

**ARTICLE VIII  
ADMINISTRATION AND ENFORCEMENT**

**§ 130.50. ZONING APPROVAL for STRUCTURAL ALTERATION or erection of STRUCTURES.**

130.50.1. No STRUCTURE may be erected, added to or otherwise have any STRUCTURAL ALTERATIONS made to it until ZONING APPROVAL has been issued by the TOWNSHIP. No ZONING APPROVAL will be issued for any STRUCTURE where a CONSTRUCTION, addition, STRUCTURAL ALTERATION or USE thereof would be in violation of any of the provisions of this chapter, except after such written order from the ZONING HEARING BOARD or the BOARD OF COMMISSIONERS as this chapter may require. Any ZONING APPROVAL issued in conflict with the provisions of the chapter is null and void.

130.50.2. All APPLICATIONS FOR DEVELOPMENT must be in the form set forth in this chapter, Chapter 114 entitled SUBDIVISION and LAND DEVELOPMENT, if applicable, and in the BUILDING CODE<sup>1</sup>, except that two (2) additional sets of PLANS must be submitted for review by the ZONING ADMINISTRATOR, and APPLICATIONS FOR DEVELOPMENT for PLANNED DEVELOPMENTS must be in the form set forth in Article VI of this chapter. The APPLICATION FOR DEVELOPMENT must include a PLAN and such other information as lawfully may be required by the ZONING ADMINISTRATOR to determine conformance with this chapter, and Chapter 114 entitled SUBDIVISION and LAND DEVELOPMENT including but not limited to the names of all the legal or beneficial owners of the APPLICANT if the APPLICANT is a corporation or a partnership. **[Amended 10-1-90 by Ord. No. 1453]**

130.50.3. In approving an APPLICATION FOR DEVELOPMENT the ZONING ADMINISTRATOR may require such changes in PLANS for CONSTRUCTION, addition, STRUCTURAL ALTERATION or USE of such STRUCTURES or LOTS as may be necessary to assure compliance with this chapter.

130.50.4. ZONING APPROVAL for any STRUCTURE or USE may be revoked and withdrawn by the ZONING ADMINISTRATOR if the holder of the ZONING APPROVAL has failed to comply with the requirements of this chapter or with any conditions attached to the issuance of the ZONING APPROVAL; and the holder of the ZONING APPROVAL may be subject to penalties as provided by §130.61 of this chapter.

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<sup>1</sup>Editor's Note: See Ch. 51, Building Construction

130.50.5. The ZONING ADMINISTRATOR shall act upon an APPLICATION for ZONING APPROVAL for a SINGLE-FAMILY DWELLING no later than thirty (30) days after receiving the APPLICATION.

130.50.6. If no APPLICATION for a grading or BUILDING PERMIT to undertake work described in an APPLICATION for ZONING APPROVAL for STRUCTURAL ALTERATION or erection of STRUCTURES, has been submitted within twelve (12) months of issuance of ZONING APPROVAL for STRUCTURAL ALTERATION or erection of STRUCTURES, said ZONING APPROVAL will expire automatically without written notice to the DEVELOPER unless the BOARD OF COMMISSIONERS extends the ZONING APPROVAL upon written request of the DEVELOPER received prior to its expiration. The maximum extension permitted is one (1) twelve month extension. **[Amended 4-4-83 by Ord. No. 1024]**

130.50.7. Although all other zoning requirements must be met, no ZONING APPROVAL for STRUCTURAL ALTERATION and erection of STRUCTURES is required for antennas less than twelve (12) feet in height above the roof for roof-mounted antennas, or above the ground for other antennas, except satellite earth station antennas two (2) feet or more in diameter. **[Added 7-76-93 by Ord. No. 1585]**

#### **§ 130.51. ZONING APPROVAL for OCCUPANCY and USE.**

130.51.1. It is unlawful to use or occupy any STRUCTURE or LOT or part thereof until ZONING APPROVAL has been issued by the TOWNSHIP. ZONING APPROVAL shall state that the proposed USE of the STRUCTURE or LOT conforms to the requirements of this chapter.

130.51.2. No NONCONFORMING STRUCTURE, USE or LOT may be maintained, renewed, changed, or otherwise have any STRUCTURAL ALTERATIONS made to it, or be extended until a ZONING APPROVAL has been issued by the TOWNSHIP. After enactment or amendment of this chapter and upon notification by the ZONING ADMINISTRATOR, owners of NONCONFORMING STRUCTURES, USES or LOTS shall apply for ZONING APPROVAL. All ZONING APPROVAL for NONCONFORMING STRUCTURES, USES or LOTS must state specifically wherein the nonconformity differs from the provisions of this chapter.

130.51.3. Where ZONING APPROVAL for OCCUPANCY and USE is necessary to allow an OCCUPANCY PERMIT to be issued pursuant to the BUILDING CODE, and where a BUILDING PERMIT has been issued, ZONING APPROVAL for OCCUPANCY and USE shall be applied for within ten (10) working days after the erection of the STRUCTURE or STRUCTURAL ALTERATION has been completed. **[Amended 4-4-83 by Ord. No. 1024; Amended 10-1-90 by Ord. No. 1453]**

130.51.4. Temporary ZONING APPROVAL may be granted by the ZONING ADMINISTRATOR upon filing of a written APPLICATION FOR DEVELOPMENT for

temporary ZONING APPROVAL when a temporary OCCUPANCY PERMIT is authorized and is eligible for approval under the BUILDING CODE<sup>2</sup>, only upon the posting of surety acceptable to the TOWNSHIP to guarantee completion of the work described in APPLICATION FOR DEVELOPMENT for ZONING APPROVAL within a specified time period, and only under circumstances where there are no violations of applicable ZONING DISTRICT regulations.

