

## **ARTICLE 17      AMENDMENTS**

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### **Section 1700      Power of Amendment.**

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map, by proceeding in the manner prescribed in this Article and in accordance with the applicable provisions of the Municipalities Planning Code.

### **Section 1701      Initiation of Amendment Proposals.**

- A. Proposals for amendment of the Ordinance may be initiated by the Board of Supervisors on its motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- B. A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or Zoning Map, or any provision thereof which prohibits or restricts the use or development of land in which they have an interest, may submit a curative amendment to the Board of Supervisors with a written request that their challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Municipalities Planning Code.
- C. If the Board of Supervisors determines that this Ordinance or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in Section 609.2 of the Municipalities Planning Code.

### **Section 1702      Procedures for Consideration of Proposed Amendments.**

- A. Proposals initiated by the Board of Supervisors. The Board of Supervisors shall refer every proposed amendment originated by the Board, or submitted, for its formal consideration, the Board, the Township Planning Commission, and the Chester County Planning Commission.
- B. Proposals initiated by the Township Planning Commission. The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for amendment of this Ordinance.
- C. Proposals initiated by petition of property owners. Each petition by one (1) or more property owners of property to be affected by a proposal for amendment shall be submitted to the Secretary of the Board of Supervisors together with a fee in accordance with a fee schedule adopted by resolution of the Board. No part of such fee shall be refundable to the petitioner.

### **Section 1703      Referral to the Township and County Planning Commission.**

- A. At least thirty (30) days prior to the hearing on such proposed amendment, the Board of Supervisors shall refer proposed amendments, other than one originated by the Township Planning Commission, to the Township Planning Commission. The Township Planning Commission shall consider whether or not such proposed change or amendment would be consistent with and desirable in furtherance of the Township Comprehensive Plan upon which this Ordinance is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons therefore, to the Board of Supervisors within thirty (30) days of receiving the proposed amendment. The Board of Supervisors shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.
- B. All proposed amendments shall be submitted by the Township to the Chester County Planning Commission for review and comment at least thirty (30) days prior to the amendment hearing in accordance with the provisions of the Municipalities Planning Code. The Board of Supervisors shall not

take action on the amendment until the report from the County Planning Commission is received or the time period for such response has elapsed. However, the Board shall not be bound by recommendations of the County.

#### **Section 1704 Public Hearing and Notice.**

- A. The Board of Supervisors shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:
- B. The Board of Supervisors shall publish notice thereof consistent with the public notice requirements of the Municipalities Planning Code. The notice shall be published, not more than thirty (3) days and not less than seven (7) days in advance of the date of the hearing, in a newspaper of general circulation in the Township. Such notice shall be published one (1) time each week for two (2) consecutive weeks. The notice shall state a reference to a place in the Township where copies of the proposed amendment may be examined without charge or purchased at a charge not exceeding the cost thereof, and the time and place set for the public hearing.
- C. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Township along the perimeter of the tract or areas where such map change is proposed. Such posting shall be in accordance with the provisions of the Municipalities Planning Code to notify interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. In addition, in accordance with the Municipalities Planning Code, the Township shall send notice of the public hearing to affected property owners, by first class mail, at least thirty (30) days prior to the date of the hearing; however, this provision shall not be required when the rezoning is comprehensive.
- D. In addition to any public notice requirements for public hearing on amendments, notice of proposed enactment shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not to exceed the cost thereof. The Board of Supervisors shall publish the proposed amendment one (1) time in a newspaper of general circulation in the Township not more than sixty (60) or less than seven (7) days prior to taking action. Publication of the proposed Ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included then the following shall apply:
  - 1. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  - 2. An attested copy of the proposed amendment or ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said amendment or ordinance.
- E. At the public hearing, full opportunity to be heard shall be given to any resident and all parties in interest.
- F. In the event substantial changes are made to the proposed amendment or ordinance, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice as provided in this Section, prior to proceeding to vote on the amendment or ordinance.

**Section 1705 Notice of Enactment.**

- A. After enactment, amendments shall be incorporated into the Townships official ordinance books. Zoning Ordinance amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein, with the same being attached to the official ordinance.
- B. Within thirty (30) days of after enactment, a copy of the adopted amendment shall be forwarded to the Chester County Planning Commission.