

ZONING

**ARTICLE X**

**Administration and Enforcement**

**117.1001. ZONING APPROVAL for STRUCTURAL ALTERATION or erection of STRUCTURES.**

117.1001.1. No STRUCTURE shall 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 shall be issued for any STRUCTURE where said CONSTRUCTION, addition, STRUCTURAL ALTERATION or USE thereof would be in violation of any of the provisions of this ORDINANCE, except after such written order from the BOARD or the SUPERVISORS as this ORDINANCE may require. Any ZONING APPROVAL issued in conflict with the provisions of this ORDINANCE shall be null and void.

117.1001.2. All APPLICATIONS FOR DEVELOPMENT shall be in the form set forth in this ORDINANCE, the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance, if applicable and in the BUILDING CODE, except that two (2) additional sets of PLANS shall be submitted for review by the ZONING ADMINISTRATOR, and APPLICATIONS FOR DEVELOPMENT for PLANNED DEVELOPMENTS shall be in the form set forth in Article VIII of this ORDINANCE. The APPLICATION FOR DEVELOPMENT shall include the SITE PLAN or CONSTRUCTION PLANS and such other information as lawfully may be required by the ZONING ADMINISTRATOR to determine conformance with this ORDINANCE, the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance 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.

117.1001.3. 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 ORDINANCE.

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117.1001.4. ZONING APPROVAL for any STRUCTURE or USE may be revoked and withdrawn by the ZONING ADMINISTRATOR if the holder of the ZONING APPROVAL has failed to comply with the requirements of this ORDINANCE or with any conditions attached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 Section 117.130.47 of this ORDINANCE.

117.1001.5. 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.

117.1001.6. 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 shall expire automatically without written notice to the DEVELOPER unless the SUPERVISORS, in their sole discretion, extend the ZONING APPROVAL upon written request of the DEVELOPER received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

117.1001.7. Although all other zoning requirements shall be met, no ZONING APPROVAL for STRUCTURAL ALTERATION and erection of STRUCTURES shall be required for the following:

117.1001.7.1. Antennas, other than satellite earth station antennas, less than twelve (12) feet in height.

117.1001.7.2. Satellite earth station antennas under two (2) feet in diameter.

**117.1002. ZONING APPROVAL for OCCUPANCY and USE.**

117.1002.1. It shall be 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 ORDINANCE.

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117.1002.2. No NONCONFORMING STRUCTURE, USE or LOT shall be maintained, renewed, changed, or otherwise have any STRUCTURAL ALTERATIONS made to it or extended until a ZONING APPROVAL has been issued by the TOWNSHIP. After enactment or amendment of this ORDINANCE 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 shall state specifically wherein the nonconformity differs from the provisions of this ORDINANCE.

117.1002.3. 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.

117.1002.4. 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, only upon the posting of surety acceptable to the TOWNSHIP to guarantee completion of the work described in an APPLICATION FOR DEVELOPMENT for ZONING APPROVAL, all conditions attached to ZONING APPROVAL within a specified time period, and only under circumstances where there are no violations of applicable ZONING DISTRICT regulations.

117.1002.5. 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, ZONING APPROVAL for OCCUPANCY and USE shall be made directly to the office of the ZONING ADMINISTRATOR.

117.1002.6. ZONING APPROVAL under this section shall 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.

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117.1002.7. 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.

117.1002.8. Failure to obtain ZONING APPROVAL shall be a violation of this ORDINANCE and may be subject to penalties as provided by Section 117.1015 of this ORDINANCE.

117.1002.9. The ZONING ADMINISTRATOR shall maintain a record of all ZONING APPROVALS issued.

117.1002.10. Although all other zoning requirements shall be met, no ZONING APPROVAL for OCCUPANCY and USE shall be required for the following:

117.1002.10.1. Antennas, other than satellite earth station antennas, less than twelve (12) feet in height.

117.1002.10.2. Satellite earth station antennas under two (2) feet in diameter.

**117.1003. Registration of NONCONFORMING USES, STRUCTURES and LOTS.**

117.1003.1. In accordance with Section 117.1002 of this ORDINANCE, OWNERS of NONCONFORMING USES, STRUCTURES and LOTS shall apply for ZONING APPROVAL. Such application will constitute registration of the NONCONFORMING USE, STRUCTURE and/or LOT.

