



**TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 OF 2017

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240, ZONING, OF THE SOUTH FAYETTE TOWNSHIP CODE OF ORDINANCES; BY AMENDING ARTICLE XV, EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND USES BY SPECIAL EXCEPTION, § 240-93, PROCEDURE FOR APPROVAL, BY THE ADDITION OF §§ 240-93(9)(A)(B)AND(C) TO PROVIDE FOR A LAPSE PERIOD OF ONE (1) YEAR FOR A CONDITIONAL USE APPROVAL; AMENDING ARTICLE XX ZONING HEARING BOARD, § 240-132 VARIANCES, BY THE ADDITION OF §240-132(F)(1)(2) AND (3) TO PROVIDE FOR A LAPSE PERIOD OF ONE (1) YEAR FOR A VARIANCE AND BY AMENDING ARTICLE XX ZONING HEARING BOARD, § 240-133 SPECIAL EXCEPTIONS, BY THE ADDITION OF REQUIREMENTS PROVIDING A LAPSE PERIOD OF ONE (1) YEAR FOR A SPECIAL EXCEPTION.

WHEREAS, the Township of South Fayette received a communication from the Township's Zoning Hearing Board requesting that the Board of Commissioners consider amending the Township's Zoning Ordinance to provide for a one (1) year period to commence physical or non-physical improvements after the granting of a variance or special exception by the Zoning Hearing Board; and

WHEREAS, the Board of Commissioners of the Township of South Fayette believe that the amendment of the Township's Zoning Ordinance to provide such limitations for such approvals, as well as Conditional Use approvals by the Board of Commissioners, is a reasonable exercise of its' authority as provided in the Municipalities Planning Code to adopt reasonable regulations for the orderly administration of the municipalities Zoning Ordinance; and

WHEREAS, the establishment of a one (1) year period to commence physical or non-physical improvements after the granting of a variance, special exception or conditional use is a reasonable requirement as it will provide certainty to adjacent landowners and the community as to when land uses that have been approved will effectively take place.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Commissioners of the TOWNSHIP OF SOUTH FAYETTE, and it is HEREBY ORDAINED and ENACTED as follows:

1. Chapter 240, Zoning, of the South Fayette Township Code of Ordinances, Article XV, Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception, § 240-93, Procedure for Approval, is hereby amended by the addition of §§ 240-93.A.(9)(a)(b)and(c) in the form and content as follows:

9. (a) If the Conditional Use involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the Conditional Use, the approval shall lapse. The Conditional Use approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Section 240-93.A. (9)(c).

9. (b) If the Conditional Use does not involve physical improvements, and a Certificate of Occupancy is not issued for the Conditional Use within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Section 240-93.A.(9)(c).

9. (c) The Board of Commissioners may renew its approval of a Conditional Use for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, including public notice and a hearing. Renewal shall have the same effect as the original approval. If no renewal is granted within the one-year period allowed for renewals, the original approval shall be void and no further effect.

2. Chapter 240, Zoning, of the South Fayette Township Code of Ordinances, Article XX, Zoning Hearing Board, § 240-132 Variances, is hereby amended by the addition of §240-132.F.(1)(2) and (3) in the form and content as follows:

a. If the Variance involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the Variance, the approval shall lapse. The Variance approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Section 240-132.F. (3).

b. If the Variance does not involve physical improvements, and a certificate of Occupancy has not been issued for the Variance within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Section 240-132.F. (3).

c. The Zoning Hearing Board may renew its approval of a Variance for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, including public notice and a hearing. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect.

3. Chapter 240, Zoning, of the South Fayette Township Code of Ordinances, Article XX, Zoning Hearing Board, § 240-133 Special Exceptions, is hereby amended by the addition of §240-133.A.B. and C., in the form and content as follows:

A. If the Special Exception involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization of the Special Exception, the approval shall lapse. The Special Exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Section 240-133.C.

B. If the Special Exception does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Special Exception within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Section 240-133.C.

C. The Zoning Hearing Board may renew its approval of a Special Exception for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect.

4. Notwithstanding the foregoing, in the event that the granting of a variance, conditional use or special exception is associated with a Land Development Plan as required under Chapter 215, Subdivision and Land Development of the Township's Code, then such approvals shall be valid for a five (5) year period commencing from the date of approval. Such five (5) year period shall be extended in accordance with the extension periods as set forth pursuant to 53 P.S. § 10508(4) (ii-vii).

5. The proper officials of South Fayette Township are hereby authorized and directed to do all things necessary to effectuate the purpose of this Ordinance.