130.51.5. Where ZONING APPROVAL for OCCUPANCY and USE is necessary in order to allow an OCCUPANCY PERMIT to be issued pursuant to the BUILDING CODE for a new or changed USE of a LOT and where no BUILDING PERMIT is required, an application for ZONING APPROVAL for OCCUPANCY and USE must be made directly to the office of the ZONING ADMINISTRATOR. **[Amended 4-4-83 by Ord. No. 1024; 8-3-09 by Ord. No. 2026]**

130.51.6. ZONING APPROVAL under this section will be issued or a written notice stating why a ZONING APPROVAL cannot be issued shall be given to the APPLICANT no later than fifteen (15) working days after the APPLICATION has been received by the office of the ZONING ADMINISTRATOR. **[Amended 10-1-90 by Ord. No. 1453]**

130.51.7. TEMPORARY STRUCTURES. During the time of construction of a STRUCTURE for which ZONING APPROVAL has been granted and a BUILDING PERMIT has been issued, the ZONING ADMINISTRATOR may issue ZONING APPROVAL for OCCUPANCY and USE of a TEMPORARY STRUCTURE for a period not to exceed twelve (12) months. ZONING APPROVAL for a TEMPORARY STRUCTURE may be extended upon reapplication at the discretion of the ZONING ADMINISTRATOR. ZONING APPROVAL for a TEMPORARY STRUCTURE shall be canceled upon written notice by the ZONING ADMINISTRATOR if construction of the permanent structure is not diligently pursued.

130.51.8. Failure to obtain ZONING APPROVAL is a violation of this chapter and may be subject to penalties as provided by §130.61. of this chapter.

130.51.9. The ZONING ADMINISTRATOR shall maintain a record of all ZONING APPROVALS issued.

130.51.10. Although all other ZONING requirements may be met, no ZONING APPROVAL for OCCUPANCY and USE is required for antennas less than twelve (12) feet in height above the roof for roof-mounted antennas, or above the ground for other antennas, except satellite earth station antennas two (2) feet or more in diameter. **[Amended 7-6-93 by Ord. No. 1585]**

**§ 130.52. Registration of NONCONFORMING USES, STRUCTURES and LOTS.**

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<sup>2</sup>Editor's Note: See Ch. 51. Building Construction

130.52.1. In accordance with §130.51.2. of this chapter, owners of NONCONFORMING USES, STRUCTURES and LOTS must apply for ZONING APPROVAL. Such APPLICATION will constitute registration of the NONCONFORMING USE, STRUCTURE or LOT.

130.52.2. After the enactment or amendment of this chapter, the owners of NONCONFORMING STRUCTURES or LOTS or the owners of a LOT on which a NONCONFORMING USE exists will be notified by the ZONING ADMINISTRATOR of the provisions of this chapter. Within thirty (30) days after the receipt of the notice, the owner must apply for and be issued ZONING APPROVAL for the nonconformity. If the owner of a nonconformity fails to apply for ZONING APPROVAL within thirty (30) days after receipt of the foregoing notice, the nonconformity ceases to be lawful and is in violation of this chapter.

**§ 130.53. Office of ZONING ADMINISTRATOR.**

130.53.1. The ZONING ADMINISTRATOR shall enforce this chapter by authorizing ZONING APPROVAL for only those STRUCTURES and USES that comply with the provisions of this chapter. The ZONING ADMINISTRATOR has the authority to make inspections necessary to determine compliance with this chapter and shall maintain records thereof and has the authority to issue a notice of violation and a cease and desist order upon determination that a violation has occurred. **[Amended 10-1-90 by Ord. No. 1453]**

130.53.2. The ZONING ADMINISTRATOR is responsible for the following:

130.53.2.1. Maintaining all of the records pertaining to this chapter.

130.53.2.2. Collecting fees which shall accompany APPLICATIONS for ZONING APPROVAL, APPLICATIONS FOR DEVELOPMENT, APPLICATIONS for VARIANCES, amendments, etc.

130.53.2.3. Receiving, filing and referring to the BOARD OF COMMISSIONERS and the COMMISSION for action all APPLICATIONS required to be so referred by this chapter.

130.53.2.4. Receiving, filing and referring to the ZONING HEARING BOARD all APPLICATIONS required to be so referred by this chapter.

**§ 130.54. ZONING HEARING BOARD.**

130.54.1. Establishment and Powers.

130.54.1.1. The BOARD OF COMMISSIONERS shall appoint a ZONING HEARING BOARD in accordance with the requirements of the MPC, especially

Section 903(b), and with the provisions of Chapter 15, Article II, §§15.7-15.9 of the TOWNSHIP CODE. The ZONING HEARING BOARD has the following powers: **[Amended 10-1-90 by Ord. No. 1453]**

130.54.1.1.1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the ZONING ADMINISTRATOR in the enforcement of this chapter.

130.54.1.1.2. To authorize in specific cases such VARIANCE from the terms of this chapter as will not be contrary to the interest of the populace, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done in accordance with the laws of the Commonwealth of Pennsylvania.

130.54.1.1.3. To authorize, in accordance with Article VIII, §130.54.4., such USES BY SPECIAL EXCEPTION as will not be contrary to the interest of the public, so that the spirit of this chapter is observed and substantial justice done.

130.54.1.1.4. To hear and decided challenges to the validity of any provision of this chapter, where the challenging party does not submit a curative amendment, or to the validity of any land use ordinance where the challenge is based on procedural defects, as such challenges are governed by the MPC. **[Added 10-1-90 by Ord. No. 1453]**

130.54.1.1.5. Any other powers authorized by the MPC, especially MPC Section 909.1 **[Added 10-1-90 by Ord. No. 1453]**

130.54.1.2. In exercising these powers, the ZONING HEARING BOARD may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in its opinion, ought to be made. Notice of this decision will then be given to all parties in interest and shall be filed immediately with the office of the ZONING ADMINISTRATOR.

