

Chapter 27

Zoning

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Part 1**Basic Provisions****§27-101. Title.**

This Chapter may be cited as the “Glassport Borough Zoning Ordinance.”
(*Ord. 1060, 7/20/2004, §101*)

§27-102. Defined Words.

Words used in a special sense in this Chapter are defined in Part 7.
(*Ord. 1060, 7/20/2004, §103*)

§27-103. Community Development Activities.

The community development objectives which are the basis for the provisions of this Chapter are to maintain and improve the quality of life, community, and society within Glassport Borough.
(*Ord. 1060, 7/20/2004, §104*)

§27-104. Zoning Map.

A map entitled “Glassport Borough Zoning Map” is hereby adopted as a part of this Chapter. The Zoning Map shall be kept on file for examination in the office of the Borough Secretary in the Borough building.
(*Ord. 1060, 7/20/2004, §105*)

§27-105. Compliance.

No structure or sign shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.
(*Ord. 1060, 7/20/2004, §106*)

Part 2**District Regulation****§27-201. Zoning Districts.**

The Borough is divided into districts stated on Table 201 as shown by the district boundaries on the Zoning Map.

(*Ord. 1060, 7/20/2004, §201*)

§27-202. District Boundaries.

District boundaries shown on the lines of the roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter.

(*Ord. 1060, 7/20/2004, §202*)

§27-203. Permitted Uses.

The permitted uses for each district are shown on Table 201. Uses not specifically listed shall not be permitted except by permission by Borough Council. All permitted uses shall comply with the performance standards set forth in §27-405 of this Chapter.

(*Ord. 1060, 7/20/2004, §203*)

§27-204. Conditional Uses.

The Borough Council may authorize conditional uses as specified in Table 201 if all conditions and provisions of Part 4 are met.

(*Ord. 1060, 7/20/2004, §204*)

§27-205. Height Regulations.

No structure shall be more than 2½ stories, nor exceed 35 feet in height above average ground level unless approved by the Zoning Hearing Board. The Zoning Hearing Board may authorize a variance to the height regulations in any district if:

A. All front, side, and rear yard depths are increased 1 foot for each additional foot of height.

B. The structure is any of the following and does not constitute a hazard to an established airport:

- (1) Television, radio, and cellular communications towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, and scenery lofts, cooling towers, ornamental towers, and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flagpoles.

(Ord. 1060, 7/20/2004, §205)

§27-206. Floor Area Requirements.

No single-family dwelling shall have a living area of less than 900 square feet. No two-family dwelling shall have a living area of less than 750 square feet per family. In determining the area of such dwellings, the area of an integral private garage, if any, shall be excluded.

(Ord. 1060, 7/20/2004, §206)

§27-207. Lot and Yard Requirements.

The minimum lot area, minimum lot width, and minimum depths of principal structure front, rear, and side setbacks for each district shall be as shown on Table 201.

A. Lots which abut on more than one street shall have the required front setback on the front of the principal structure, as so identified on the architectural/engineering plans or by historical use, only.

B. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, sheds, garages, or platforms above normal grade level, shall not project into, or encroach upon, any minimum required setbacks, except as follows:

(1) Accessory buildings or structures, as governed by this Chapter, are permitted in rear yards. Said buildings or structures shall be located at least 10 feet from the rear of the principal structure, and at least 3 feet from the rear lot line on an unimproved street, alley, or byway, or; at least 3 feet from the centerline of sidewalk if one exists. If the lot does not have sidewalks, but adjoining lots do have sidewalks, the lot shall be considered to have sidewalks. In all cases, accessory buildings shall maintain a 3 foot setback from at least one side. See Figure 2.1.

