

## ARTICLE 1300 - ZONING HEARING BOARD

### SECTION 1301 ADMINISTRATION AND PROCEDURE

#### 1301.1 Creation

Borough Council shall appoint a Zoning Hearing Board in accordance with the laws of the Commonwealth; said Zoning Hearing Board shall have the powers and duties prescribed by the Pennsylvania Municipalities Planning Code.

#### 1301.2 Membership

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Borough appointed by Borough Council. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer.

Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote, if the member shall request it in writing.

#### 1301.3 Appointment of Alternate Members

Borough Council may appoint by Resolution at least one (1), but no more than three (3), residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Subsection 1301.4, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to Subsection 1301.4 of this Ordinance.

#### **1301.4      Participation by Alternate Members**

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

#### **1301.5      Organization**

The Board shall elect from its own membership, its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1302. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Council once a year.

#### **1301.6      Fees and Expenditures**

Members of the Board may receive compensation for the performance of their duties as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Council. Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

#### **1301.7      Stenographer's Appearance Fee and Transcripts**

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional

copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

## SECTION 1302 NOTICE, HEARINGS

### 1302.1 Notice

Notice shall be given to the public, the applicant, the Borough Secretary and such other persons as Borough Council shall designate by ordinance and to any person who has made timely request for same. Notices shall be given at least fifteen (15) days prior to the hearing and in such manner as shall be prescribed by the rules of the Zoning Hearing Board. Council may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.

### 1302.2 Conduct

The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

The parties to the hearing shall be any person who is entitled to notice under Subsection 1302.1, without special request therefore, who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic and written material received in evidence shall be made available to any party at cost.

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports,

staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

### **1302.3      Decisions**

The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within the period required by this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant.

A copy of the final decision or, where no decision is called for, a copy of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail, or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

### **1302.4      Deemed Decisions**

Where the Board fails to render the decision within the forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

### **1302.5      Mediation Option**

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case

shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- a. Funding mediation
- b. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- c. Completing mediation, including time limits for such completion.
- d. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation.
- e. Identifying all parties and affording them the opportunity to participate.
- f. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- g. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## SECTION 1303 POWERS AND DUTIES

### 1303.1 Appeals from the Zoning Officer

The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the actions of the Zoning Officer. Nothing contained herein shall be construed to deny the appellant the right to proceed directly to Court, where appropriate.

### 1303.2 Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application and may require preliminary application to the Building Inspector. The Board may grant a variance provided the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. That such unnecessary hardship has not been created by the appellant;
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and the Zoning Ordinance. Financial hardship shall not be construed as the basis for granting variances.

### 1303.3 Special Exceptions

In any instance where the Board is required to consider a special exception in accordance with the provisions of this Ordinance, the Board shall, among other things, consider the following general standards, as well as the specific standards for the use contained in Section 1004 of this Ordinance:

- a. Determine that the proposed special exception will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded;
- b. Determine that the proposed special exception will serve the best interests of the Borough of Jefferson Hills, the convenience of the community, and the public welfare;
- c. Consider the effect of the proposed special exception upon the logical, efficient and economical extension of public services and facilities, such as public water, sewer, police and fire protection, and public schools;
- d. Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation;
- e. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets and highways from undue congestion and hazard;
- f. Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from a governmental health agency in such case required herein or deemed advisable;

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and the Zoning Ordinance.

#### 1303.4 Challenges to the Validity of Any Ordinance or Map

The Board shall have power to pass upon the validity of any provision of an ordinance or map adopted by the Borough Council. Recognizing that challenges to the validity of an ordinance may present issues of fact and of interpretation which may lie within the special competence of the Board, and to facilitate speedy disposition of such challenges by a court, the Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon as provided in Section 1302. At the conclusion of the hearing, the Board shall

decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

## **SECTION 1304 APPEALS BEFORE THE ZONING HEARING BOARD**

### **1304.1 Parties Appellant Before the Board**

Appeals under Subsection 1303.1 may be filed with the Board, in writing, by any officer or agency of the municipality or any person aggrieved. Requests for a variance under Subsection 1303.2 and for special exception under Subsection 1303.3 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

### **1304.2 Jurisdiction of the Board**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- a. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before Borough Council.
- b. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken with thirty (30) days after the effective date of the ordinance.
- c. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- d. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- e. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Subsection 1303.2.
- f. Applications for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Subsections 1206.1 and 1303.3.

- g. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- h. Appeals from the Zoning Officer's determination under Subsection 916.2 of the Pennsylvania Municipalities Planning Code.
- i. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development.

#### 1304.3 Time Limitations

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

The failure of anyone, other than the landowner, to appeal from an adverse decision on an application for tentative approval of a Planned Residential Development or from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to Subsection 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

#### 1304.4 Stay of Proceedings

Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings

designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The questions whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 1302.3 of this Ordinance.

## **SECTION 1305 APPEALS TO COURTS**

### **1305.1 Zoning Appeals**

Zoning appeals shall include appeals from the decision of the Board of zoning appeals and appeals upon reports of the Board in proceedings to challenge the validity of any ordinance or map.

