

three (3) months period, but should he fail to complete such construction or alteration within said twelve (12) month's period, the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits, or the other action authorized to the appellant or applicant, if the Board finds that a good cause appears for the failure to complete within such twelve (12) months period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescinding of the action is justified.

#### **15.10 AMENDMENTS**

The County Commissioners may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Planning Commission for its recommendations and shall be specifically found by the County Commissioners to be in accordance with the spirit and intent of the formally adopted portions of the County Comprehensive Plan before final action is taken.

- (1) When an amendment, supplement, change or repeal is initiated by the County Planning Commission, the proposal shall be presented to the County Commissioners who shall then proceed in the same manner as with a petition to the County Commissioners which has already been reviewed by the Planning Commission.
- (2) When an amendment, supplement, change or repeal is initiated by the County Commissioners, it shall submit the proposal to the County Planning Commission for review and recommendations.
- (3) A petition for an amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question, whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition.

#### **15.11 REFERRAL TO COUNTY PLANNING COMMISSION**

After receipt of the petition by the County, said petition shall be presented to the County Planning Commission, for review and recommendations for at least forty (45) days prior to the public hearing. A report of said review, together with any recommendations shall be given to the County Commissioners in writing within forty-five (45) days from the date of said referral. If the County Planning Commission shall fail to file such a report within the time and manner specified, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement, change or repeal.

#### **15.12 PUBLIC HEARING**

The County Commissioners shall fix a time and place for a public hearing on the

proposed amendment and shall public notice of the hearing in the manner prescribed by Act 247, as amended.

At the time and place specified, the County Commissioners shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map, and shall thereafter within a period of ninety (90) days either reject the proposed change or enact an ordinance implementing the proposed change.

#### **15.13 AUTHENTICATION OF OFFICIAL ZONING MAP**

Whenever there has been a change in the boundary of a Zoning District or the reclassification of the Zoning District adopted in accordance with the above, the change on the official map shall be made, and shall be duly certified by the County and shall thereafter be refiled as part of the permanent records of the County.

## **ARTICLE XVI**

### **AMENDMENTS**

#### **16.00 PURPOSE**

The Board of Commissioners by Ordinance, may, upon recommendation of the County Planning Commission, or upon petition and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, District boundaries or classifications of property established by this Ordinance.

#### **16.01 CITIZEN REQUEST FOR AMENDMENT TO TEXT OR MAP**

Requests for changes in the County Zoning Ordinance may be made by owners of land zoned by the County or by their authorized agents and shall be filed with the County Zoning Officer on forms prescribed by him/her. Applications shall contain all information necessary to assure a full and accurate presentation of facts including:

- (1) The applicant's name and address and that of his representative, and the interest of every person represented in the application.
- (2) Verification by at least one of the owners attesting to the truth and correctness of facts and information presented.
- (3) A plan showing the extent of the area to be rezoned, if this be the nature of the request, and showing the streets bounding the area, the use and zone classification of abutting districts, and the names and addresses of property owners of land within two hundred (200) feet of the area.
- (4) A statement of the circumstances in the proposed and abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning.

The Zoning Officer shall review the application to determine whether it conforms with the requirements listed above. If satisfactory, the Zoning Officer shall immediately submit the application to the Planning Commission for review and approval. Upon approval, it shall be submitted to the Board of Commissioners, who shall follow the procedures enumerated in Section 16.03.

#### **16.02 PLANNING COMMISSION REQUESTS FOR AMENDMENT TO TEXT OR MAP**

Amendments to the Zoning Ordinance text or map may be initiated by the Planning Commission according to procedures enumerated in Section 15.04 submitted to the Board of Commissioners, who shall follow the procedures described in Section 16.03.

### **16.03 PROCEDURES OF THE BOARD OF COMMISSIONERS**

The Clinton County Board of Commissioners shall adhere to the following procedures when amending the Zoning Ordinance:

(1) Preparation of Amendments

The Board of Commissioners may request the Planning Commission to prepare amendments to the Zoning Ordinance using the same procedure set forth in Act 247, the Pennsylvania Municipalities Planning Code as amended.

(2) Referral to the County Planning Commission

For any amendment not prepared by the Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to afford the Planning Commission an opportunity to submit recommendations.

(3) Public Hearing

After receiving requests for amending the Zoning Ordinance and after receiving the recommendations of the Planning Commission, the Board of Commissioners shall hold a public hearing and cause notice to be given in the manner prescribed in Section 16.07.

(4) Revision of Amendment

If, after the public hearing held upon the amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Commissioners shall hold another public hearing in the manner prescribed in Section 15.07 before proceeding to vote on the amendment.

(5) Voting on Amendment

The Board of Commissioners shall consider the recommendations of the Planning Commission and testimony presented at the public hearing. The Board of Commissioners shall vote on the proposed amendment within ninety (90) days of the last public hearing.