Figure 2.1

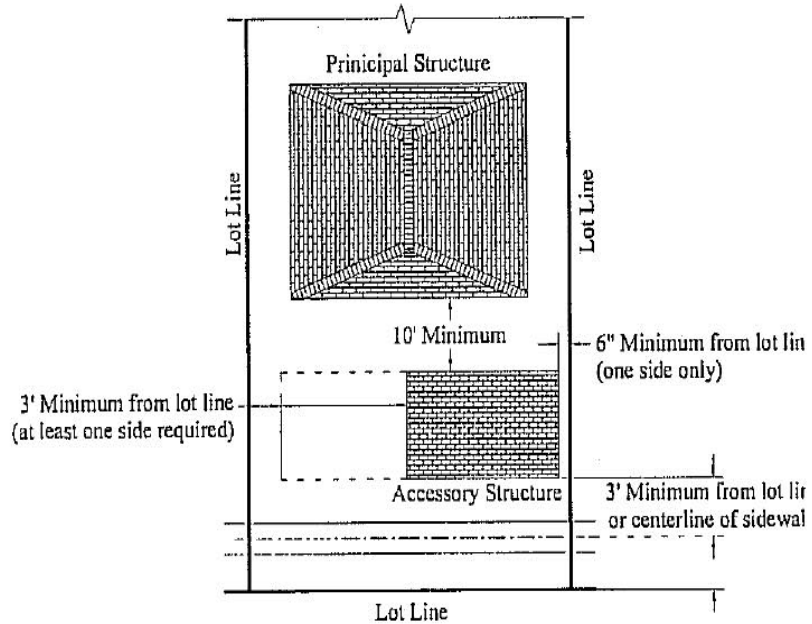


FIGURE 2.1
(Not to Scale)

| Table 201 Page 1 of 2 | Existing Plans | Unimproved Plans | Existing Plans | Unimproved Plans | Existing Plans | Unimproved Plans |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| | R1 - Single-family Residential | | R2 - Single-family Residential | | R3 - Multiple-family Residential | |
| | Single-family dwellings, parks, accessory uses | | Single-family dwellings, parks, accessory uses | | Town homes, garden apartments, parks, accessory uses | |
| Permitted uses | Single-family dwellings, parks, accessory uses | | Single-family dwellings, parks, accessory uses | | Town homes, garden apartments, parks, accessory uses | |
| Minimum lot area | None | 10,500 sq. ft. | None | 2,500 sq. ft. | None | 6,000 sq. ft. |
| Lot area per family | None | 10,500 sq. ft. | None | 1,250 sq. ft. | None | 2,500 sq. ft. |
| Minimum width | None | 70 ft. | None | 25 ft. | None | 100 ft. |
| Front setback | Determined by minimum quantifiable setback of existing surrounding structures of same use in plan | 35 ft. | Determined by minimum quantifiable setback of existing surrounding structures of same use in plan | 15 ft. | Determined by minimum quantifiable setback of existing surrounding structures of same use in plan | 35 ft. |
| Side setbacks | | 10 ft. | | 3 ft. | | 10 ft. |
| Rear setback | | 40 ft. | | 20 ft. | | 40 ft. |
| Conditional Uses | Planned residential development, cemeteries, open land recreation, day nurseries, clinics, public buildings, hospitals, public or parochial schools, churches, animal clinics and shelters, mobile home parks, nurseries, agriculture | | Planned residential development, town houses, garden apartments, mobile home parks, day nurseries, clinics, funeral homes, private clubs, nurseries, public buildings, hospitals, public or parochial schools, churches, two-family dwellings, animal clinics and shelters | | Planned residential development, high rise apartments, clinics, private clubs, auxiliary commercial uses, public buildings, hospitals, public or parochial schools, churches, single-family dwellings, two-family dwellings, animal clinics and shelters, mobile home parks, nurseries | |
| Special exceptions | Swimming pools, tennis courts, ball fields | | Swimming pools, tennis courts, ball fields | | Swimming pools, tennis courts, ball fields | |

| Table 201 Page 2 of 2 | Existing Plans | Unimproved Plans | Existing Plans | Unimproved Plans | Existing Plans | Unim-proved Plans |
|--------------------------|-------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| | C - Conservation | | B - Business | | M - Manufacturing | |
| Permitted uses | Agriculture, open land recreation, parks, accessory uses, regulation golf courses | | Retail shops, service shops, eating and drinking places, theatres, bowling alleys, offices, banks, auto sales and repair, gas stations, motels, commercial recreation, commercial schools, hospitals and clinics, public buildings, parks, agriculture, public utility structures, accessory uses | | Manufacturing, research laboratories, offices, warehousing, supply yards, truck terminals, public buildings, agriculture, public utility structures, open land recreation, accessory uses, auto sales and repair | |
| Minimum lot area | None | 1 acre | None | 20,000 sq. ft. | None | 20,000 sq. ft. |
| Lot area per family | None | 1 acre | None | 2,500 sq. ft. | None | None |
| Minimum width | None | 100 ft. | None | 100 ft. | None | 100 ft. |
| Front setback | Determined by minimum quantifiable setback of | 35 ft. | Determined by minimum quantifiable setback of | 50 ft. | Determined by minimum quantifiable setback of | 50 ft. |
| Side setbacks | existing surrounding structures of same use in plan | 25 ft. | existing surrounding structures of same use in plan | 20 ft. | existing surrounding structures of same use in plan | 20 ft. |
| Rear setback | existing surrounding structures of same use in plan | 40 ft. | existing surrounding structures of same use in plan | 50 ft. | existing surrounding structures of same use in plan | 50 ft. |
| Conditional Uses | Single-family dwellings, cemeteries, planned residential development, public or parochial schools, churches | | Multiple dwellings, shipping centers, wholesale business, research laboratories, public or parochial schools, churches | | Motels, gas stations, restaurants, industrial parks, commercial recreation, shopping centers, public or parochial schools, churches | |

(2) Sills, belt courses, cornices, buttresses, and eaves may project but not more than 4 feet over or into any required yard or court.