### **1305.2 Courts Having Jurisdiction**

As used in this Section Court means the Allegheny County Court of Common Pleas.

### **1305.3 Who May Appeal**

Zoning appeals may be taken to court by any party before the Board or any officer or agency of the Borough of Jefferson Hills.

### **1305.4 Time Limitation Upon Appeal**

All zoning appeals shall be filed not later than thirty (30) days after issuance of notice of decision or report of the Board.

### **1305.5 Commencement of Zoning Appeals**

Zoning appeals shall be entered as of course by the prothonotary or clerk upon the filing of a zoning appeal notice which concisely sets forth the grounds on which the appellant relies, verified to the extent that it contains averments of fact. The zoning appeal notice shall be accompanied by a true copy thereof.

Upon filing of a zoning appeal, the prothonotary or clerk shall forthwith, as of course, send to the Board by registered or certified mail, the copy of the zoning appeal notice together with writ of certiorari commanding the Board within twenty (20) days after receipt thereof, to

certify to the court its entire record in the matter in which the zoning appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and owned by the Board at the time it received the writ of certiorari.

If the appellant is a person other than the owner of property directly involved in the decision or report of the Board, the appellant, within five (5) days after the zoning appeal is filed, shall serve a true copy of the zoning appeal notice upon such owner in the manner specified by the Rules of Civil Procedure for the service of a complaint in equity and shall file proof of such service. For identification of such owner, the appellant may rely upon the record of the Board and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.

**1305.6      Intervention**

Within the thirty (30) days first following the filing of a zoning appeal, the Borough of Jefferson Hills and any owner or tenant of property directly involved in the decision or report of the Board, may intervene, as of course, by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Rules of Civil Procedure relating to intervention in actions.

**1305.7      Transcript of Board Testimony**

The appellant, before proceeding to hearing or argument upon the zoning appeal, shall obtain and file with the court, a transcript thereof.

**1305.8      Supersedeas**

At any time during the pendency of a zoning appeal, the court or a judge thereof, may grant an order of supersedeas upon such terms and conditions, including the filing of security, as the court or judge thereof may prescribe.

**1305.9      Hearing and Argument of Zoning Appeal**

If no verbatim record of testimony before the Board was made, or if upon motion, it is shown that proper consideration of the zoning appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive such evidence or may remand the case to the Board or refer it to a referee to receive such evidence. Final decision of each zoning appeal shall be made by the court, or a judge thereof, considering the record and the findings of fact made by the Board as supplemented and replaced by findings of fact made by judge or referee. The final decision shall contain conclusions of law and:

- a. Where the appeal is from the decision of the Board, the court may reverse, affirm or modify the decision appealed.
- b. Where the appeal involves a challenge to the validity of any ordinance or map, the court shall have the power to declare the ordinance, map or any provisions thereof, invalid and, in addition thereto, shall have power to: (1) enter judgment in favor of the landowner; or, (2) stay the effect of its judgment for a limited time to give the Borough of Jefferson Hills Council an opportunity to modify or amend the ordinance or map, in accordance with the opinion of the court.

**1305.10**      Costs

No costs shall be allowed against the Board, unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice.

**1305.11**      Other Types of Appeals

For the purpose of hearing and deciding appeals from decisions with respect to the approval or disapproval of subdivision plats or other particular matters under subdivision and land development ordinances, the procedure prescribed by this Article shall be used and may be adapted to the extent deemed necessary and convenient, by special or general order or rule of court.

**1305.12**      Appellate Review

Appeals from decisions of courts made under the Pennsylvania Municipalities Planning Code shall be taken to the Supreme Court of Pennsylvania in the manner provided for other civil cases, but no such appeal shall be entertained unless it is filed within thirty (30) days after the date of entry of the decision of the lower court.

## ARTICLE 1400 - THE PLANNING COMMISSION

### Specific Intent

It is the purpose of this Article to cite those Articles and Sections of this Ordinance that specifically refer to responsibilities of the Borough of Jefferson Hills Planning Commission in the administration of the Zoning Ordinance.

### SECTION 1401 ADMINISTRATION AND POWERS

#### 1401.1 Appointment

The Planning Commission, consisting of nine (9) members, shall be appointed by Borough Council in the manner prescribed by the Pennsylvania Municipalities Planning Code.

#### 1401.2 Powers

The Planning Commission shall have all the powers and duties prescribed by the Pennsylvania Municipalities Planning Code.

The Planning Commission shall also have those powers prescribed by this Ordinance which shall define their duties in relation to the enforcement of zoning restrictions so long as such powers are in conformance with those prescribed by law. These powers shall include:

- a. Review of all applications for Planned Residential Development, as prescribed by Procedure, Section 305 of this Ordinance.
- b. Review of all land development applications for uses by special exception in Commercial, Industrial, Office Park and Business Park Districts prior to any final decision of the Zoning Hearing Board.
- c. Review of all applications for Slope Control as prescribed by Section 903 of this Ordinance.
- d. Review and provide recommendations on conditional use.
- e. Review and provide recommendations on all amendments of this Ordinance as prescribed by Amendments Section 1204 of this Ordinance.
- f. Be of assistance to the Zoning Hearing Board whenever requested, and present to such body facts, records, and any other similar information on specific requests to guide such body in reaching its decision.