117.1003.2. After the enactment or amendment of this ORDINANCE, the OWNERS of NONCONFORMING STRUCTURES and/or LOTS or the owners of a LOT on which a NONCONFORMING USE exists shall be notified by the ZONING ADMINISTRATOR of the

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provisions of this ORDINANCE. Within thirty (30) days after the receipt of said notice, the OWNER shall 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 hereby declared to be in violation of this ORDINANCE.

### **117.1004. Office of ZONING ADMINISTRATOR.**

117.1004.1. The ZONING ADMINISTRATOR shall enforce this ORDINANCE by authorizing ZONING APPROVAL for only those STRUCTURES and USES that comply with the provisions of this ORDINANCE. The ZONING ADMINISTRATOR shall have the authority to make inspections necessary to determine compliance with this ORDINANCE and shall maintain records thereof and shall have the authority to issue a notice of violation and a cease and desist order upon determination that a violation has occurred.

117.1004.1.1. The ZONING ADMINISTRATOR shall be responsible for the following:

117.1004.1.1.1. Maintaining all of the records pertaining to this ORDINANCE.

117.1004.1.1.2. Collecting fees which shall accompany applications for ZONING APPROVAL, APPLICATIONS FOR DEVELOPMENT, applications for VARIANCES, amendments, etc.

117.1004.1.1.3. Receiving, filing and referring to the SUPERVISORS and the PLANNING COMMISSION for action all applications required to be so referred by this ORDINANCE.

117.1004.1.1.4. Receiving, filing and referring to the ZONING HEARING BOARD all applications required to be so referred by this ORDINANCE.

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**117.1005. ZONING HEARING BOARD.**

117.1005.1. The SUPERVISORS shall appoint a BOARD in accordance with the requirements of the MPC. The BOARD shall have the following powers:

117.1005.1.1. 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 ORDINANCE.

117.1005.1.2. To authorize in specific cases such VARIANCE from the terms of this ORDINANCE as will not be contrary to the interest of the populace, where, owing to special conditions, a literal enforcement of the provisions of this ORDINANCE will result in unnecessary hardship and so that the spirit of this ORDINANCE shall be observed and substantial justice done in accordance with the laws of the Commonwealth of Pennsylvania.

117.1005.1.3. To authorize, in accordance with Article VII, such USES BY SPECIAL EXCEPTION as will not be contrary to the interest of the populace, so that the spirit of this ORDINANCE shall be observed and substantial justice done.

117.1005.1.4. To hear and decide challenges to the validity of any provision of this ORDINANCE, 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.

117.1005.2. In exercising the above-mentioned powers, the BOARD may, in conformity with the provisions of this ORDINANCE, 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 such decision shall forthwith be given to all parties in interest and shall be filed immediately with the office of the ZONING ADMINISTRATOR.

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117.1005.2.1. In exercising the above-mentioned 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 such purpose by the SUPERVISORS.

117.1005.3. Any person aggrieved by any decision of the ZONING HEARING BOARD or the SUPERVISORS may appeal to the Court of Common Pleas of Allegheny County in accordance with the MPC.

### **117.1006. Procedure for VARIANCES.**

117.1006.1. A VARIANCE from the terms of this ORDINANCE shall not be granted by the BOARD unless and until:

117.1006.1.1. A written application for VARIANCE is submitted to the office of the ZONING ADMINISTRATOR demonstrating: (1) 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; (2) That literal interpretation of the provisions of this ORDINANCE would deprive the APPLICANT of rights commonly enjoyed by other LOTS in the same ZONING DISTRICT under the terms of this ORDINANCE; (3) That the special conditions and circumstances did not result from the actions of the APPLICANT; and (4) That granting the VARIANCE requested will not confer on the APPLICANT any special privilege that is denied by this ORDINANCE 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 shall include the following:

117.1006.1.1.1. A map showing and identifying with Tax Parcel number all LOTS within two hundred (200) feet of the LOT for which the VARIANCE is requested.

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117.1006.1.1.2. Complete lists of the Tax Parcel numbers of all LOTS in the TOWNSHIP adjacent to or within 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.