(3) Walks, steps for negotiating ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas or structures used ornamentally or for gardening or for private recreation purposes and structures for essential services, all accessory to and customarily incidental to the principal use, are permitted in within setbacks, provided that a side yard strip 3 feet in width shall be unobstructed on at least one side of any structure or feature subject to the limitations provided in §27-308 hereinafter.

(4) Uncovered porches, and steps to building entrances may not extend more than 10½ feet into a required front setback.

(5) Covered porches, balconies, entranceways, platforms, roof, and carports may not extend more than 10½ feet into any required front setback, but in no case closer than 3 to a right-of-way. They may extend into side setbacks to the extent that a minimum 3 feet unobstructed clearance is maintained between the closest lot line and both sides of principal structures; or between the lot line and at least one side of accessory structures. This requirement shall include the limits or extents of the roof eave(s) and attached gutters.

(6) Open work fire balconies and fire escapes may extend not more than 3 feet into a required setback.

C. Any lot of record existing in a recorded plan at the effective date of this Chapter may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Chapter.

D. Septic tanks are not permitted.

E. New non-residential structures or uses shall not be located or conducted closer to any lot line of any other lot in any “R” district than the distance specified in the following schedule:

| Use | Rear Abutment | Side Abutment |
|--------------------------------------------------------------------------------------------|---------------|---------------|
| Off-street parking and access drives for non-residential uses. | 10 feet | 10 feet |
| Churches, schools, and public or semi-public structures. | 20 feet | 20 feet |
| Recreation facilities, entertainment facilities, motels, all business and industrial uses. | 70 feet | 70 feet |

(Ord. 1060, 7/20/2004, §207)

Part 3**General Regulations****§27-301. Non-Conforming Uses.**

The following provisions shall apply to all non-conforming uses:

A. A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board, and accepted by Borough Council, in accordance with the provisions of this Chapter.

B. A zoning certificate must be obtained within 90 days of examination by the Borough Code Enforcement Officer, by the owner of any non-conforming use as evidence that the use lawfully existed prior to the adoption of the provisions which made the use non-conforming.

C. Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before the casualty.

D. In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of 1 year, or is abandoned for any period, such non-conforming use shall not be resumed.

(Ord. 1060, 7/20/2004, §301)

§27-302. Accessory Use.

The following provisions shall apply to accessory uses:

A. Accessory farm buildings shall not be erected within 100 feet of a neighboring property.

(1) Feed lots, runs, pens, kennels, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of a neighboring property.

B. The exterior storage of not more than two motor vehicle which does not have a current inspection sticker shall be considered an accessory use, but three or more shall constitute an auto salvage business and shall not be permitted as an accessory use.

(Ord. 1060, 7/20/2004, §302)

§27-303. Special Exceptions.

The following uses may be authorized with such conditions as are deemed appropriate by the Zoning Hearing Board and accepted by Borough Council:

A. Living quarters in an accessory structure as an accessory use to a single-family house to accommodate domestic employees of the residents of the principal structure.

B. The accommodation of not more than two non-transient roomers on an

accessory use to a single-family house provided that no sign is displayed.

C. Directional signs of a reasonable size in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry.

D. Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a 6-month period.

E. Swimming pools, tennis courts, ball fields as an accessory use to a single-family home.

(Ord. 1060, 7/20/2004, §303)

§27-304. Signs.

No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

A. In any district a sign not exceeding 2 square feet for every foot of frontage in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

B. A bulletin board not exceeding 24 feet is permitted in connection with any church, school, or similar public structure.

C. A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased, or developed. Permits for temporary signs shall be issued for not more than 6 months. Such signs shall be removed promptly when it has fulfilled its function.

D. Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements:

(1) Signs shall not contain information or advertising for any product not sold on the premises.

(2) Signs shall not have a combined aggregate surface size greater than 1 square foot for each foot of width of the principal structure on the premises.

(3) Signs shall not project over public rights-of-way or sidewalks, but may project over covered entrances or balconies.