130.54.1.2.1. In exercising these powers, the ZONING HEARING BOARD may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or clerical services within the limits of funds appropriated for this purpose by the BOARD OF COMMISSIONERS. **[Added 10-1-90 by Ord. No. 1453]**

130.54.1.3. Any person aggrieved by any decision of the ZONING HEARING BOARD or the BOARD OF COMMISSIONERS may appeal to the Court of

Common Pleas of Allegheny County in accordance with the MPC. [**Amended 10-1-90 by Ord. No. 1453**]

130.54.2. Transcript and Stenographer's Fees. Fees for stenographers to appear at and make transcripts of ZONING HEARING BOARD hearings are to be paid by the party specified by the MPC. [**Added 10-1-90 by Ord. No. 1453**]

130.54.3. Procedure for VARIANCES.

130.54.3.1. A VARIANCE from the terms of this chapter may not be granted by the ZONING HEARING BOARD until:

130.54.3.1.1. [**Amended 4-4-83 by Ord. No. 1024**] A written APPLICATION for VARIANCE is submitted to the office of the ZONING ADMINISTRATOR demonstrating that special conditions and circumstances exist which are peculiar to the LOT, STRUCTURE or USE involved and which are not applicable to other LOTS, STRUCTURES or USES in the same ZONING DISTRICT: That literal interpretation of the provisions of this chapter would deprive the APPLICANT of rights commonly enjoyed by other LOTS in the same ZONING DISTRICT under the terms of this chapter; that the special conditions and circumstances did not result from the actions of the APPLICANT; and that granting the VARIANCE requested will not confer on the APPLICANT any special privilege that is denied by this chapter to other LOTS, STRUCTURES or USES in the same ZONING DISTRICT. No NONCONFORMING USE of neighboring LOTS or STRUCTURES in the same ZONING DISTRICT and no AUTHORIZED USE of LOTS or STRUCTURES in other ZONING DISTRICTS shall be considered grounds for the issuance of a VARIANCE. In addition, the APPLICATION for a VARIANCE must include the following:

130.54.3.1.1.1. A map showing and identifying with Lot/Block number all LOTS within two hundred (200) feet of the LOT for which the VARIANCE is requested.

130.54.3.1.1.2. Complete lists of the Lot/Block numbers of all LOTS adjacent to and all LOTS otherwise within two hundred (200) feet of the LOT for which the VARIANCE is requested and the names and addresses of the owners thereof from the most current records of the Allegheny County Tax Assessment Office.

130.54.3.1.2. The required fees are paid. (See §130.59. of this Chapter.)

130.54.3.1.3. Notice is given as follows:

130.54.3.1.3.1. By giving PUBLIC NOTICE, as defined in §130.3.

130.54.3.1.3.2. By mailing a notice thereof by certified mail to the owner of the LOT for which the VARIANCE is requested, or his agent, and to the LOT owners in the TOWNSHIP whose LOTS are adjacent to the LOT for which the VARIANCE is requested and by certified mail to all other LOT owners in the TOWNSHIP whose LOTS are within two hundred (200) feet of the LOT for which the VARIANCE is requested, and by certified mail to any other person who has made a timely request for notice. All mailings must be made no more than thirty (30) days nor less than seven (7) days prior to date of the PUBLIC HEARING.

**[Amended 10-1-90 by Ord. No. 1453; Amended 8-7-95 by Ord. No. 1677]**

130.54.3.1.3.3. By posting one (1) notice in the vicinity of each FRONT LOT LINE of the LOT for which the VARIANCE is requested, in a place conspicuously visible from the STREET. In addition, notices will be posted at the Municipal Building. All posting must be done at least seven (7) days prior to the PUBLIC HEARING. **[Amended 10-5-87 by Ord. No. 1291]**

130.54.3.1.3.4. By stating in the notice the general nature of the VARIANCE requested.

130.54.3.1.4. The ZONING HEARING BOARD has commenced the first hearing within sixty (60) days from the date of the APPLICANT'S request, unless the APPLICANT has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the APPLICANT. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas for judicial relief. The hearings shall be completed no later than one hundred (100) days of the first hearing held after the completion of the APPLICANT'S case in chief. The hearings shall be conducted by the ZONING HEARING BOARD or the ZONING HEARING BOARD may appoint any member or an independent attorney as a hearing officer. **[Added 10-1-90 by Ord. No. 1453; Amended 10-1-07 by Ord. No. 1978]**

130.54.3.1.5. The ZONING HEARING BOARD has made written findings that the requirements of §130.54.3.1.1. above have been met or not met by the APPLICANT for the VARIANCE.

130.54.3.1.6. The ZONING HEARING BOARD has determined whether the reasons set forth in the APPLICATION justify the granting of the VARIANCE, and whether the VARIANCE is the minimum VARIANCE that should be granted.

130.54.3.1.7. The ZONING HEARING BOARD has further determined whether the granting of the VARIANCE will be in harmony with the general purposes of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the health, safety, and general welfare of the public.

130.54.3.2. In granting any VARIANCE, the ZONING HEARING BOARD may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the VARIANCE is granted, will be deemed a violation of this chapter.

130.54.3.3. A VARIANCE granted by the ZONING HEARING BOARD expires automatically without written notice to the APPLICANT if no APPLICATION for ZONING APPROVAL for OCCUPANCY and USE or grading permit or BUILDING PERMIT to undertake the work described in the decision granting the VARIANCE has been submitted within twelve (12) months of said decision, unless the ZONING HEARING BOARD extends the VARIANCE upon written request of the APPLICANT received prior to its expiration or unless the ZONING HEARING BOARD specifically grants a longer period of time in its decision. The maximum extension permitted is one (1) twelve-month extension. **[Added 4-4-83 by Ord. No. 1024]**

130.54.3.4. No VARIANCE may be granted for any CONSTRUCTION DEVELOPMENT, USE or activity within any Floodway ZONING DISTRICT (FW) that would cause any increase in the ONE-HUNDRED-YEAR FLOOD elevation. **[Added 4-7-86 by Ord. No. 1194]**

130.54.3.5. Under no circumstances may a VARIANCE be granted to the prohibitions of §130.21.4. entitled “DEVELOPMENT which may endanger human life prohibited.” **[Added 4-7-86 by Ord. No. 1194]**

