

MUNICIPALITY OF MONROEVILLE  
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2235

AN ORDINANCE OF THE COUNCIL OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 1016, ARTICLE TWO, DEFINITIONS, OF ORDINANCE 1016, AN ORDINANCE FOR SIDEWALK CONSTRUCTION AND REGULATION IN THE MUNICIPALITY OF MONROEVILLE. AS AMENDED, TO INCLUDE: PROVIDING FOR THE DEFINITION OF A HARDSHIP; AND ARTICLE THREE, AREAS OF APPLICABILITY, EXCEPTIONS AND APPEALS, ESTABLISHING AN APPLICATION AND REVIEW PROCESS FOR HARDSHIP APPEALS.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED, by the Council of the Municipality of Monroeville, and it is hereby ordained and enacted as follows:

SECTION 1. ARTICLE TWO, DEFINITIONS, of Ordinance 1016, as amended, is hereby amended to read as follows:

2.103.1 Hardship: That there are unique physical circumstances or conditions peculiar to the property and that the unnecessary hardship is due to such conditions; and, that because of such physical conditions there is no possibility that sidewalks can be installed on the property in strict conformity with the provisions of "The Monroeville Sidewalk Ordinance"; and, that such unnecessary hardship has not been created by the applicant; that the relief granted will not alter the essential character of the neighborhood or district in which the property is located; and, will represent the minimum relief and least modification of "The Monroeville Sidewalk Ordinance".

SECTION 2. , ARTICLE THREE, AREAS OF APPLICABILITY, EXCEPTIONS AND APPEALS, of Ordinance 1016, as amended, is hereby amended as follows:

HARDSHIP APPEALS

3.300.1 APPLICATION: Upon submission of Sidewalk Hardship Appeal Application and fee to the Department of Community Development, and providing support documentation demonstrating the allegations that strict compliance with these regulations will result in a hardship, the hardship appeal shall be referred to the Director of Community Development, for an Administrative Investigative Review, determining whether or not a hardship as defined herein has been established by the Applicant. The Director of Community Development shall review the Hardship Appeal, and if necessary, adjoin any Municipal Staff, Solicitor or Consultants to review the Hardship Appeal, conveying those additional review costs for time and expenses to the Applicant. Hardship shall be judged on a case-by-case basis and will be subject to final plan approval by Municipal Council. However, such variation of the regulations will not have the affect of nullifying the intent and purpose of the spirit of this Ordinance. Such Hardship Appeals must be submitted to the Department of Community Development thirty days prior to Council action on the Land Development Application. Failure to make

such appeal due to alleged hardships prior to such Council action shall constitute a waiver of any hardship then existing.

3.300.2 FINDINGS: Written findings regarding the Hardship Appeal shall be generated by the Director of Community Development, and forwarded to Monroeville Council for review and action prior to the final approval of the Land Development Application.

3.300.3 IN LIEU OF ACTION: Should it be determined in the findings of the Director of Community Development that there are unique physical circumstances or conditions peculiar to the property and that the unnecessary hardship is due to such conditions; and, that because of such physical conditions sidewalks can not be constructed, Monroeville Council may approve that a hardship, as defined herein, does exist, and in lieu of the construction of sidewalks, the Applicant shall make payment to the Municipality of Monroeville a sum equal to the costs of constructing the sidewalk should the hardship not exist, calculate at an annual bid price for sidewalks, at a per square yard/foot multiplied by the amount of surface area of sidewalk. Said money shall be escrowed and put into a fund known as "The Municipality of Monroeville General Sidewalk Fund" and be used to fund sidewalks in various locations in the Municipality of Monroeville as directed by the Municipality of Monroeville. Said findings and sidewalk fee shall be entered into the record as part of the Resolution and Conditions of Approval for the Land Development.

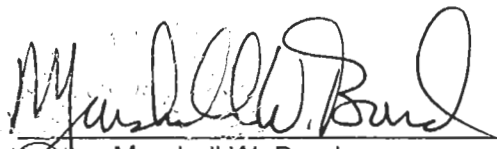
3.300.4 SUBSTITUTE REGULATIONS ACTION: In the event that upon review of the Application and supporting documentation, the Director of Community Development finds that a hardship exists but there is a substitute or alternate method or manner complying with the regulations of this Ordinance, then Council may approve the adoption of the substitute or alternative method or manner of complying with the regulation contained in this Ordinance. Said findings and substitute regulations shall become part of the Applicant's land development application and site plan.

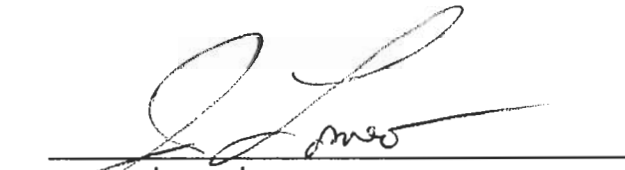
3.300.5 DENIAL OF HARDSHIP APPEAL: Upon review of the Findings of the Director of Community Development, Monroeville Council may determine that a Hardship, as defined herein, does not exist, and the Applicant will be required to install sidewalks. Said findings and the location of sidewalks shall become part of the Applicant's land development application and site plan.

ORDAINED AND ENACTED into law this 12<sup>th</sup> day of November, 2002.

ATTEST:

MUNICIPALITY OF MONROEVILLE

  
Marshall W. Bond  
Municipal Manager

  
James Lomeo  
Mayor

ENTERED INTO THE LEGAL BOOK:

November 22, 2002