(4) Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion, or hazard to vehicular traffic and specifically, no sign shall be illuminated by a flashing or moving type light, except traffic control devices.

E. *Billboards and Sign Boards.* Billboards, sign boards, and advertising signs shall only be permitted in manufacturing districts, and shall be subject to the size and illumination requirements set forth herein above in this Section. Signs used for temporary purposes such as elections, fairs, or demonstration purposes are not to be placed on utility poles, and when placed in the ground at the approval of Borough Council, must be removed when they have fulfilled their function

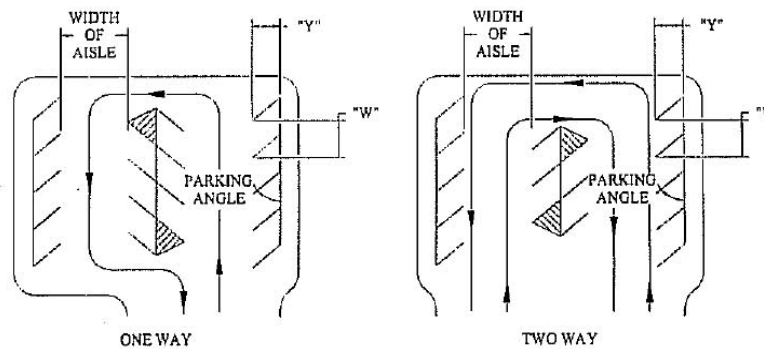
(Ord. 1060, 7/20/2004, §304)

§27-305. Off-street Parking.

Off-street parking spaces shall be provided in accordance with the specifications in this Section in any district whenever any new use is established or existing use is enlarged:

| Use | Parking Spaces Required |
|----------------------|--------------------------------|
| Apartments | One and one-half for each unit |
| Manufacturing Plants | One for every two employees |

A. Parking stalls and maneuvering aisles shall be designed and installed as required and be no less than the sizes shown on the following diagram and tables:



| Parking Angle | "Y" Dimension | "W" Dimension | Aisle Width | |
|---------------|---------------|---------------|-------------|---------|
| | | | One Way | Two Way |
| 30° | 18.2 feet | 19.0 feet | 11 | 21 |
| 45° | 20.8 feet | 13.4 feet | 13 | 21 |
| 60° | 22.1 feet | 22.1 feet | 18 | 21 |
| 75° | 21.8 feet | 9.8 feet | 21 | 21 |
| 90° | 20.0 feet | 9.5 feet | 24 | 24 |

B. Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface. Any such parking lot which abuts on a residential use shall be suitably screened or landscaped and be clearly delineated by painted lines or markers.

C. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
(Ord. 1060, 7/20/2004, §305)

§27-306. Off-street Loading.

One off-street loading berth of not less than 35 feet by 10 feet shall be provided for

every business and industrial use with a floor area of more than 5,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

(Ord. 1060, 7/20/2004, §306)

§27-307. Walls, Fences, Hedge-rows, and Screens.

1. *Definitions.* A “fence” shall be:

A. Any structure commonly a wall of concrete, tile, brick, metal, or any other natural or artificial material.

B. Hedge-rows of any plant materials

C. Any type of wire, metal, or wood structure or other materials commonly known as a fence or screen, either open or closed, constructed or erected on or off a line dividing property or on the street line, erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to separate two continuous estates or lots.

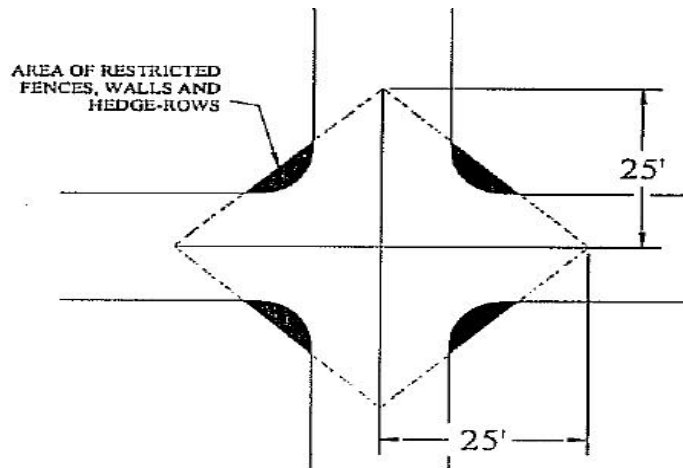
2. No fence shall be constructed, erected, or planted except as hereinafter provided.