(6) Notice of Decision

The applicant and others so requesting shall receive notice of the decision of the Board of Commissioners through the Zoning Officer.

### **16.04 PROCEDURES OF THE PLANNING COMMISSION**

The Planning Commission shall follow the procedures set forth below for amending the Zoning Ordinance:

(1) Preparation of Amendments

At the request of the Board of Commissioners, or on its own initiative, the Planning Commission:

- A. Shall prepare the text and map of the proposed zoning amendments as well as make any necessary studies.
- B. May hold a public meeting or meetings pursuant to public notice.
- C. Shall present to the Board of Commissioners the proposed zoning amendment, with recommendations and explanatory materials.

(2) Review Amendments

In the case of an amendment other than that prepared by the Planning Commission, the Commission shall review each such amendment submitted to it by the Board of Commissioners. It shall consider whether or not such proposed amendment would be consistent with and desirable in the furtherance of the community development objectives upon which the Zoning Ordinance is based. The Planning Commission shall submit its recommendations prior to the public hearing scheduled by the Board of Commissioners.

**16.05 PROCEDURES UPON CURATIVE AMENDMENTS**

A landowner who desires to challenge on substantive grounds the validity of the 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 Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided for in Section 16.01.

The Board of Commissioners shall commence a public hearing thereon within sixty (60) days of the request as provided in Section 16.07.

The curative amendment shall be referred to the Planning Commission and notice of public hearing thereon shall be given. The public hearing shall be conducted similarly as those conducted by the Zoning Hearing Board, except that all references therein to the Zoning Hearing Board shall, for the purpose of curative amendments, be references to the Board of Commissioners.

**16.06 PROCEDURES UPON MUNICIPAL CURATIVE AMENDMENTS**

- (1) The Clinton County Board of Commissioners, by formal action, may declare its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the Board of Commissioners shall:

- A. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:

1. References to specific uses which are either not permitted or not permitted in sufficient quantity.
  2. Reference to a class of use or uses which require revision.
  3. Reference to the entire ordinance which requires revisions.
- B. 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 Board of Commissioners shall enact a curative amendment to, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by Article XV to cure the declared invalidity of the Zoning Ordinance.
  - (3) Upon the initiation of the procedures, the Board of Commissioners shall not be required to entertain or consider any landowner's curative amendment filed under Section 16.01 nor shall the Zoning Hearing Board be required to give a report, subsequent to the declaration and proposal based upon grounds which are identical to or substantially similar to those specified in the resolution.
  - (4) Upon completion of the procedures as set forth, above, no rights to a cure pursuant to the provisions of Section 16.05 and 16.06 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.
  - (5) The Board of Commissioners having utilized the procedures as set forth above, may not utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of the Zoning Ordinance, provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the County by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Board of Commissioners may utilize the provisions of this Section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation.

#### **16.07 PUBLIC HEARINGS**

Before voting on the enactment of an amendment the Board of Commissioners shall hold a public hearing thereon pursuant to public notice as follows:

- (1) Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the County where copies of the proposed ordinance or

amendment may be examined, in addition to the time and place of hearing; and

- (2) A public notice of a proposed zoning ordinance or amendment shall be published once each week for two (2) successive weeks, the first notice to appear not less than fourteen (14) days nor more than thirty (30) days before the date fixed for the hearing, in a newspaper of general circulation in the County.

#### **16.08 PUBLICATION AND AVAILABILITY BEFORE ENACTMENT**

Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section.

The vote on the enactment of zoning ordinances and amendments by the Board of Commissioners shall be within ninety (90) days after last public hearing.

- (1) Public Notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof.
- (2) The proposed ordinance or amendment shall be published once in a newspaper of general circulation 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 or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - A. A copy shall be supplied to the newspaper of general circulation at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the County Planning Commission.
- (3) In the event substantial changes are made in the proposed ordinance or amendment, before voting upon enactment, the governing body shall, at least ten (10) days prior to enactment, re-advertise the changes in a brief summary.

#### **16.09 DISTRIBUTION AFTER ENACTMENT**

Within thirty (30) days after enactment, a copy of the Zoning Ordinance or Amendment shall be forwarded to the County Planning Commission.

**ARTICLE XVII**

**REPEALER AND EFFECTIVE DATE**

**17.00 REPEALER**

The existing Zoning Ordinance, adopted May 17, 1989, and entitled Clinton County Zoning Ordinance, and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in an event, the Zoning Ordinance of 1989, together with its supplements and amendments, would necessarily remain in full force and effect.

**17.01 EFFECTIVE DATE**

The effective date of this Ordinance shall be fourteen (14) days after the date of enactment.

**17.02 ENACTMENT**

Enacted and ordained into an Ordinance this

**CLINTON COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Robert C. Ohl, Chairman

\_\_\_\_\_  
Larry Kephart, Vice-Chairman

\_\_\_\_\_  
Miles D. Kessinger

**ATTEST:**

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Linda K. Bickford, Chief Clerk