

ARTICLE X

AMENDMENTS

s. 1000 **AMENDMENT PROCEDURES**

s. 1001.1 **Power of Amendment:** The Council may, from time to time, amend, supplement change, modify or appeal this Ordinance including the Zoning Map. When doing so, the Council shall proceed in the manner prescribed in this Article.

s. 1000.2 **Initiation of Amendments:** Proposals for amendment, supplement change, modification or repeal may be initiated by the Council on its own motion, by the Planning Commission, or by petition or curative amendment of one (1) or more owners of property to be affected by the proposed amendment, subject to the following provisions.

a. **Proposals Originated by the Council:** Any proposed amendment, supplement, change, modification or repeal of the Ordinance originated by the Council shall be referred to the Planning Commission. The Council shall submit each such amendment to the planning agency at least 30 days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations. Within, thirty (30) days of the submission of the said proposal to the Council the Commission shall issue a report containing the Commission's recommendations, including any additions or modifications to the original proposal.

b. **Proposals Originated by the Planning Commission:**
The Planning Commission may at any time transmit to the Council any proposal for the amendment, supplement, change, modification or repeal of this Ordinance.

c. **Proposals Originated by a Landowner:** One (1) or more owners of property to be affected by a proposal for amendment to this Ordinance may petition to change the Ordinance or may submit a curative amendment.

(1) Such petition shall be submitted in writing to the Borough Secretary, together with a fee as specified by a fee schedule adopted by resolution of the Council to cover costs, no part of which shall be returnable to the landowner.

(2) On receipt, the Borough Secretary shall transmit a copy of the petition to the Planning Commission.

(3) Within thirty (30) days of this submission to the Commission, the Commission shall submit to the Council a report containing the Commission's recommendations, including any additions or modifications of the original proposal.

(4) If the zoning amendment involves a map change, notice of the public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify interested citizens.

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d. **Proposals by Curative Amendments: A landowner who**
desires to challenge the validity of this Ordinance which prohibits or *restricts* the use or

development of land in which he/she has an interest may submit a curative amendment to the Council with a written request that the challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code (Act 247) as amended.

(1) The curative amendment shall be referred to the Planning Commission and York County Planning Commission.

(2) No action shall be taken thereon by the Council until such time as the Planning Commission shall submit to the Council its written recommendation, after receiving comments from the York county Planning Commission, relative thereto or until the expiration of thirty (30) days from the time of submission by the Council to the Planning Commission of said curative amendment, whichever shall first occur.

s.1000.3 Review by County Planning Commission: At least thirty (30) days prior to the public hearing on any proposed amendment to this Ordinance, the Borough Administrative Assistant shall submit the proposed amendment to the York County Planning Commission for recommendations. The recommendations of the County Planning Commission shall be submitted to the Borough Administrative Assistant prior to the scheduled hearing on such amendment; if not so received, the recommendations of the County Planning Commission shall be considered to be favorable.

s.1000.4 Public Hearing: Upon receipt of the Borough Planning Commission's recommendations and before voting on any proposed amendment to this Ordinance, the Council shall hold a public hearing thereon pursuant to public notice. In cases involving a landowner's petition or curative amendment, such hearing shall commence within sixty (60) days of submission with the Borough Secretary. The parcel of land proposed for a curative amendment shall be posted at least one (1) week prior to Public Hearing by the Council. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

s.1000.5 Action Upon Amendment: Enactment of any proposed amendment shall be by the majority vote of the Council. Any enacted amendment shall be specifically found to be in accordance with the spirit and intent of the Fawn Borough Comprehensive Plan.

s.1000.6 Appeals: Any person desiring to challenge this Ordinance or any subsequent amendment hereto shall proceed in accordance with Article X—A of the Pennsylvania Municipalities Planning Code.