3. *Swimming Pool Fences.* A fence not less than 4 feet and not more than 6 feet high must be constructed around all permanent, private swimming pools or around all above-ground private swimming pools less than 4 feet in depth. The fence shall be a permanent fence construction of masonry, wire, metal, or wood.

4. *Decorative Pond Fences.* A fence of not less than 18 inches in height must be constructed around ponds that are up to 18 inches in depth. For ponds over 18 inches in depth, the requirements set forth here to fore for swimming pools shall be followed. Depth is defined as the deepest point, and not an average.

5. *Front Yard Fences.* No fences, ornamental shrubbery or trees in the front yard shall exceed 6 feet in height and shall not obstruct the vision across a property from either side line.

6. *Corner Fences and Walls.* On a corner lot or any point of entry on a public road, nothing shall be erected, placed, planted, or allowed to grow in such a manner which obscures vision between the height of 1 and 1½ feet and 10 feet above ground level as measured from the center line grades of the intersecting streets and within the area bounded by the street lines of such corner lots and a line adjoining points on these street lines 25 feet from their intersection along the lot lines. However, the foregoing shall not apply if the intersection is permanently controlled by a traffic signaling device. See figure 3.1.

Figure 3.1**FIGURE 3.1**
(NOT TO SCALE)

(Ord. 1060, 7/20/2004, §307)

§27-308. Mining and Well Drilling.

No mining or quarrying either by deep or open pit method or any drilling of oil or gas wells shall be permitted in the Borough except by special exception granted by the Zoning Hearing Board, and approved by Borough Council, after a public hearing which has been advertised at least once in the official newspaper of the Borough. In considering the application for such a special exception, the Zoning Hearing Board shall apply the same criteria for approval and performance standards as are set forth hereinafter for conditional uses in §§27-404 and 27-405, which Sections are incorporated herein by reference thereto. In addition, any strip miners shall comply with the following requirements:

A. Operations, including excavation or piling of dirt, shall not be conducted closer than 100 feet to the adjacent property.

B. A location map which shows land to be mined and the location of adjacent properties, roads, and natural features shall be filed with the Zoning Hearing Board.

C. A plan for the restoration of the land to be mined, including anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than 5 feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, or other improvements contemplated shall be consistent with the Borough's Comprehensive Plan and the Zoning Hearing Board, if it so desires, may request a report from the Borough's

Planning Commission on such matters.

D. Written proof that all registration and bonding requirements of the State Bureau of Mines have been met shall be filed with Borough Council. When all requirements contained in the restoration plan are performed, a written certificate shall be issued by the Zoning Officer that the restoration is completed and is in compliance with the plan. A copy of this certification will be forwarded to the State Bureau of Mines.

E. Performance bond with approved surety shall be filed to the use of the Borough in an amount not less than \$3,000 per acre and not more than \$15,000 per acre at the discretion of the Zoning Hearing Board.

F. The term of the permit shall be set by the Zoning Hearing Board but shall not be more than 1 year. If required, said permit may be renewed upon application filed with the Board.

(Ord. 1060, 7/20/2004, §308)

§27-309. Landfills.

Landfills shall be permitted in the Borough only as a special exception in areas zoned M-Light Manufacturing and subject to conditions approved by the Zoning Hearing Board. Such permits shall be granted only after a public hearing has been held by the Zoning Hearing Board which has been advertised twice in the official newspaper of the Borough. The Zoning Hearing Board in hearing the application for such permit shall apply, as a minimum, the standards and criteria set forth in §§27-404 and 27-405 of this Chapter, which sections are incorporated herein by reference thereto, governing such conditional uses. It shall likewise be empowered to impose such other requirements and conditions as are necessary to preserve the public health and welfare from injury due to landfill operations. Further, the following minimum standards on such uses are imposed by this Chapter.

A. Minimum area must be 40 acres.

B. Access road for fire and emergency equipment must be passable in all weather and must be maintained to insure the same.

C. Written proof that all State and Federal permits and bonding have been met.

(Ord. 1060, 7/20/2004, §309)

Part 4**Conditional Uses****§27-401. General.**

Conditional uses as specified in Part 2 may be allowed or denied by the Borough Council after recommendations by the Planning Commission in accordance with the following criteria and provisions.

(*Ord. 1060, 7/20/2004, §401*)

§27-402. Application.

Applications for conditional uses will be filed with the Zoning Officer and shall be accompanied by:

A. An application fee in an amount equal to that set by resolution of Borough Council.

B. Five copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk use and location of buildings; the location and proposed function of all yards, open spaces, parking spaces, driveways, storage areas, and accessory structures; the location of all utilities, the provisions of parking, moving, or loading of vehicles, and the timing of construction proposed.