6. All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed, provided, however, that such repeals shall only be to the extent of such inconsistency and in all other aspects, this Ordinance shall be cumulative with the other ordinances regulating and governing the subject matter covered by this Ordinance.

7. If any clause or provision of this Ordinance is illegal, invalid or unenforceable under present or future laws effective during the term hereof, then the remainder of this Ordinance shall not be affected thereby. In lieu of each clause or provision of this Ordinance

which is deemed to be illegal, invalid or unenforceable, there shall be added, as part of this Ordinance, a clause or provision as similar in terms to the unenforceable term as may be possible and as may be legal, valid and enforceable. In case any one or more of the provisions contained in this Ordinance shall for any reason be held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision thereof.

8. This Ordinance shall be in full force and effect from and after its passage and publication as required.

ORDAINED AND ENACTED INTO LAW, the 10th day of May, 2017.

Attest:



Ryan Eggleston
Township Secretary

TOWNSHIP OF SOUTH FAYETTE

By: 

Joseph Horowitz
President, Board Commissioners

**THE TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY PENNSYLVANIA**

**NOTICE OF INTENTION
TO ADOPT AN ORDINANCE**

**TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE No. 1 OF 2017**

Take notice that the South Fayette Township Board of Commissioners on Wednesday, January 18, 2017 at 7:00 p.m. at the South Fayette Township Municipal Building located at 515 Millers Run Road, Morgan, PA 15064, will consider for adoption an Ordinance entitled as follows:

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240, ZONING, OF THE SOUTH FAYETTE TOWNSHIP CODE OF ORDINANCES; BY AMENDING ARTICLE XV, EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES BY SPECIAL EXCEPTION, § 240-93, PROCEDURE FOR APPROVAL, BY THE ADDITION OF §§ 240-93(9)(A)(B)AND(C) TO PROVIDE FOR A LAPSE PERIOD OF ONE (1) YEAR FOR A CONDITIONAL USE APPROVAL; AMENDING ARTICLE XX ZONING HEARING BOARD, § 240-132 VARIANCES, BY THE ADDITION OF §240-132(F)(1)(2) AND (3) TO PROVIDE FOR A LAPSE PERIOD OF ONE (1) YEAR FOR A VARIANCE AND BY AMENDING ARTICLE XX ZONING HEARING BOARD, § 240-133 SPECIAL EXCEPTIONS, BY THE ADDITION OF REQUIREMENTS PROVIDING A LAPSE PERIOD OF ONE (1) YEAR FOR A SPECIAL EXCEPTION.

Copies of the draft ordinance are available at the Township's Municipal Building during business hours. Anyone requiring additional information and/or need special accommodations to attend this meeting should contact Mike Benton, P.E., Township Engineer at (412) 221-8700.



Ryan Eggleston, Manager

THE TOWNSHIP OF SOUTH FAYETTE PUBLIC HEARING NOTICE

The South Fayette Board of Commissioners will hold a Public Hearing on Wednesday, January 18, 2017 at 7:00 p.m. at the South Fayette Township Municipal Building located at 515 Millers Run Road, Morgan, PA 15064 to receive public comment on proposed revisions to Chapter 240, Zoning, of the South Fayette Township Code which proposes to establish a one (1) year period to commence physical or non-physical improvements after the granting of variances, special exceptions or conditional uses. The proposed amendments to Chapter 240, Zoning, of the South Fayette Township Code are as follows:

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240, ZONING, OF THE SOUTH FAYETTE TOWNSHIP CODE OF ORDINANCES; BY AMENDING ARTICLE XV, EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES BY SPECIAL EXCEPTION, § 240-93, PROCEDURE FOR APPROVAL, BY THE ADDITION OF §§ 240-93(9)(A)(B)AND(C) TO PROVIDE FOR A LAPSE PERIOD OF ONE (1) YEAR FOR A CONDITIONAL USE APPROVAL; AMENDING ARTICLE XX ZONING HEARING BOARD, § 240-132 VARIANCES, BY THE ADDITION OF §240-132(F)(1)(2) AND (3) TO PROVIDE FOR A LAPSE PERIOD OF ONE (1) YEAR FOR A VARIANCE AND BY AMENDING ARTICLE XX ZONING HEARING BOARD, § 240-133 SPECIAL EXCEPTIONS, BY THE ADDITION OF REQUIREMENTS PROVIDING A LAPSE PERIOD OF ONE (1) YEAR FOR A SPECIAL EXCEPTION.

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