

**PART 13**  
**AMENDMENT AND APPEALS**

**§27-1300. Power of Amendment.**

1. The Borough Council may from time to time amend this Chapter, including the Zoning Map. When doing so, the Borough Council shall proceed in the manner prescribed in this Part 13. Prior to amendment of the Flood Map or regulations which deal with alluvial soils, the floodway zone or flood fringe zone, the Borough Council shall submit such amendment to the Federal Insurance Administration for review and comment.
2. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Borough Council on its own motion, the Borough Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the Borough community development objectives and the Four Boroughs Regional Comprehensive Plan. In cases where the policies and proposals of the Four Boroughs Regional Comprehensive Plan conflict with the community development objectives of this Chapter, the provisions of this Chapter shall apply.

**§27-1301. Impact Statements.**

A change of zoning generally means a deviation from the previously planned growth pattern of the Borough. Such changes invariably have an impact on the community, on the environment, or on taxes. A detailed statement of these impacts is therefore to be submitted pursuant to this Part 13. The impact statements shall be prepared by the applicant at his expense and submitted in a single report with the application for the change of zoning. The studies shall fully disclose all methods and procedures used; and where a need is identified, the cost to fulfill such need will be estimated. All items shall be addressed, and those which are considered not to be applicable shall be identified as such. Where a specific zoning change presents problems or potential problems not identified herein, the Borough Council may request the applicant to prepare additional studies to address said problems. Such statements shall contain the following:

- A. Environmental Impact. Is there any change in existing environmental conditions? If so, what is the predicted impact on stormwater run-off, aquifer recharge, erosion, wildlife habitats, scenic areas, the general amenity of the community? The environmental or natural features listed in §27-701, Performance Standards, shall be identified and mapped. The ability of the proposed use to comply with the requirements of §27-701 shall be shown. The site capacity calculations of §27-702 shall be completed for the subject tract.
- B. Transportation Impact.

The requirements for a Transportation Impact Study are found in Appendix B of this Chapter.

- C. Services Impact. Define demand for public service, fire protection, sewer, water, and police. Where standards of use are set by other agencies such as the Department of Environmental Protection, these shall be used. All capacities of existing facilities shall be identified and compared with demands that would be generated if the proposal were implemented.
- D. Fiscal Impact. The applicant shall prepare and submit a fiscal impact analysis for the current zoning classification and for the proposed zoning district to address the fiscal impact on the Borough and the Neshaminy School District.
- E. Regional Impact. Regional housing needs shall be examined and Borough performance with respect to these identified.
- F. Comprehensive Plan Impact. Analysis of the consistency of the proposed zoning change request with the Four Boroughs Regional Comprehensive Plan shall be presented. The analysis shall include, but not be limited to, the impact on the statement of community development goals and objectives, the land use plan, community services and facilities, population and housing projections. The applicant shall describe any inconsistencies between the Four Boroughs Regional Comprehensive Plan and this Chapter.

**§27-1302. Submission to the Borough Planning Commission and Bucks County Planning Commission**

- 1. In case of an amendment other than one prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission and the Bucks County Planning Commission at least thirty days prior to the hearing in order to provide the Planning Commission and the Bucks County Planning Commission an opportunity to submit recommendations.
- 2. Within thirty (30) days after enactment, a copy of the adopted amendment to the zoning ordinance shall be forwarded to the Bucks County Planning Commission.

**§27-1303. Proposals by Curative Amendments**

- 1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts 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 amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247) as amended. The Borough Council shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended. The curative amendment and challenge shall be referred to the Borough Planning Commission and notice of the hearing thereon shall be given as provided by the Pennsylvania Municipalities Planning Code, as amended.

2. Procedures for the public hearing as set forth on Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended, shall be followed.
3. If the Borough determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

#### **§27-1304. Private Petition for Amendment**

Every application for amendment to the Zoning Ordinance shall first be presented to the Borough with the fee as set forth by the Borough Council by resolution, and shall set forth the following:

- A. The applicant's name and address and his representative and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and tax parcel numbers of the areas to be rezoned.
- C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.
- D. Impact statements pursuant to §27-1301.
- E. The proposed changes to the text of the zoning ordinance.

#### **§27-1305. Public Hearings Prior to Amendment.**

1. Before voting on the enactment of any amendment, the Borough Council shall hold a public hearing pursuant to public notice. Public Notice shall be notice published once for two (2) consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall no more than thirty (30) days and the second publication not less than seven (7) days from the date of the hearing.

Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. 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 to 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. All notification requirements of the Municipalities Planning Code shall be met.

2. If, after any public hearing held upon an amendment, the proposed amendment changed substantially or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the 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.

**§27-1306. Time Limit After Zoning Change.**

Whenever the Borough Council shall change the zoning classification on any parcel of ground within the Borough, upon petition of the property owner and upon representation that a certain use will be made of the property after the change, the property owner shall have a period of 1 year within which to obtain a zoning and building permit and to commence actual construction. Should the property owner fail to commence construction within the stipulated period, the Borough Council shall have the right to change the zoning classification of the parcel back to the classification which existed before the rezoning was executed. This provision shall apply to curative amendments as well as to other types of zoning changes.

**§27-1307. Appeals to Court**

The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this Chapter or deemed to have been made under this Chapter.