(*Ord. 1060, 7/20/2004, §402*)

§27-403. Review.

The Zoning Officer shall forward copies of the application to Borough Council and Planning Commission.

A. The Planning Commission after receipt of a completed application, site plan, and supporting data shall forward its recommendation within 45 days to the Borough Council unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation by the Planning Commission.

B. The Borough Council, after receipt of the Planning Commission's recommendation, shall act upon the application within 45 days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be favorable recommendation by the Borough Council. The Borough Council may attach such conditions as they deem necessary to the approval of any conditional use. The approved site plan and all attached conditions shall be recorded by the petitioner within 30 days of final approval. All development, construction, and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved, and recorded. Any development contrary to the approved plan shall constitute a violation of this Chapter.

(*Ord. 1060, 7/20/2004, §403*)

§27-404. Criteria for Approval.

A conditional use shall be approved if, and only if, it is found to meet the following criteria.

A. The proposed use conforms to the district and conditional use provisions and all general regulations of this Chapter.

B. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this Part.

C. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of §27-405 which section is incorporated herein by reference thereto.

D. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

E. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

F. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

G. The proposed use shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.

H. The proposed use shall meet and comply with storm drainage requirements of other Borough ordinances.

(Ord. 1060, 7/20/2004, §404)

§27-405. Performance Standards.

All permitted uses and conditional uses shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Borough Council may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

A. *Fire Protection.* Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

B. *Electrical Disturbances.* No activity shall cause electrical disturbances adversely affecting radio or other equipment in the vicinity.

C. *Noise.* Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.

D. *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

E. *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

F. *Air Pollution.* No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property.

G. *Glare*. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

H. *Erosion*. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

I. *Water Pollution*. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection. [Ord. 1077]

(Ord. 1060, 7/20/2004, §405; as amended by Ord. 1077, 5/23/2006)

Part 5**Administration and Enforcement****§27-501. Zoning Officer.**

The Zoning Officer, who shall be appointed by the Borough Council, shall:

A. Administer and enforce the provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

B. Issue zoning certificate.

C. Maintain a permanent file of all zoning certificates and applications as public records.

(Ord. 1060, 7/20/2004, §501)

§27-502. Zoning Certificates.

A zoning certificate shall be obtained before any person may:

A. Occupy or use any vacant land.

B. Occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged.

C. Change the use of a structure or land to a different use.

D. Continue a nonconforming use in accordance with §27-301.B.

E. Change a nonconforming use.

F. Applications for a zoning certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions, and nature of any structure involved and such other information as the Zoning Officer may require for administration of this Chapter, together with a filing fee in accordance with a schedule annually affixed by resolution of the Borough Council.

(Ord. 1060, 7/20/2004, §502)

§27-503. Enforcement Penalties.

Any person, partnership, or corporation who or which shall violate the provisions of this Chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$500. In default of the fine, such person, the member of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense.

(Ord. 1060, 7/20/2004, §503)

§27-504. Enforcement Remedies.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such

building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

(*Ord. 1060, 7/20/2004, §504*)

§27-505. Amendments.

The Borough Council may amend this Chapter, as proposed by a member of the Borough Council, by the Planning Commission, or by a petition of a person residing or owning property within the Borough in accordance with the following provisions:

A. Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay a filing fee in the amount as established from time to time by resolution of the Borough Council or total cost if this amount is exceeded to cover the cost of advertising and preparation of the Rezoning Ordinance. If so required by Borough Council, the Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Borough Council and the petitioner. The proposed amendment shall be introduced before the Borough Council only if a member of the Borough Council elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner, otherwise, such deposit shall be paid to the Borough. [*Ord. 1077*]

B. Any proposed amendment introduced by a member of the Borough Council without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission, at the discretion of Borough Council, for review at least 30 days prior to public hearing by the Borough.

C. A copy of any proposed amendment shall be sent to the Allegheny County Department of Planning for its comments.

D. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon pursuant to public notice. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

(*Ord. 1060, 7/20/2004, §505; as amended by Ord. 1077, 5/23/2006*)

§27-506. Zoning Hearing Board.

In accordance with law, the Borough Council shall appoint a Zoning Hearing Board, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule annually affixed by resolution for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers, and obligations specifically granted by law.