130.54.3.6. **[Added 4-7-86 by Ord. No. 1194]** Whenever a VARIANCE is granted to construct a STRUCTURE below the ONE-HUNDRED-YEAR FLOOD elevation, the ZONING HEARING BOARD shall notify the APPLICANT in writing that:

130.54.3.6.1. The granting of the VARIANCE will result in increased premium rates for FLOOD insurance, and

130.54.3.6.2. The VARIANCE increases the risk to life and property.

130.54.4. Procedure for USES BY SPECIAL EXCEPTION.

130.54.4.1. The ZONING HEARING BOARD shall hear and decide upon USES BY SPECIAL EXCEPTION in accordance with the provisions of this chapter. However, it may not approve a USE BY SPECIAL EXCEPTION unless and until:

130.54.4.1.1. **[Amended 4-4-83 by Ord. No. 1024]** A written APPLICATION for a USE BY SPECIAL EXCEPTION is submitted to the office of the ZONING ADMINISTRATOR indicating the section of this chapter under which the USE BY SPECIAL EXCEPTION is sought and stating that grounds upon which it is requested. In addition, the APPLICATION for a USE BY SPECIAL EXCEPTION must include the following:

130.54.4.1.1.1. A map showing and identifying with Lot/Block numbers all LOTS in the TOWNSHIP within two hundred (200) feet of the LOT for which the USE BY SPECIAL EXCEPTION is requested. **[Amended 10-1-90 by Ord. No. 1453]**

130.54.4.1.1.2. Complete lists of the Lot/Block numbers of all LOTS in the TOWNSHIP adjacent to or within two hundred (200) feet of the LOT for which the USE BY SPECIAL EXCEPTION is requested and the names and addresses of the owners thereof from the most current records of the Allegheny County Tax Assessment Office. **[Amended 10-1-90 by Ord. No. 1453]**

130.54.4.1.2. The required fees are paid. (See §130.59.)

130.54.4.1.3. A PUBLIC HEARING is held in conformance with the provisions of §§130.54.3.1.3. and 130.54.3.1.4. above.

130.54.4.2. In considering any USE BY SPECIAL EXCEPTION, the ZONING HEARING BOARD may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this chapter. A violation of these conditions and safeguards, when made a part of the terms under which the USE BY SPECIAL EXCEPTION is granted, will be a violation of this chapter.

130.54.4.3. When the ZONING HEARING BOARD determines that the APPLICATION for a USE BY SPECIAL EXCEPTION meets all requirements of this chapter, receives assurances that any additional conditions deemed necessary will be fulfilled, and that the application is in conformity with the spirit and intent

of this chapter, it shall direct the ZONING ADMINISTRATOR to issue ZONING APPROVAL for such USE BY SPECIAL EXCEPTION.

130.54.4.4. USE BY SPECIAL EXCEPTION granted by the ZONING HEARING BOARD, whether subject to conditions or not, will expire automatically without written notice to the APPLICANT if no APPLICATION for ZONING APPROVAL for OCCUPANCY and USE or grading permit or BUILDING PERMIT to undertake the work described in the decisions granting the USE BY SPECIAL EXCEPTION has been submitted within twelve (12) months of the decision, unless the ZONING HEARING BOARD extends the USE BY SPECIAL EXCEPTION upon written request of the APPLICANT received prior to its expiration, or unless the ZONING HEARING BOARD specially grants a longer period of time in its decision. The maximum extension permitted shall be one (1) twelve-month extension. **[Added 4-4-83 by Ord. No. 1024]**

130.54.4.5. USES BY SPECIAL EXCEPTION granted by the ZONING HEARING BOARD prior to the effective date of this amendment will expire automatically without written notice to the APPLICANT if no APPLICATION for ZONING APPROVAL for OCCUPANCY and USE or grading permit or BUILDING PERMIT to undertake the work described in the decision granting the USE BY SPECIAL EXCEPTION has been submitted within twelve (12) months of the effective date of this amendment or as specified by the ZONING HEARING BOARD in the approval unless the ZONING HEARING BOARD extends the USE BY SPECIAL EXCEPTION upon written request of the APPLICANT received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension. **[Added 4-4-83 by Ord. No. 1024]**

130.54.5. Procedure for appeals.

130.54.5.1. Appeals may be made to the ZONING HEARING BOARD by any aggrieved person, firm or corporation or by any officer or department of the TOWNSHIP affected by any decision of the ZONING ADMINISTRATOR relative to the interpretation of this chapter. The appeal must be made within thirty (30) days from the date that a notice of violation is delivered to the aggrieved party by the ZONING ADMINISTRATOR in accordance with the requirements of the MPC by filing with the ZONING ADMINISTRATOR and with the ZONING HEARING BOARD a notice of appeal specifying the grounds therefor. The ZONING ADMINISTRATOR shall then transmit to the ZONING HEARING BOARD all papers constituting the record upon which the action was appealed. **[Amended 10-1-90 by Ord. No. 1453]**

130.54.5.2. The ZONING HEARING BOARD shall fix a reasonable time for a PUBLIC HEARING to consider the appeal, give notice thereof in conformance with Sections 130.54.3.1.3.1., 130.54.3.1.3.2., 130.54.3.1.3.3., and

130.54.3.1.3.4., as well as due notice to the parties in interest, and decide the same within forty-five (45) days after the PUBLIC HEARING is concluded. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. **[Amended 3-6-95 by Ord. No. 1657; Amended 11-4-96 by Ord. No. 1724; 3-7-05 by Ord. No. 1934]**

**§ 130.55. Procedure for CONDITIONAL USES.**

130.55.1. The BOARD OF COMMISSIONERS hears and decides requests for CONDITIONAL USES in accordance with the provisions of this chapter. However, it may not approve a CONDITIONAL USE until:

130.55.1.1. **[Amended 4-4-83 by Ord. No. 1024; Amended 10-1-90 by Ord. No. 1453; Amended 5-2-94 by Ord. No. 1626]** A written APPLICATION for a CONDITIONAL USE is submitted to the office of the ZONING ADMINISTRATOR on the eleventh (11<sup>th</sup>) working day prior to the regular monthly meeting of the PLANNING COMMISSION. Where the CONDITIONAL USE is also a LAND DEVELOPMENT, a unified APPLICATION must be filed for both. The APPLICATION for PRELIMINARY and FINAL APPROVAL of the LAND DEVELOPMENT must meet the requirements for PRELIMINARY and FINAL APPROVAL under Chapter 114 of the CODE entitled SUBDIVISION and LAND DEVELOPMENT. The APPLICATION must indicate the section of this chapter under the grounds upon which it is requested. In addition, the application for a CONDITIONAL USE must include the following:

130.55.1.1.1. A PLAN; an ENVIRONMENTAL IMPACT STATEMENT, and a LANDSCAPE PLAN. **[Added 12-3-84 by Ord. No. 1110; Amended 10-1-90 by Ord. No. 1453]**

130.55.1.1.2. A map showing and identifying with Lot/Block numbers all LOTS within two hundred (200) feet of the LOT for which the CONDITIONAL USE is requested.

130.55.1.1.3. Complete lists of the Lot/Block numbers of all LOTS in the TOWNSHIP adjacent to or within two hundred (200) feet of the LOT for which the CONDITIONAL USE is requested and the names and addresses of the owners thereof from the most current records of the Allegheny County Tax Assessment Office. **[Amended 10-1-90 by Ord. No. 1453]**

130.55.1.1.4. Drawings or statements by registered architect or APPLICANT as to architectural elevations and materials to be used. **[Added 10-1-90 by Ord. No. 1453]**

130.55.1.2. The required fees are paid. (See §130.59.)

130.55.1.3. SECURITY. The DEVELOPER must guarantee the installation of the PRIVATE and PUBLIC IMPROVEMENTS specified in the PLAN by posting SECURITY. [Added 12-3-84 by Ord. No. 1110<sup>3</sup>]

130.55.1.3.1. Filing of performance SECURITY naming the TOWNSHIP as obligee by the DEVELOPER. Pursuant to a satisfactory completion of all PRIVATE IMPROVEMENTS by the TOWNSHIP, or the acceptance of all the PUBLIC IMPROVEMENTS by the TOWNSHIP, the SECURITY will be released. [Amended 8-7-95 by Ord. No. 1677]

130.55.1.3.2. Depositing or placing in escrow a certified check, cash or other acceptable pledge in the amount of one hundred ten percent (110%) of the estimated CONSTRUCTION costs, as determined by the TOWNSHIP.

130.55.1.3.3. Provide such other SECURITY as may be acceptable to the TOWNSHIP.

130.55.1.4. The PLANNING COMMISSION makes a written recommendation to the BOARD OF COMMISSIONERS. Where the CONDITIONAL USE is a LAND DEVELOPMENT, the PLANNING COMMISSION shall also make a recommendation under the provisions of Chapter 114 of the CODE, entitled "SUBDIVISION and LAND DEVELOPMENT". [Amended 10-1-90 by Ord. No. 1453]

130.55.1.5. A PUBLIC HEARING is held in conformance with the provisions of §§130.54.3.1.3. and 130.54.3.1.4. above. Where the proposed CONDITIONAL USE is a LAND DEVELOPMENT, the hearing will be held in conformity with the provisions of Chapter 114 of the CODE entitled "SUBDIVISION and LAND DEVELOPMENT". [Amended 10-1-90 by Ord. No. 1453]

130.55.2. In any procedure for CONDITIONAL USE, the APPLICANT shall have the persuasion burden and presentation duty to show compliance with the CODE and the APPLICANT shall have the persuasion burden to show the APPLICATION FOR DEVELOPMENT is not detrimental to the health, safety and welfare of the neighborhood. [Added 3-6-95 by Ord. No. 1657]

130.55.3. In considering any CONDITIONAL USE, the BOARD OF COMMISSIONERS may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this chapter and Chapter 114 of the CODE entitled "SUBDIVISION and LAND DEVELOPMENT", where applicable. A violation of these

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<sup>3</sup>Editor's Note: This ordinance also redesignated former Subsection 130.40.1.1.1. and 40.1.1.2. as Subsection 1.1.2. and 1.1.3., respectively.

conditions and safeguards, when made a part of the terms under the CONDITIONAL USE and LAND DEVELOPMENT, as applicable, is granted, is a violation of this chapter. The BOARD OF COMMISSIONERS shall consider modifications proposed in the APPLICATION to any of the applicable requirements of this chapter making for a more efficient, attractive, and harmonious USE. If such modifications, in the judgment of the BOARD OF COMMISSIONERS, constitute a more beneficial USE of the SITE than provided for under the provisions of this chapter, then the BOARD OF COMMISSIONERS may grant the modifications. However, in the IDENTIFIED FLOODPLAIN AREA, the following provisions will apply: **[Amended 10-1-90 by Ord. No. 1453; Amended 3-6-95 by Ord. No. 1657; Amended 8-7-95 by Ord. No. 1677]**

130.55.3.1. No modification will be granted for any CONSTRUCTION, DEVELOPMENT, USE or activity within any Floodway ZONING DISTRICT (FW) that would cause any increase in the ONE-HUNDRED-YEAR FLOOD elevation. **[Added 8-7-95 by Ord. No. 1677]**

130.55.3.2. Under no circumstances will a modification be granted to the prohibitions of Section 130.21.4., entitled “DEVELOPMENT which may endanger human life prohibited.” **[Added 8-7-95 by Ord. No. 1677]**

130.55.3.3. **[Added 8-7-95 by Ord. No. 1677]** Whenever a modification is granted to construct a STRUCTURE below the ONE-HUNDRED-YEAR-FLOOD elevation, the TOWNSHIP shall notify the APPLICANT in writing that:

130.55.3.3.1. The granting of the modification will result in the increased premium rates for FLOOD insurance; and

130.55.3.3.2. The modification increases the risk to life and property.

130.55.4. If the BOARD OF COMMISSIONERS determines that the APPLICATION for CONDITIONAL USE and, if applicable, LAND DEVELOPMENT meet all requirements of this chapter and of Chapter 114 entitled “SUBDIVISION and LAND DEVELOPMENT”, receives assurances that any additional conditions deemed necessary have been fulfilled and that the application is in conformity with the spirit and intent of this chapter, it shall direct the ZONING ADMINISTRATOR to issue ZONING APPROVAL for such CONDITIONAL USE and LAND DEVELOPMENT, if applicable. **[Amended 10-1-90 by Ord. No. 1453; Amended 3-6-95 by Ord. No. 1657]**

130.55.5. APPLICATIONS for CONDITIONAL USES under §130.37. of this chapter must follow the procedure for PLANNED DEVELOPMENTS under Article VI; however, the BOARD OF COMMISSIONERS may grant modifications to APPLICATIONS for CONDITIONAL USE APPROVAL in accordance with §130.37.3. of this chapter and subject to the restrictions stated in §130.35.2. **[Amended 5-2-94 by Ord. No. 1626; Amended 3-6-95 by Ord. No. 1657]**

130.55.5.1. After ZONING APPROVAL has been granted for a CONDITIONAL USE and the APPLICANT desires to make changes to the PLAN, PRELIMINARY DEVELOPMENT PLAN or FINAL DEVELOPMENT PLAN, as the case may be; the TOWNSHIP MANAGER shall have the authority to approve such changes so long as the changes comply with the TOWNSHIP CODE, comply with the conditions of ZONING APPROVAL and comply with the laws of the Commonwealth of Pennsylvania. The TOWNSHIP engineer shall review any changes approved by the TOWNSHIP MANAGER. Pursuant to a denial of such changes by the TOWNSHIP MANAGER, the APPLICANT may make an APPLICATION FOR DEVELOPMENT in accordance with the procedures set forth in Chapter 114 of the TOWNSHIP CODE, entitled "SUBDIVISION and LAND DEVELOPMENT", and this chapter (130). **[Added 5-2-94 by Ord. No. 1626; Amended 4-1-96 by Ord. No. 1708]**

130.55.6. CONDITIONAL USE approval, with the exception of CONDITIONAL USE approval granted under the procedure for PLANNED DEVELOPMENTS under Article VI and CONDITIONAL USE approval in conjunction with a LAND DEVELOPMENT granted under the procedure in Chapter 114 of the CODE entitled SUBDIVISION and LAND DEVELOPMENT, expires automatically without written notice to the applicant if no APPLICATION for SUBDIVISION, ZONING APPROVAL for OCCUPANCY and USE or a grading or BUILDING PERMIT to undertake the work described in the CONDITIONAL USE approval has been submitted within twelve (12) months of said approval, unless the BOARD OF COMMISSIONERS extends the CONDITIONAL USE approval upon written request of the APPLICANT received prior to its expiration. The maximum extension permitted is one (1) twelve month extension. **[Added 4-4-83 by Ord. No. 1024; Amended 10-1-90 by Ord. No. 1453; Amended 3-6-95 by Ord. No. 1657]**

130.55.7. CONDITIONAL USE approval, granted prior to the effective date of this amendment, with the exception of CONDITIONAL USE approval granted under the procedure for PLANNED DEVELOPMENTS under Article VI and CONDITIONAL USE approval granted in conjunction with a LAND DEVELOPMENT under the procedure in Chapter 114 of the CODE entitled "SUBDIVISION and LAND DEVELOPMENT", expires automatically without written notice to the APPLICANT if no APPLICATION for SUBDIVISION, ZONING APPROVAL for OCCUPANCY and USE, grading permit or BUILDING PERMIT to undertake the work described in the CONDITIONAL USE approval has been submitted within twelve (12) months of the effective date of this amendment or as specified in the approval, unless the BOARD OF COMMISSIONERS extends the CONDITIONAL USE approval upon written request of the APPLICANT received prior to its expiration. The maximum extension permitted is one (1) twelve-month extension. **[Added 4-4-83 by Ord. No. 1024; Amended 10-1-90 by Ord. No. 1453; Amended 3-6-95 by Ord. No. 1657]**

**§ 130.56. Procedure for amendments.**

130.56.1. General. The regulations and provisions of this chapter may be amended, upon recommendation of the PLANNING COMMISSION or the ZONING HEARING BOARD, upon the initiation of the BOARD OF COMMISSIONERS, or upon petition to the BOARD OF COMMISSIONERS. A LANDOWNER'S CURATIVE AMENDMENT must conform to the requirements for a proposed amendment initiated by petition. **[Amended 10-1-90 by Ord. No. 1453]**

130.56.2. PUBLIC NOTICE. The BOARD OF COMMISSIONERS shall by resolution adopted at a stated meeting, fix the time and place of a PUBLIC HEARING on the proposed amendment and require that PUBLIC NOTICE be given, which refers to a place within the TOWNSHIP where the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. **[Amended 10-1-90 by Ord. No. 1453]**

130.56.2.1. PUBLIC NOTICE, for the purposes of this section 130.56.2. must also include the publication of the proposed amendment once in one (1) newspaper of general circulation in the TOWNSHIP not more than thirty (30) days, not less than seven (7) days prior to passage. Publication of the proposed amendment must include either the full text thereof or the title and a brief summary prepared by the TOWNSHIP ATTORNEY and setting forth all the provisions in reasonable detail. **[Amended 10-1-90 by Ord. No. 1453]**

130.56.2.1.1. If the full text is not included, then a copy thereof must be supplied to a newspaper of general circulation in the TOWNSHIP at the time PUBLIC NOTICE is published and an attested copy of the proposed amendment will be filed in the Allegheny County Law Library. **[Added 10-1-90 by Ord. No. 1453]**

