

ARTICLE X
PROCEDURE FOR AMENDMENT

§ 345-40. Power to amend.

The regulations, restrictions, and boundaries set forth in this chapter and on the official zoning map may, from time to time, be amended, supplemented, changed or repealed through the amendment by the Borough Council.

A. Curative amendments.

(1) A landowner who desires to challenge on substantive grounds the validity of this chapter or any provisions thereof, which prohibit or restrict 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 amendments be heard and decided, as provided in § 609.1 of the Pennsylvania Municipalities Planning Code.

(2) If the Borough Council determines that this chapter, or any portion hereof, is invalid, it shall take action as provided in § 609.2 of the Pennsylvania Municipalities Planning Code.

B. Who may initiate. Proposals for amendment, supplement, change or repeal may be initiated by the Borough Council on its own motion, by the Planning Commission, or by petition of one or more residents of the Borough. Such petitions shall be signed and acknowledged and submitted in writing to the Borough Secretary.

C. New ordinance. The text and map of a proposed zoning ordinance, as well as all necessary studies and surveys preliminary thereto, shall be prepared as set forth in § 607 of the Pennsylvania Municipalities Planning Code.

D. Amendments. For the preparation of amendments to this chapter, the procedure set forth in § 607 of the Pennsylvania Municipalities Planning Code shall be optional.

§ 345-41. Enactment of Zoning amendments.

A. Public notice. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said 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 (1) week prior to the date of the hearing.

B. Planning Commission review.

- (1) In the case of an amendment other than that prepared by the Planning Commission, Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- (2) 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, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- (3) At least thirty (30) days prior to the public hearing on the amendment by Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.

C. Publication, advertisement and availability of ordinances.

- (1) Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this subsection, and shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Borough Council shall publish the proposed ordinance or amendment once in a newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough 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 Borough at the time the public notice is published.
 - (b) An attested copy of the proposed ordinance shall be filed in the County Law Department or other county office designated by the Lehigh County Commissioners.
- (2) In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, Borough Council shall, at least ten (10) days prior to enactment, readvertise, 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.
- (3) Within thirty (30) days after enactment, a copy of the amendment to the ordinance shall be forwarded to the Joint Planning Commission of Lehigh and Northampton Counties.