

Article XIX – Interpretation and Amendments

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Article XIX – Interpretation and Amendments

§ 21-1901 Conflicting Provisions.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, and general welfare. Wherever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

[Ord. 415 10-29-2003]

§ 21-1902 Application of District Regulations.

(a) The regulations set by this Chapter, particularly those listed below in subsections (b) through (f) of this section, shall apply uniformly to each class or kind of structure or land, except as specifically provided for in this Chapter.

(b) No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved, or structurally altered, internally or externally, unless in conformity with the regulations herein specified for the district in which it is located.

(c) No building or other structure shall hereinafter be erected or altered to exceed the height, to accommodate or house an excessive number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Chapter.

(d) No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(e) No yard or lot existing as of March 5, 1975 shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after April 4, 1975 shall meet at least the minimum requirements established by this Chapter.

(f) All territory which may hereafter be annexed to the Borough shall be considered to be zoned in the same manner as the contiguous territory inside the previous Borough limits until otherwise classified.

[Ord. 415 10-29-2003]

§ 21-1903 Amendments and Procedures.

(a) **Amendment.** Council may, from time to time, amend this Chapter and/or the Official Zoning Map after public notice and hearing.

(b) **Procedure.** The following procedures shall be observed in amending this Chapter or the Official Zoning Map:

(1) For the preparation of amendments to this Chapter, the procedure set forth in Section 607 of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10607, for the preparation of a proposed zoning ordinance shall be optional.

(2) Before voting on the enactment of an amendment, 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.

(3) In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Manager shall submit each such amendment to the Borough Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Borough Planning Commission an opportunity to submit recommendations.

(4) 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, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

(5) At least thirty (30) days prior to the public hearing on the amendment by Council, the Borough Manager shall submit the proposed amendment to the Lehigh Valley 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. The Borough 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 Library 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, 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 this chapter shall be forwarded to the Lehigh Valley Planning Commission.

[Ords. 415 10-29-2003, 526 01-28-2015]