

ARTICLE XXIV

AMENDMENTS

Section 2400. POWER OF AMENDMENT

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

Section 2401. INITIATION OF AMENDMENT PROPOSALS

1. Proposals for amendment of this Ordinance may be initiated by the Board of Supervisors on its own motion, by the Township Planning Commission or by one (1) or more owners of property to be affected by the proposed amendment.
2. A landowner may submit a proposed Curative Amendment, challenging the validity of this Ordinance in accordance with the provisions of the Municipalities Planning Code (MPC). The Board of Supervisors shall proceed and act upon any such proposal in the manner stipulated in the MPC.

Section 2402. PROCEDURES FOR CONSIDERATION OF PROPOSED AMENDMENTS

1. 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, to the Board and deemed appropriate by the Board to the Township Planning Commission and the County Planning Commission.
2. Proposals Initiated by the Township Planning Commission - The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment of this Ordinance.
3. 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 in writing 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. Upon receipt of a petition for amendment, the Board of Supervisors shall transmit a copy of the petition to the Township Planning Commission and the County Planning Commission.
4. Referral to Township and County Planning Commissions
 - A. At least thirty (30) days prior to any amendment hearing the Board of Supervisors shall refer proposed amendments, other than one originated by the Township Planning Commission, to the Planning Commission. The Planning Commission shall consider whether or not the proposed amendment would be consistent with and in furtherance of implementation of the Township's Comprehensive Plan. The Planning Commission shall transmit its conclusion thereon, together with its reasons to the Board of Supervisors, The

Board, in reaching its decision, shall take into consideration such conclusions and reasoning but is not 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 Article VI of the Pennsylvania 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 recommendation of the County.
- C. Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Chester County Planning Commission.

Section 2403. PUBLIC HEARING AND NOTICE

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:

1. The Board of Supervisors shall publish notice thereof consistent with the public notice requirements of the Pennsylvania Municipalities Planning Code. The notice shall be published, not more than thirty (30) 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 once 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.
2. 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 area where such map change is proposed. Such posting shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code to notify interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition, in accordance with the Pennsylvania 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.
3. 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 once in one (1) 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:

- A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
- B. An attested copy of the proposed Ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners.
- C. At the public hearing, full opportunity to be heard shall be given to any resident and all parties in interest.
- D. If after public hearing held upon the amendment, the proposed amendment is changed substantially, 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.
- E. The Board of Supervisors also shall re-advertise any proposed amendment where the scheduled date of enactment is more than sixty (60) days following the date of the last advertisement of the proposed amendment.

Section 2404. NOTICE OF ENACTMENT

Zoning Ordinance amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

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