(*Ord. 1060, 7/20/2004, §506*)

Part 6**Floodplain Management****§27-601. General.**

1. In accordance with requirements of the Federal Insurance Administration of the United States Department of Housing and Urban Development and in order to comply with various Floodplain Management requirements imposed thereby the following provisions will apply under the Part to the appropriate area of the Borough subject to said Flood Control Measures. This provision of the Part is likewise enacted pursuant to *Resolution 1-6-79* of the Borough of Glassport to implement Title 44, Part 60, Subpart A, Section 60.3 of the code of Federal regulations of the Federal Emergency Management Agency as set out in the Federal Register of October 1, 2001.

2. The Borough Council herewith adopts and incorporates by reference thereto certain studies and maps of the Borough performed by various Federal Agencies, as modified, amended, or enlarged from time to time. These studies are referred to as Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) and districts and areas in the Borough are hereafter referred to by the designation therein.

(*Ord. 1060, 7/20/2004, §601*)

§27-602. Floodplain Management Regulations.

1. Based upon the FIS and FIRM, the Borough Council hereby selects and adopts that portion of the Monongahela River Located in the Borough which is the subject of discussion in the FIS, as a Regulatory Floodway and Floodway Fringe based on the principle that the area chosen for the regulatory floodway - i.e., the Monongahela River and adjacent land area - is designed to carry the water of the base flood, without increasing the water surface elevation of that food more than 1 foot at any point by virtue of the Floodplain Management measures that are enacted herein. This is the Regulatory Floodway presented in the FIS to the Borough as a minimum standard. Any change in the Floodway or Floodway Fringe delineation must be reviewed and approved by the Federal Insurance Administrator.

2. Encroachments are prohibited, including fill, new construction, substantial improvements, and any other development within the adopted Regulatory Floodway that would result in any increase in flood levels within the Borough during the occurrence of the base discharge.

3. The Monongahela River Reach (that is, those lengths of the Monongahela River having relatively the same flood hazard, based on the average weighted difference in water surface elevations between the 10 and the 100 year floods), being a flood source and having been zoned for Flood Insurance purposes as Zone A-14, 44 CFR 60.3(a) is applicable.

4. It is required that all new construction and substantial improvements of residential structures within Zone A-14 (that is, the Monongahela River Reach) on the Borough's FIRM have the lowest floor (including basement) elevated above the base flood level (which varies with respect to the Monongahela River Reach) by a minimum of 2 feet at the point unless a variance is granted as specified in 44 CFR 60.6.

5. It is required that all new construction and substantial improvements in non-residential structures within Zone A-14 on the Borough's FIRM:

A. Have the lowest floor (including basement) elevated to 2 feet above the base flood level at that point.

B. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

6. Where flood-proofing is utilized as required by the provisions hereof, either:

A. A registered professional engineer or architect shall certify that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to national geodetic vertical datum of 1929) to which such structures are flood-proofed shall be maintained with the official designed by the community (the keeper of the flood-proofing certificates for public inspection).

B. A certified copy of a local regulation containing detailed flood-proofing specifications which satisfy the water tight performance standards set forth herein shall be submitted to the Administrator of the Flood Insurance Program for approval.

7. It is required that within Zone A-14 of the Borough, for new mobile home parks and mobile home subdivisions, for expansion to existing mobile home parks and mobile home subdivisions, and for existing mobile home parks and mobile home subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities and pads before repair, reconstruction, or improvement has commenced, the:

A. Stands or lots are elevated on compacted fill or on pilings so that the lowest flood of the mobile home will be above the base flood level by a minimum of 2 feet.

B. Adequate surface drainage and access for a hauler are provided.

C. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piling more than 6 feet above ground level.

8. It is required that for all mobile homes which are placed within Zone A-14, but not into a mobile home park or mobile or mobile home subdivision that:

A. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be above the base flood level by a minimum of 2 feet.

B. Adequate surface drainage and access for a hauler are provided.

C. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piling more than 6 feet above ground level.

9. It is further required that all mobile homes to be placed within Zone A-14 of the Borough shall be anchored to resist flotation, collapse, or lateral movement by

providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

A. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations.

B. For mobile homes more than 50 feet long, two more additional ties per side (for a total of 4 per side) at intermediate locations shall be provided.

C. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

D. Any additions to the mobile home be similarly anchored.

10. The Building Inspector is instructed and directed not to issue any building permits for new construction on or substantial improvement to or for any other development on any property located within Zone A-14 without first receiving written approval from the Borough Engineer stating compliance with the provisions of this Chapter or receiving certification from Council that it has granted a variance with respect to work in question.

