
Article 1311
Amendments

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1311.01 GENERAL

City Council may introduce and consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the City Council, the Planning Commission, or by a petition of a landowner of property within the City.

1311.02 PETITIONS

Petitions for amendments shall be filed with the Zoning Officer; and the petitioners, upon such filing, shall pay an advertising fee and a filing fee, in accordance with a fee schedule fixed by the City Council.

1311.03 ENACTMENT OF ZONING ORDINANCE AMENDMENTS

In accordance with Section 609 of the Municipalities Planning Code:

- (a) For the preparation of amendments to zoning ordinances, the procedure set forth in Section 607 of the Municipalities Planning Code for the preparation of a proposed zoning ordinance shall be optional.
- (b) (1) Before voting on the enactment of an amendment, the governing body 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 City at points deemed sufficient by the City along 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.

- (2) (i) In addition to the requirement that notice be posted under Section 1311.02(b)(1), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the City at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the City. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.
 - (ii) Section 1311.02(b)(2)(i) shall not apply when the rezoning constitutes a comprehensive rezoning.
- (c) In the case of an amendment other than that prepared by the Planning Commission, the City 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.
- (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 City Council 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 City Council, the City shall submit the proposed amendment to the Venango County Planning Commission for recommendations.
- (f) The City may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the City and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Municipalities Planning Code.
- (g) Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Venango County Planning Commission.

1311.04 CURATIVE AMENDMENTS

In accordance with Sections 609.1 and 609.2 of the Municipalities Planning Code:

- (a) A landowner who desires to challenge on substantive grounds the validity of a 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 City Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 1310.13 of this Ordinance and Section 916.1 of the Municipalities Planning Code. The City Council shall commence a hearing thereon within sixty (60) days of the request as provided in Section 1310.13 of this Ordinance and Section 916.1 of the Municipalities Planning Code. The curative amendment and challenge shall be referred to the Planning Commission and the Venango County Planning Commission as provided in Section 1311.03 of this Ordinance and Section 609 of the Municipalities Planning Code, and notice of the hearing thereon shall be given as provided in Sections 1311.05 and 1310.13, and Sections 610 and 916.1 of the Municipalities Planning Code.
- (b) The hearing shall be conducted in accordance with Section 1310.07 of this Ordinance and Section 908 of the Municipalities Planning Code, and all references therein to the Board shall, for purposes of this section be references to the City Council; provided, however, that the provisions of Sections 1310.07(c) and (k) of this Ordinance, and Section 908 (1.2) and (9) of the Municipalities Planning Code, shall not apply and the provisions of Section 1310.13 of this Ordinance, and Section 916.1 of the Municipalities Planning Code, shall control. If the City Council does not accept a landowner's curative amendment brought in accordance with this Section 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 City Council 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 City Council 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.
- (d) If the City Council determines that this Ordinance or any portion thereof is substantially invalid, it shall take the following actions:
- (1) The City Council shall declare by formal action, its 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 City Council shall:
 - (i) 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.

- (ii) Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
- (2) Within one hundred eighty (180) days from the date of the declaration and proposal, the City Council shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by Section 1311.03 of this Ordinance and Section 609 of the Municipalities Planning Code in order to cure the declared invalidity of the zoning ordinance.
- (3) Upon the initiation of the procedures, as set forth in Section 1311.04(d)(1), the City Council shall not be required to entertain or consider any landowner's curative amendment filed under Section 1311.04(a) of this Ordinance and Section 609.1 of the Municipalities Planning Code, nor shall the Board be required to give a report requested under Sections 1310.08 and 1310.13 of this Ordinance and Section 909.1 or 916.1 of the 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 Section 1311.04(d)(1)(i). Upon completion of the procedures as set forth in Sections 1311.04(d)(1) and (2), no rights to a cure pursuant to the provisions of Sections 1310.08 and 1310.13 of this Ordinance and Section 909.1 or 916.1 of the 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.
- (4) The City Council having utilized the procedures as set forth in Section 1311.04(d)(1) and (2) 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 its zoning ordinance, pursuant to Section 1311.04(d)(2); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the City by virtue of a change in statute or by virtue of a Pennsylvania appellate court decision, the City Council may utilize the provisions of this Section to prepare a curative amendment to its ordinance to fulfill said duty or obligation

1311.05 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCES

In accordance with Section 610 of the Municipalities Planning Code:

- (a) Proposed zoning ordinances and 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 City where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one (1) newspaper of general circulation in the City 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 City 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 City at the time the public notice is published.
 - (2) An attested copy of the proposed ordinance 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 City Council shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the City, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- (c) Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

1311.06 APPLICABILITY OF ORDINANCE AMENDMENTS

When an application for either a special exception or a conditional use has been filed with either the Board or City Council, as relevant, and the subject matter of such application would ultimately constitute either a subdivision or land

development, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by either the Board or City Council, as relevant, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer as may be approved by either the Board or City Council following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Board or City Council, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the Franklin Subdivision and Land Development Ordinance, and specifically to the time limitations set forth therein, which shall commence as of the date of filing such land development or subdivision plan.”