117.1006.1.1.3. Five copies of a SITE PLAN.

117.1006.1.2. The required fees are paid. (See Section 117.1013.3 of this chapter.)

117.1006.1.3. A PUBLIC HEARING is held in accordance with the laws of the Commonwealth of Pennsylvania.

117.1006.1.4. Notice shall be given as follows:

117.1006.1.4.1. By giving PUBLIC NOTICE, as defined in Article II.

117.1006.1.4.2. 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 regular 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 regular mail to any other PERSON who has made a timely request for notice. All mailings shall be made no more than thirty (30) days nor less than seven (7) days prior to date of the PUBLIC HEARING.

117.1006.1.4.3. 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 shall be posted at the Municipal Building. All posting shall be done at least seven (7) days prior to the PUBLIC HEARING.

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117.1006.1.4.4. By stating in the notice the general nature of the VARIANCE requested.

117.1006.1.5. The BOARD has conducted a PUBLIC HEARING within sixty (60) days of the date of the APPLICANT'S request in accordance with the requirements of the MPC.

117.1006.1.6. The BOARD has made written findings that the requirements of Section 117.1006.1.1 above have been met or not met by the APPLICANT for the VARIANCE.

117.1006.1.7. The BOARD has determined whether or not 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.

117.1006.1.8. The BOARD has further determined whether the granting of the VARIANCE will be in harmony with the general purposes of this ORDINANCE and will not be injurious to the neighborhood or otherwise detrimental to the health, safety and general welfare of the populace.

117.1006.2. In granting any VARIANCE, the ZONING HEARING BOARD may prescribe appropriate conditions and safeguards in conformity with this ORDINANCE. Violation of such conditions and safeguards, when made a part of the terms under which the VARIANCE is granted, shall be deemed a violation of this ORDINANCE.

117.1006.3. A VARIANCE granted by the BOARD shall 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 VARIANCE has been submitted within twelve (12) months of said decision, unless the BOARD, in its sole discretion 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 shall be one (1) twelve-month extension.

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117.1006.4. No VARIANCE shall 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.

117.1006.5. Whenever a VARIANCE is granted to construct a STRUCTURE below the ONE-HUNDRED-YEAR FLOOD elevation, the BOARD shall notify the APPLICANT in writing that:

117.1006.5.1. The granting of the VARIANCE may result in increased premium rates for FLOOD insurance.

117.1006.5.2. Such VARIANCE may increase the risk to life and property.

**117.1007. Procedure for USES BY SPECIAL EXCEPTION.** See Article VII.

**117.1008. Procedure for CONDITIONAL USES.** See Article VI.

**117.1009. Procedure for appeals.**

117.1009.1. Appeals may be made to the 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 ORDINANCE. Such appeal shall be made within thirty (30) days from the date that a notice of violation is delivered to such aggrieved party by the ZONING ADMINISTRATOR in accordance with the requirements of the MPC by filing with the ZONING ADMINISTRATOR and with the BOARD a notice of appeal specifying the grounds therefor. The ZONING ADMINISTRATOR shall forthwith transmit to the BOARD all papers constituting the record upon which the action was appealed.

117.1009.2. The BOARD shall fix a reasonable time for a PUBLIC HEARING to consider the appeal, give PUBLIC NOTICE thereof, 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. If no decision is made within forty-five (45) days after the PUBLIC HEARING is concluded, it shall be

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deemed that the ZONING HEARING BOARD has decided in favor of the person or the officer of the TOWNSHIP aggrieved or affected who is seeking relief.

### **117.1010. Procedure for Amendments.**

117.1010.1. General. The regulations and provisions of this ORDINANCE may be amended from time to time, upon recommendation of the PLANNING COMMISSION or the BOARD, upon the initiation of the SUPERVISORS or upon petition to the SUPERVISORS. A LANDOWNER'S CURATIVE AMENDMENT shall conform to the requirements for a proposed amendment initiated by petition.

117.1010.2. PUBLIC NOTICE. The SUPERVISORS Shall by resolution adopted at a stated meeting, fix the time and place of a PUBLIC HEARING on the proposed amendment and cause PUBLIC NOTICE to be given, which PUBLIC NOTICE shall refer 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.

117.1010.2.1. PUBLIC NOTICE, for the purposes of this section 1010 shall also include the publication of the proposed amendment once in one 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 shall include either the full text thereof or the title and a brief summary prepared by the TOWNSHIP SOLICITOR and setting forth all the provisions in reasonable detail.

117.1010.2.1.1. If the full text is not included, then a copy thereof shall 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 shall be filed in the Allegheny County Law Library.

