
ARTICLE 23

AMENDMENTS AND APPEALS

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Section 2300 Power of Amendment

- A. The Borough Council may from time to time amend this Ordinance, including the official Zoning Map.
- B. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Borough Council on its own motion, the Borough Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the Borough community development objectives and the adopted Comprehensive Plan.

Section 2301 Public Hearings Prior to Amendment

- A. Before voting on the enactment of any amendment, the Borough Council shall hold a public hearing pursuant to public notice. Public notice shall be published once for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall be published no more than 60 days and the second publication not less than 7 days from the date of the hearing. Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. All notification requirements of the Pennsylvania Municipal Planning Code shall be met.
- B. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it,

the Borough Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall at least 10 days prior to enactment re-advertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Section 2302 Submission to the Borough Planning Commission and Armstrong County Planning Commission

- A. In case of an amendment other than one prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission at least 30 days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. At least 30 days prior to the hearing on the proposed amendment the Borough shall submit the proposed amendment to the Armstrong County Planning Commission for recommendations.
- B. Within 30 days after enactment, a copy of the adopted amendment to the zoning ordinance shall be forwarded to the Armstrong County Planning Commission.

Section 2303 Proposals by Curative Amendments

- A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Municipalities Planning Code, as amended. The Borough Council shall commence a hearing thereon within 60 days of the request as provided in Section 609.1 of the Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Borough Planning Commission and notice of the hearing thereon shall be given as provided by the Municipalities Planning Code, as amended.
- B. Procedures for the public hearing as set forth on Section 609.1 of the Municipalities Planning Code, as amended, shall be followed.
- C. If the Borough determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Municipalities Planning Code, as amended.

Section 2304 Private Petition for Amendment

- A. Every private application for amendment to the Zoning Ordinance shall first be presented to the Borough with the required filing fee as set forth by resolution of Borough Council, and shall set forth the following, where relevant:
 - 1. The applicant's name and address and his representative and the interest of every person represented in the application.

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2. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and tax parcel numbers, names of owners, and street addresses of the areas to be rezoned.
 3. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
 4. Information that may be needed by the Borough to evaluate the proposed amendment. The Borough may require any studies or impact assessments it deems necessary in order to evaluate the proposed zoning change, including but not limited to the following:
 - a. Consistency with Borough Comprehensive Plan – The applicant must analyze the proposed change and demonstrate that it is consistent with the Borough’s approved Comprehensive Plan.
 - b. Traffic impact, addressing the pedestrian, vehicular, school bus, and truck traffic to be generated; routes to be used; access points; potential conflict points; proposed improvements, including street paving, widening, crosswalks, traffic calming devices, signals, signs, school bus stops, delivery routes, and sidewalks or pedestrian improvements.
 - c. Natural resources and environmental impact.
 - d. Parking impact – considering the number of new parking spaces required; their location; impact of new use on current parking supply and demand; and hours of peak demand.
 5. The proposed changes to the text of the zoning ordinance.
- B. Consistency with Borough Comprehensive Plan – All zoning amendments or changes shall be consistent with the adopted Borough Comprehensive Plan, in accordance with Section 603(J) of the Pennsylvania Municipalities Planning Code. A change shall not be enacted unless the proposed change is consistent with or until the Borough Comprehensive Plan is amended in a manner that resolves the inconsistency.

Section 2305 Appeals to Court

The procedures set forth in Article X-A, Appeals to Court, of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this Ordinance or deemed to have been made under this Ordinance.