130.56.2.2. In addition, if the proposed amendment involves a ZONING DISTRICT MAP change, PUBLIC NOTICE must include a notice thereof sent by certified mail, such notice to be sent at least thirty (30) days prior to the date of the PUBLIC HEARING, to the owner of the LOT for which the proposed ZONING DISTRICT MAP amendment is requested, or his agent, and to the LOT owners in the TOWNSHIP whose LOTS are adjacent to the LOT which is the subject of the proposed ZONING DISTRICT MAP amendment and by certified mail to all other LOT owners in the Township whose LOTS are within two hundred (200) feet of the LOT which is the subject of the proposed amendment and to every resident or association of residents of the TOWNSHIP who have registered their names and addresses for this purpose with the TOWNSHIP MANAGER and who have paid such fees as may be established by the BOARD OF COMMISSIONERS. PUBLIC NOTICE must be posted in the vicinity of each FRONT LOT LINE of the LOT or several notices on the FRONT LOT LINE of a large SITE for which a ZONING DISTRICT MAP amendment is proposed, in a place conspicuously visible from the STREET, and the posting of

notices in the place reserved for such notices at the MUNICIPAL BUILDING. All posting must be done at least fifteen (15) days prior to the PUBLIC HEARING. **[Added 4-4-83 by Ord. No. 1024; Amended 10-5-87 by Ord. No. 1291; 10-1-90 by Ord. No. 1453; 8-7-95 by Ord. No. 1677; 3-7-05 by Ord. No. 1934]**

130.56.2.2.1. At least five (5) days prior to the public meeting held by the PLANNING COMMISSION on the proposed amendment, written notice must be sent by certified mail to the owner of the LOT for which the proposed ZONING DISTRICT MAP amendment is requested, or his agent, and to the LOT owners in the TOWNSHIP whose LOTS are adjacent to the LOT which is the subject of the proposed ZONING DISTRICT MAP amendment and to all other LOT owners in the TOWNSHIP whose LOTS are within two hundred (200) feet of the LOT which is the subject of the amendment. Notice must be posted in the vicinity of each FRONT LOT LINE of the LOT or several notices on the FRONT LOT LINE of a large SITE for which a ZONING DISTRICT MAP amendment is proposed, in a place conspicuously visible from the STREET, and in a place reserved for such notices at the Municipal Building. **[Added 3-6-95 by Ord. No. 1657]**

130.56.2.3. In addition, notice of textual changes to the provisions of this Chapter shall be sent by regular mail not more than thirty (30) days nor less than fourteen (14) days from the date of the PUBLIC HEARING, to every resident or association of residents of the TOWNSHIP who have registered their names and addresses for this purpose with the TOWNSHIP MANAGER and who have paid such fees as may be established by the BOARD OF COMMISSIONERS. **[Amended 4-4-83 by Ord. No. 1024; Amended 10-1-90 by Ord. No. 1453]**

130.56.2.4. At least thirty (30) days prior to the PUBLIC HEARING, the BOARD OF COMMISSIONERS shall send a copy of the proposed amendment to the Allegheny County Department of Economic Development for recommendations. **[Added 10-1-90 by Ord. No. 1453; Amended 9-6-05 by Ord. No. 1946]**

130.56.2.5. In the case of a proposed amendment not proposed by the PLANNING COMMISSION, the BOARD OF COMMISSIONERS shall submit the amendment to the PLANNING COMMISSION at least thirty (30) days prior to the PUBLIC HEARING for recommendation. **[Added 10-1-90 by Ord. No. 1453]**

130.56.2.6. If after PUBLIC HEARING, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the BOARD OF COMMISSIONERS shall hold another PUBLIC HEARING pursuant to PUBLIC NOTICE (including such additional requirements for

PUBLIC NOTICE as are set forth at §130.56.2.1. through §130.56.2.4. hereof before proceeding to vote on the amendment. **[Added 10-1-90 by Ord. No. 1453]**

130.56.3. Proposed amendments initiated by petition must include the following:

130.56.3.1. The fee required by Chapter 57 of the CODE entitled “Fees.”

130.56.3.2. A letter justifying the petition.

130.56.3.3. A precise legal description of the LOT. **[Amended 4-4-83 by Ord. No. 1024]**

130.56.3.4. A SURVEY of the LOT. **[Amended 4-4-83 by Ord. No. 1024]**

130.56.3.5. A map showing and identifying with Lot/Block number all LOTS within two hundred (200) feet of the LOT for which the proposed Zoning Map amendment is requested. **[Amended 4-4-83 by Ord. No. 1024]**

130.56.3.6. Complete lists of the Lot/Block numbers of all LOTS adjacent to and otherwise within two hundred (200) feet of the LOT for which the proposed Zoning Map amendment is requested and the names and addresses of the owners thereof from the most current records of the Allegheny County Tax Assessment Office. **[Amended 4-4-83 by Ord. No. 1024]**

130.56.4. Procedure for LANDOWNER CURATIVE AMENDMENT – A petition for a LANDOWNER CURATIVE AMENDMENT must conform to the otherwise applicable provisions of this section and must be accompanied by a written statement of intent to challenge on substantive grounds the validity of this Zoning Ordinance or a specific provision or regulation thereof or of the ZONING DISTRICT MAP with a proposed CURATIVE AMENDMENT and a written request that the challenge and proposed amendment be heard and decided as provided in Section 916.1 of the MPC. The BOARD OF COMMISSIONERS shall schedule a PUBLIC HEARING within sixty (60) days of the date the request is made at a regularly scheduled meeting of the BOARD OF COMMISSIONERS. PUBLIC NOTICE must include notice that the validity of this chapter or the ZONING DISTRICT MAP is in question and must give the time and place where a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public. PUBLIC NOTICE must include all requirements of §130.56.2. including publication of the proposed amendments. The PUBLIC HEARING or HEARINGS will be conducted in accordance with Sections 609.1 and 908 of the MPC. **[Added 10-1-90 by Ord. No. 1453]**

130.56.4.1. In hearing such challenges the BOARD OF COMMISSIONERS sits both in a judicial capacity and in an adversarial capacity; that is, it judges the validity of the challenge and it defends its previous decision. Therefore, the

BOARD OF COMMISSIONERS retains the TOWNSHIP ATTORNEY to advise it in its judicial capacity and an independent attorney to advise it in its adversarial capacity. **[Added 10-1-90 by Ord. No. 1453]**

