

**ARTICLE 17.
AMENDMENT AND APPEALS**

17.01 Enactment of Zoning Ordinance Amendments

- A. For the preparation of amendments to this zoning ordinance, the procedure set forth in section 607 of the Pennsylvania Municipalities Planning Code for the preparation of a proposed zoning ordinance shall be optional.
- B. Before voting on the enactment of an amendment, the Board of Supervisors 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 Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or areas shall be posted at least one week prior to the date of the hearing.
- C. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors 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.
- D. 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 Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- E. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Cumberland County Planning Commission for recommendations.
- F. The Township may offer a mediation option as an aid in completing proceedings authorized by Article IX or Article X-A of the Pennsylvania Municipalities Planning Code. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.
- G. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Cumberland County Planning Commission.

17.02 Procedure for Landowner Curative Amendments

- A.** A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance 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 governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code. The governing body shall commence a hearing thereon within sixty (60) days of the request as provided in said Section. The curative amendment and challenge shall be referred to the Township Planning Commission and County Planning Commission as provided in Section 17.01 and notice of the hearing thereon shall be given as provided in Section 17.04 of this ordinance and in Section 916.1 of the Pennsylvania Municipalities Planning Code.
- B.** The hearing shall be conducted in accordance with Section 16.06 and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of 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 ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- C.** If the Board of Supervisors of Southampton Township determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of 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 ordinance or map;
 3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, 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.

17.03 Procedure for Municipal Curative Amendments

If the Township determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take the following actions:

- A. The Township shall declare by formal action, this Zoning Ordinance 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 Board of Supervisors of Southampton Township shall:
 1. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance 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 ordinance which requires revisions.
 2. Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- B. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Zoning Ordinance pursuant to the provisions required by Section 17.01 in order to cure the declared invalidity of the zoning ordinance.
- C. Upon the initiation of the procedures, as set forth in clause A., the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 17.02, nor shall the Zoning Hearing

Board be required to give a report requested under Section 16.07 or 916.1 of the Pennsylvania Municipalities Planning Code subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by clause A. 1.. Upon completion of the procedures as set forth in clauses A. and B., no rights to a cure pursuant to the provisions of Sections 17.02 of this ordinance and 916.1 of the Pennsylvania Municipalities Planning Code shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this Section.

- D. If the Township utilizes the procedures as set forth in clauses A. and B. it may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Zoning Ordinance, pursuant to clause B.; 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 this ordinance to fulfill said duty or obligation.

17.04 Publication, Advertisement and Availability of Ordinances

- A. Amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed 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:
1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 2. An attested copy of the proposed amendment shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

- B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- C. This zoning ordinance and any amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

17.05 Appeals

- A. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended shall be used for securing review of any decision rendered pursuant to Article 16 of this zoning ordinance.
- B. All appeals from all land use decisions rendered pursuant to Article 16 of this ordinance shall be taken to the Court of Common Pleas of Cumberland County and shall be filed within thirty (30) days after entry of the decision as provided in 42 Pa.C.S. Section 5572 (relating to time of entry of order) or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 16.06 (k) of this ordinance.