117.1010.2.2. In addition, if the proposed amendment involves a ZONING DISTRICT MAP change, PUBLIC NOTICE shall include a notice thereof sent by certified mail, such notice to be sent not more than thirty (30) days nor less than seven (7) days from the date of the

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PUBLIC HEARING, to the owner of the LOT for which the proposed ZONING DISTRICT MAP amendment is requested, or his agent, and to the PARCEL owners in the TOWNSHIP whose PARCELS are adjacent to the LOT or SITE which is the subject of the proposed ZONING DISTRICT MAP amendment and by regular mail to all other PARCEL OWNERS in the TOWNSHIP whose PARCELS 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 shall have registered their names and addresses for this purpose with the TOWNSHIP MANAGER and who shall have paid such fees as may be established by the SUPERVISORS. PUBLIC NOTICE shall include, further, the posting of a notice 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 shall be done at least fifteen (15) days prior to the PUBLIC HEARING.

117.1010.2.3. In addition, notice of textual changes to the provisions of this ORDINANCE shall be sent by regular mail, such notice to be sent not more than thirty (30) days not less than fourteen (14) days prior to the date of the PUBLIC HEARING, to every resident or association of residents of the TOWNSHIP who shall have registered their names and addresses for this purpose with the TOWNSHIP MANAGER and who shall have paid such fees as may be established by the SUPERVISORS.

117.1010.2.4. At least thirty (30) days prior to the PUBLIC HEARING, the SUPERVISORS shall cause a copy of the proposed amendment to be sent to the Allegheny County Planning Commission for recommendations.

117.1010.2.5. In the case of a proposed amendment not proposed by the PLANNING COMMISSION, the SUPERVISORS shall submit the amendment to the PLANNING COMMISSION at least thirty (30) days prior to the PUBLIC HEARING for recommendation.

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117.1010.2.6. If after PUBLIC HEARING, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the SUPERVISORS shall hold another PUBLIC HEARING pursuant to PUBLIC NOTICE (including such additional requirements for PUBLIC NOTICE as are set forth at Section 117.1010.2.1 through 117.1010.2.3 hereof) before proceeding to vote on the amendment.

117.1010.3. Proposed amendments initiated by petition shall include the following:

117.1010.4. The fee required by Section 117.1013.3 of this ORDINANCE entitled "Fees".

117.1010.4.1. A letter justifying the petition.

117.1010.4.2. A precise legal description of the LOT.

117.1010.4.3. A SURVEY of the LOT No. 1024]

117.1010.4.4. A map showing and identifying with Tax Parcel number all LOTS within two hundred (200) feet of the LOT for which the proposed Zoning Map amendment is requested.

117.1010.4.5. Complete lists of the Tax Parcel 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.

117.1010.5. Procedure for LANDOWNER CURATIVE AMENDMENT - A petition for a LANDOWNER CURATIVE AMENDMENT shall conform to the otherwise applicable provisions of this section and shall be accompanied by a written statement of intent to challenge on substantive grounds the validity of this ORDINANCE or a specific provision or regulation thereof or of the ZONING DISTRICT MAP together with a proposed CURATIVE AMENDMENT and a written request that such challenge and proposed amendment be heard and decided as provided in Section

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916.1 of the MPC. The SUPERVISORS shall schedule a PUBLIC HEARING within sixty (60) days of the date such request is made at a regularly scheduled meeting of the SUPERVISORS. PUBLIC NOTICE shall include notice that the validity of this ORDINANCE or the ZONING DISTRICT MAP is in question and shall 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 shall include all the requirements of Section 117.1010.2 including publication of the proposed amendments. The PUBLIC HEARING or HEARINGS shall be conducted in accordance with Sections 609.1 and 908 of the MPC.

117.1010.5.1. In hearing such challenges the SUPERVISORS 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 SUPERVISORS shall retain the TOWNSHIP SOLICITOR to advise it in its judicial capacity and an independent attorney to advise it in its adversarial capacity.

117.1010.5.2. The vote of the SUPERVISORS shall be within forty-five (45) days of the last PUBLIC HEARING.

117.1010.5.3. Within thirty (30) days after enactment, a copy of the amendment as enacted shall be forwarded to the Allegheny County Planning Commission.