130.56.4.2. The vote of the BOARD OF COMMISSIONERS must be within forty-five (45) days of the last PUBLIC HEARING. **[Added 10-1-90 by Ord. No. 1453]**

130.56.4.3. Within thirty (30) days after enactment, a copy of the amendment as enacted will be forwarded to the Allegheny County Department of Economic Development. **[Added 10-1-90 by Ord. No. 1453]**

### **§ 130.57. PLANNING COMMISSION.**

The PLANNING COMMISSION performs all duties as required by the laws of the Commonwealth of Pennsylvania, including but not limited to the following:

130.57.1. The PLANNING COMMISSION receives from the office of the ZONING ADMINISTRATOR copies of all APPLICATIONS for amendments to this chapter and will make findings and recommendations thereon, after which the COMMISSION will forward its findings and recommendations, in writing, to the BOARD OF COMMISSIONERS before the date set for a PUBLIC HEARING on the proposed amendment.

130.57.2. The PLANNING COMMISSION receives from the office of the ZONING ADMINISTRATOR copies of all APPLICATIONS for PLANNED DEVELOPMENTS and will make findings and recommendations thereon as set forth in Article VI of this chapter, after which the COMMISSION will forward its findings and recommendations, in writing, to the BOARD OF COMMISSIONERS before the date set for a PUBLIC HEARING on the proposed PLANNED DEVELOPMENT.

130.57.3. The PLANNING COMMISSION receives from the office of the ZONING ADMINISTRATOR all APPLICATIONS for CONDITIONAL USES and will make findings and recommendations and shall forward its findings and recommendations to the BOARD OF COMMISSIONERS before the date set for a PUBLIC HEARING on the proposed CONDITIONAL USE.

130.57.4. The PLANNING COMMISSION, furthermore, initiates, directs and reviews the provisions of this chapter and makes reports of its findings and recommendations to the BOARD OF COMMISSIONERS in writing not less frequently than annually, and recommends and updates the provisions of the COMPREHENSIVE PLAN not less frequently than every ten (10) years. **[Amended 10-1-90 by Ord. No. 1453]**

130.57.5. The PLANNING COMMISSION must also review SUBDIVISION and LAND DEVELOPMENT APPLICATIONS and report to the BOARD OF COMMISSIONERS in accordance with the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance.<sup>4</sup>

**§ 130.58. BOARD OF COMMISSIONERS.**

Under the provisions of this chapter, the BOARD OF COMMISSIONERS has the duties of considering and adopting or rejecting proposed PLANNED DEVELOPMENTS, CONDITIONAL USES, amendments to or the repeal of this chapter, as provided by law, and of establishing a schedule of fees and charges as stated in §130.59. of this chapter.

**§ 130.59. Schedule of fees, charges and expenses.**

130.59.1. The BOARD OF COMMISSIONERS has established a schedule of fees, charges and expenses and a collection procedure for ZONING APPROVALS, PLANNED DEVELOPMENTS, CONDITIONAL USES, USES BY SPECIAL EXCEPTION, VARIANCES, zoning amendments and other matters pertaining to this chapter. The schedule of fees is available in the office of the ZONING ADMINISTRATOR and may be altered or amended only by the BOARD OF COMMISSIONERS.

130.59.2. No APPLICATION for any ZONING APPROVAL, PLANNED DEVELOPMENT, CONDITIONAL USE, zoning amendment, USE BY SPECIAL EXCEPTION, VARIANCE or other matter may be considered unless or until such costs, charges, fees or expenses listed hereunder have been paid in full, nor may any action be taken on proceedings before the BOARD OF COMMISSIONERS, the PLANNING COMMISSION or the ZONING HEARING BOARD until all charges or fees have been paid in full. **[Amended 10-1-07 by Ord. No. 1978]**

130.59.3. Fees. The fees and charges for zoning APPLICATIONS are as adopted in Chapter 57, "Fees". The ZONING ADMINISTRATOR may waive or modify fees where unusual circumstances warrant such relief, **[Amended 4-4-83 by Ord. No. 1024; Amended 10-1-90 by Ord. No. 1453]**

**§ 130.60. Complaints regarding violations.**

Whenever a violation of this chapter occurs or is alleged to have occurred any person may file a written complaint. The complaint, stating fully the causes and basis thereof, may be filed with the ZONING ADMINISTRATOR. The ZONING ADMINISTRATOR shall properly record the complaint, immediately investigate and take action thereon, as provided by this chapter

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<sup>4</sup> Editor's Note: See Ch. 114, Subdivision and Land Development.

**§ 130.61. Violations and penalties; enforcement procedures.**

130.61.1. Enforcement Penalties. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of any provision of this chapter shall upon found liable therefor in a civil enforcement proceeding commenced by the TOWNSHIP, must pay a judgment as provided in Chapter 5 of this CODE entitled "Fines and Penalties." No judgment may commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the TOWNSHIP may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event, it will be deemed to have been one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues will constitute a separate violation. All judgments, costs, and reasonable attorney fees must be paid over to the TOWNSHIP. **[Amended 10-1-90 by Ord. No. 1453]**

130.61.2. Enforcement Remedies. If any STRUCTURE or LOT is or is proposed to be erected, constructed, reconstructed, altered structurally, converted, maintained or used in violation of this chapter, the BOARD OF COMMISSIONERS or, with the approval of the BOARD OF COMMISSIONERS, an officer of the TOWNSHIP, in addition to other remedies, may institute in the name of the TOWNSHIP any appropriate action or proceeding to prevent, restrain, correct or abate the violation.

130.61.3. Nothing herein contained prevents the TOWNSHIP from taking any other lawful action as is necessary to prevent or remedy any violation.

130.61.4. Enforcement Notices. Any Enforcement Notice issued by the TOWNSHIP must conform to the requirements of the MPC, especially MPC Section 616.1. **[Added 10-1-90 by Ord. No. 1453]**

**PAGES 511-530 RESERVED FOR FUTURE USE.**