

ARTICLE XX
AMENDMENTS

§ 20-2001. INITIATION

An amendment, supplement, change or repeal of this Chapter may be initiated by:

- A. A resolution or request by the Board of Township Supervisors;
- B. An official proposal by the Planning Commission; or
- C. A petition presented to the Planning Commission by a property owner.

§ 20-2002. PROCEDURE

- A. Upon receipt of a petition for an amendment to this Chapter or the Township zoning map, the Planning Commission shall review the proposal and submit recommendations, with specific reasons in support of either adopting the proposal, rejecting it or adopting it with conditions to the Board of Township Supervisors within sixty (60) days of the meeting at which it officially received the petition.
- B. The Planning Commission may hold a public hearing, pursuant to public notice, if it feels the proposal is of such a controversial nature or is so widespread in its jurisdiction that additional testimony should be gathered.
- C. The Board of Township Supervisors shall review the Planning Commission's recommendations and shall call a public hearing, properly noticed, after which the Board of Township Supervisors shall vote approval or disapproval of the proposed amendment within ninety (90) days of the conclusion of the hearing. At least thirty (30) days prior to the hearing the Supervisors shall submit the amendment proposal to the Butler County Planning Commission for comment, stating the date of the public hearing.
- D. When the Board of Township Supervisors proposes an amendment, it shall allow the Planning Commission at least thirty (30) days to review the proposal and submit recommendations before holding a public hearing.
- E. If a proposed amendment is either changed substantially or is revised before final approval to include property not previously affected or to further alter the text, the Board of Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the change.
- F. Appeal from a decision of the Board of Township Supervisors on an amendment proposal shall be to the Center Township Zoning

Hearing Board unless otherwise required by statute, law or case law decision.

G. Public Hearing Requirements:

1. Public notice shall be published in a newspaper of general local circulation once (1) in each of two (2) consecutive weeks, the first notice appearing not more than thirty (30) days and the second not less than seven (7) days before the hearing.
2. In addition, where a change of zoning district boundaries is sought, the property or group of properties affected shall be posted in at least two (2) conspicuous point, deemed sufficient by the Township, at least seven (7) days prior to the hearing, indicating the date, time and place of the hearing and the nature of the amendment sought. A notice shall simultaneously be posted at a conspicuous location at the Township Building. *Ord 2008-06-03, 06/11/08, §48*
3. Owners of property within three hundred feet (300') of the boundary of a property or properties for which a change in the zoning district boundaries is sought, as evidenced by tax records within the possession of the municipality, shall be informed by mail at their addresses of record by letter sent at least thirty days (30) days prior to the hearing, indicating the date, time and place of the hearing and describing the proposed change.

H. (H Repealed by Ordinance No. 2004-12-08, December 8, 2004)

I. The municipality may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the municipality and mediating party shall meet the stipulation and follow the procedures set forth in Section 20-1904, of this Chapter.

J. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Butler County Planning Commission.

K. Rehearing: If a petition for amendment, supplement, change or repeal of this Chapter is denied by the Board of Supervisors, another petition for similar change shall not be filed within a period of one (1) year from the date of denial, except upon the initiation of the Board of Township Supervisors upon the recommendation of the Planning Commission based upon a change in circumstances.

§ 20-2003. PROCEDURE FOR LANDOWNER CURATIVE AMENDMENTS

A. A landowner who desires to challenge on substantive grounds the validity of a zoning regulations or map or any provision thereof,

which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 20-2002. The Township Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the Planning Commission as provided in Section 20-2002, and notice of the hearing thereon shall be given as provided for.

- B. The hearing shall be conducted in accordance with Section 20-2002, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Township Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning regulation and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C. If the Board of Township Supervisors determines that a validity challenge has merit, they may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the regulation or map;
 - 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 - 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 20-2004. PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS

If the Township determines that its zoning regulations, or any portion thereof, is substantially invalid, it shall take the following actions:

- A. The Township shall declare by formal action, its zoning regulations, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the governing body of the municipality shall:
 1. By resolution make specific findings setting forth the declared invalidity of the zoning regulations which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - b. Reference to a class of use or uses which require revision;
or
 - c. Reference to the entire regulation which requires revisions.
 2. Begin to prepare and consider a curative amendment to the Zoning regulations to correct the declared invalidity.
- B. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate or reaffirm the validity of its Zoning regulations
- C. Upon the initiation of the procedures, as set forth in Section 20-2004 A. the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 20-2003 nor shall the Zoning Hearing Board be required to give a report request under Sections 20-2003 and/or Section 20-2004, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 20-2004. Upon completion of the procedures as set forth in Section 2004 A and 20-2004 B, no rights to a cure pursuant to the provisions of Section 20-2004 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning regulations for which there has been a curative amendment pursuant to this Section.

- D. The Township, having utilized the procedures as set forth in Sections 20-2004 A and Section 20-2004 B, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning regulations, pursuant to Section 20-2004 provided, however, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to its chapter to fulfill said duty or obligation.