

**TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 826

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
ITS ZONING ORDINANCE, AS CODIFIED AT CHAPTER
310 OF THE TOWNSHIP CODE OF ORDINANCES, FOR
THE REGULATION OF NONCONFORMING USES AND
OCCUPANCY PERMITS WITHIN THE TOWNSHIP.**

WHEREAS, the Hampton Township Council is authorized by the Municipalities Planning Code to regulate zoning and land use within the Township through its Zoning Ordinance, as embodied in the current Zoning Ordinance, as codified at Chapter 310 of the Hampton Township Code of Ordinances;

WHEREAS, the Hampton Township Council desires to amend its Zoning Ordinance to regulate nonconforming uses and occupancy permits within the Township;

WHEREAS, by letter dated July 9, 2019, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to the Allegheny County Planning Agency (ACED) for review and comment, in response to which the Township did receive a comment letter from ACED;

WHEREAS, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting(s).

WHEREAS, on August 28, 2019, the Hampton Township Council held a duly noticed and advertised public hearing to take public comments on the proposed amendments, and has duly advertised this Ordinance for consideration and enactment; and

WHEREAS, the Hampton Township Council, having received the public's comments and the recommendations of the Township's Planning Commission, finds that enactment of the proposed amendments to the Township Zoning Ordinance will be beneficial to the Township and consistent with the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of the same, as follows:

SECTION 1. AMENDMENTS

The Hampton Township Code Article XVI, Nonconforming Uses, Section 310-102. Nonconforming lots of record, B., shall be amended as follows:

- B. If two or more contiguous lots of record in one ownership occur prior to passage of this chapter and if one or all of these lots are less than the requirements of lot width and area as established in this chapter, the total contiguous area of all the lots shall be considered as undivided and, unless consolidated into an adjoining lot to become part of a conforming parcel, no portion of any such nonconforming lots shall be used to calculate setback or bulk and areas requirements for any adjacent commonly owned lot. Nor shall any portion of any such nonconforming lots be used for an accessory structure serving an adjacent lot. Nor shall any primary structure be built on such nonconforming lot unless such nonconforming lot(s) equals or exceeds 90% conformance with the then current bulk and area requirements of this chapter. Nor shall any division of any such parcels be made which leaves remaining any lot with bulk or area, or otherwise having dimensions that do not meet the current requirements of this chapter. The Zoning Hearing Board may grant a variance for development of such undersized lots where a hardship clearly exists.

The Hampton Township Code Article XVI, Nonconforming Uses, Section 310-119. Occupancy permits, C. Zoning permits, (2), shall be deleted in its entirety, so as to remove the following: "If a property owner wishes to sell, any building, structure, or property he/she owns, he/she shall apply to the Zoning Officer for a zoning permit."

SECTION 2. REPEALER.

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Hampton Township Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ORDAINED AND ENACTED into law this 28 day of August, 2019.

ATTEST:

TOWNSHIP OF HAMPTON

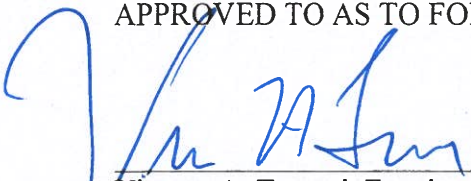


Township Manager

By: 

President of Council

APPROVED TO AS TO FORM



Vincent A. Tucceri, Esquire
Township Solicitor