**117.1011. PLANNING COMMISSION.**

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

117.1011.1 The PLANNING COMMISSION shall receive from the office of the ZONING ADMINISTRATOR copies of all applications for amendments to this ORDINANCE and shall make findings and recommendations thereon, after which the COMMISSION shall forward such findings and recommendations, in writing, to the SUPERVISORS before the date set for a PUBLIC HEARING on the proposed amendment.

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117.1011.2. The PLANNING COMMISSION shall receive from the office of the ZONING ADMINISTRATOR copies of all applications for PLANNED DEVELOPMENTS and shall make findings and recommendations thereon as set forth in Article V of this ORDINANCE, after which the COMMISSION shall forward such findings and recommendations, in writing, to the SUPERVISORS before the date set for a PUBLIC HEARING on the proposed PLANNED DEVELOPMENT.

117.1011.3. The PLANNING COMMISSION shall receive from the office of the ZONING ADMINISTRATOR all applications for CONDITIONAL USES and shall make findings and recommendations and shall forward such findings and recommendations to the SUPERVISORS before the date set for a PUBLIC HEARING on the proposed CONDITIONAL USE.

117.1011.4. The PLANNING COMMISSION shall, furthermore, initiate, direct and review, from time to time, the provisions of this ORDINANCE and make reports of its findings and recommendations to the SUPERVISORS in writing not less frequently than annually and to recommend and update of the provisions of the COMPREHENSIVE PLAN not less frequently than every ten (10) years.

117.1011.5. The PLANNING COMMISSION shall also have the duty of reviewing SUBDIVISION and LAND DEVELOPMENT applications and reporting to the SUPERVISORS in accordance with the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance.

### **117.1012. SUPERVISORS.**

Under the provisions of this ORDINANCE, the SUPERVISORS shall have the duties of considering and adopting or rejecting proposed PLANNED DEVELOPMENTS, CONDITIONAL USES, amendments to or the repeal of this ORDINANCE, as provided by law, and of establishing a schedule of fees and charges as stated in Section 117.1013.3 of this ORDINANCE.

### **117.1013. SCHEDULE OF FEES, CHARGES AND EXPENSES.**

117.1013.1 Application filing fees. The Board of Supervisors shall, from time to time, establish application filing fees by resolution or ordinance. The application filing fees shall cover the administrative costs associated with processing an

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application for approval of any conditional use, planned development, variance, appeal to the zoning hearing board, zoning approval for use and occupancy, rezoning and any other application made pursuant to this Chapter. The schedule of fees as adopted shall be posted in the office of the Zoning Administrator.

117.1031.2 Professional Review Fees. Applicants for approval of Conditional Uses, Planned Developments and Special Exceptions will be responsible for reimbursing the Township for all Professional Review Fees incurred by the Township in connection with its review of the application by the Township's professionals in accordance with the schedule of review fees which shall, from time to time, be adopted by resolution of the Board of Supervisors. Professional Review Fees shall mean all fees incurred by the Township during the course of its review of applications including reasonable and necessary charges by the Township's professional consultants or the Township Engineer or Solicitor for review and report on the application to the Township. The schedule of fees adopted by resolution is available in the office of the Zoning Administrator. **[Replaced 2/8/06 by Ord. No. 333]**

**117.1014. Complaints regarding violations.**

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

**117.1015. Violations and penalties; enforcement procedures.**

117.1015.1. Enforcement Penalties. Any PERSON, partnership or corporation who or which has violated or permitted the violation of the provisions of any provision of this ORDINANCE shall upon being found liable therefor in a civil enforcement proceeding commenced by the TOWNSHIP, pay a judgment as provided in Chapter 5 of this CODE entitled "Fines and Penalties." No judgment shall 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

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procedure. Each day that a violation continues shall constitute 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, there shall 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 shall constitute a separate violation. All judgments, costs, and reasonable attorney fees shall be paid over to the TOWNSHIP.

117.1015.2. Enforcement Remedies. If any STRUCTURE or LOT is or is proposed to be erected, constructed, reconstructed or otherwise have any STRUCTURAL ALTERATIONS made to it, converted, maintained or used in violation of this ORDINANCE, the SUPERVISORS or, with the approval of the SUPERVISORS, 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 such violation.

117.1015.3. Nothing herein contained shall prevent the TOWNSHIP from taking such other lawful action as is necessary to prevent or remedy any violation.