at 27-2306, being a portion of Ordinance 922 as amended, is modified by deleting the current paragraph "A" (sub-paragraphs (1) and (2) inclusive) and replacing it with a new paragraph "A" which reads as follows:
 - i. The Board, working in cooperation with Borough staff, will schedule and provide public notice of a proceeding before the Board, in compliance with the public notice requirement set forth in the Pennsylvania Municipalities Planning Code as that law defines public notice at the time the hearing is scheduled. Presently, public notice includes publication in a local newspaper of general circulation for two successive weeks not more than 30 and not fewer than 7 days from the date of the hearing. The Board will provide a copy of such public notice (or, by letter, will provide notice of the time and place of the hearing as was set forth in the public notice) to the applicant and to any person who had made a timely request for same.
 - ii. In addition to the notice requirements set forth in the preceding paragraph, the applicant shall give written notice of the hearing, including the information set

forth in the public notice, to the owners of any parcel located within 300 feet of the parcel that is the subject of the application to be heard by the Board. For purposes of this paragraph, the notice requirement applies whenever any portion of the parcel that is the subject of the application is within 300 feet in a straight line of any part of another parcel, and regardless whether the parcel is within or outside of the Borough. Such written notice shall include regular mailing via United States Postal Service, first class, and the applicant shall obtain a certificate of mailing for each notice. Applicant may use USPS Form 3877 to obtain multiple certificates of mailing on one sheet. The certificate of mailing must evidence a mailing at least ten days prior to the hearing date, and not more than thirty days prior to the hearing date. At the hearing, the applicant shall submit an affidavit of compliance along with copies of the certificates of mailing. When mailing the hearing notices, the applicant shall not include any other items with the notice including any form of statement or argument about their position with respect to the hearing.

- iii. Written notice of the hearing shall be conspicuously posted by the Borough on the tract of land that is the subject of the hearing at least one week prior to the hearing, and the Borough shall determine in its discretion under the circumstances the details necessary to make such posting conspicuous so as to notify potentially interested citizens.
2. The balance of 27-306, including all of paragraphs "B" through "F" remain in full force and effect, unaffected by this ordinance. This ordinance is effective upon adoption.

SO ORDAINED this 15th day of October, 2013



Antonio Isabella, Council President

ATTEST:



Mary Aversa, Secretary