- g. Review and provide recommendations under all applicable sections of this Ordinance and the Borough Subdivision and Land Development Ordinance.

**1401.3**      **Rules**

The Planning Commission shall adopt rules in accordance with the provisions of this Ordinance. Such rules shall include those necessary for the purpose of administering this Ordinance.

**1401.4**      **Meetings**

The Planning Commission shall meet monthly at a regularly prescribed date and meeting place and others as the Chairman may deem necessary. All meetings of the Planning Commission shall be open to the public. The Secretary of the Planning Commission shall keep minutes of all meetings.

**1401.5**      **Notification, Hearings**

The Planning Commission shall notify all persons requesting such notification of a meeting during which a proposal affecting their interests will be considered. Requests for notification shall be made to the Zoning Officer, Borough Secretary or Secretary of the Planning Commission. An opportunity to introduce evidence and other testimony shall be guaranteed to any interested party.

The Planning Commission may hold public hearings on all amendments to this Ordinance prior to submitting a report thereon to Borough Council. The Planning Commission may hold public hearings on Planned Residential Development applications or any other application or other subject that it deems necessary. The Planning Commission shall give notice of any public hearing as defined in Subsection 102.2.

**1401.6**      **Recommendations**

Within thirty (30) days after any hearing, or within such other time as may be prescribed by this Ordinance or the Laws of the Commonwealth, the Planning Commission shall record its review and recommendations in written form and shall provide copies to the applicant, the Zoning Officer and the Borough Secretary for submission to Borough Council.

The Planning Commission shall function as an advisory body and shall be restricted in its duties to applying the conditions, requirements, restrictions and standards imposed by the various sections of this Ordinance in keeping with its overall intent.

In acting upon an application for development, an application for zoning approval or a proposed amendment to this Ordinance, the Borough Council may affirm, reverse, or modify the findings of the Planning Commission.

1401.7 Activities

The Planning Commission may, with the approval of Borough Council, undertake special studies relating to the Comprehensive Plan and its implementation which it deems necessary. Public meetings may be undertaken for this purpose. Material may be gathered and printed. The Planning Commission may, with the approval of Borough Council, retain outside consulting assistance as it deems necessary. All appropriations of Borough funds shall be approved by the Council of the Borough of Jefferson Hills.

1401.8 Annual Report

The Planning Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to Borough Council. Interim reports may be made as often as necessary, or at the request of Borough Council.

**REPEAL OF CONFLICTING ORDINANCES**

All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

ORDAINED AND ENACTED this 13<sup>th</sup> day of November, 2000.

ATTEST:

BOROUGH OF JEFFERSON HILLS

*Sandra J. Moore*  
Secretary

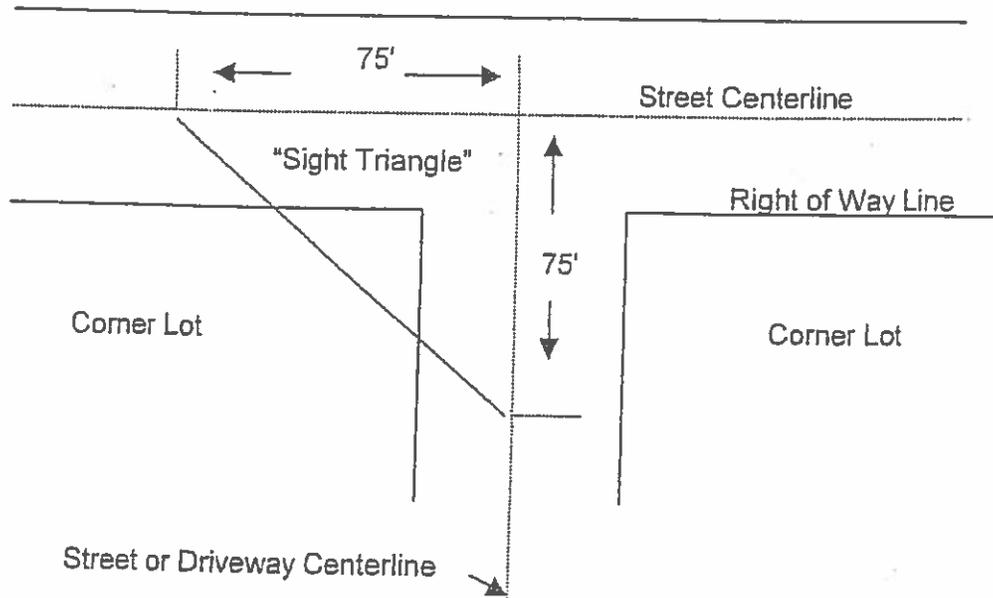
By: *[Signature]*  
President of Council

EXAMINED AND APPROVED BY ME THIS 13<sup>th</sup> DAY OF November, 2000.

*[Signature]*  
Mayor

# APPENDIX A

## ILLUSTRATION OF CLEAR SIGHT TRIANGLE



## VISIBILITY AT INTERSECTIONS