11. No subdivision of any property located within the Borough shall be granted if the effect of such a grant would be to permit development which, but for such subdivision, would be prohibited by this Part or under laws. Preliminary and final plans shall include such maps and information as Council and the Planning Commission may find relevant in considering the subdivision.

12. The Borough Council shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area any such proposals shall be reviewed to assure that all public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminated flood damage, and that adequate drainage is provided to reduce exposure to flood hazards. All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement.

13. It is required within flood prone areas that new and replacement water supply systems be designed to minimize or eliminated infiltration of flood waters into the system.

14. It is required within flood prone areas that:

A. New replacement sanitary sewage system to designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

B. On site waste disposal system be located to avoid impairment to them or contamination from them during flooding.

15. The Borough Council shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or location of watercourse, and submit copies of such notifications to the Federal Insurance Administrator.

16. The borough Council shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

17. Council my grant variances from the enforcement of the Part, but such variances shall be granted only upon satisfaction of the requirements thereof under the

State and Federal law then in effect. The Borough, after examining the applicant's hardship shall approve or disapprove a request for a variance with respect to this Part. While the granting of variances generally is limited to a lot size less than ½ acre, deviations from limitations may occur. However, as the lot size increases beyond ½ acre, the technical justification required for issuing a variance increases. It is understood that the Administrator may review the Borough's findings justifying the granting of variances and if that review indicates a pattern inconsistent with objectives of sound Floodplain Management, the Administrator may take appropriate action. Variances may be issued by the Borough for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in this Section. Procedures for the granting of variances by the Borough in connection with this Part are as follows:

A. Variances shall not be issued by the Borough within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances will only be issued by the Borough upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing State, county, or Borough laws or ordinances.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. The Borough shall notify the applicant in writing over the signature of the President of Council that:

(1) The issuance of variance to construct a structure below the base flood level will result in substantially increased premium rates for flood insurance.

(2) Such construction below the base flood level increases risks to life and property, such notification shall be maintained with a record of all variance actions as required hereinafter.

E. The Borough shall:

(1) Maintain a record of all variance actions, including justification for their issuance.

(2) Report such variance issued in its annual report submitted to the Federal Insurance Administrator.

18. The granting of a building permit for property located in Zone A-14 does not constitute a warranty on the part of or representation by the Borough that a development, if undertaken in accordance with plans submitted to the Borough, will be safe from flood-related damage.

19. The Borough Council shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water

Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

20. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A-14 the Borough shall:

A. Obtain the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement.

B. Obtain, if the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed.

C. Maintain a record of all such information with the official designated by the Borough.

(Ord. 1060, 7/20/2004, §602)

§27-603. Relation to Parts One Through Five.

The foregoing Floodplain Management Regulations are to be applied in conjunction with other provisions of this Part. Any more sever or restrictive limitations contained in Part 1 through Part 5 are to be applied to any conduct, action, or development taken under Part 6.

(Ord. 1060, 7/20/2004, §603)

§27-604. More Restrictive Codes.

In the event that a Federal or State regulation or code is more restrictive in regards to Floodplain Management that the requirements set forth in Part 6 herein, the more restrictive regulation or code shall be required to be adhered to and enforced by the Borough.

(Ord. 1060, 7/20/2004, §604)

Part 7**Definitions****§27-701. General.**

Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is mandatory and not permissive.

Accessory use - a use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

Agriculture - any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos, and any other use or structure that is clearly related to an agricultural operation.

Area - area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

Board - the Zoning Hearing Board established by this Chapter.

Clinic - any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Family - one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Light manufacturing - the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed materials; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light weight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but no animal slaughtering, curing, nor rendering of fats.

Lot - a parcel of land occupied or capable of being occupied by one or more structures.

Lot of record - any lot which, individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.

Lot, depth of - a mean horizontal distance between the front and rear lot lines.

Lot, minimum area of - the horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, width of - the mean width measured at right angles to its depth.

Manufacturing - the processing and fabrication of any article, substance, or commodity.

Non-conforming structure - a structure designed, converted, or adapted for a use prior to the adoption of provisions prohibiting such use in such location.

Non-conforming use - non-conforming use is any use or arrangement of land or structures legally existing at the time of enactment of this Chapter or any of its amendments, which does not conform to the provisions of the Chapter.

Planned residential development - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district created, from time to time.

Regulation golf course - a golf course consisting of 9 or 18 holes, the majority of which are comprised of Par 4 or Par 5 holes in accordance with United States Golf Association regulations.

Street line structure - anything constructed or erected, the use of which requires a size location on the ground or an attachment to something having fixed location on the ground, including in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios.

Supply yard - a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

(Ord. 1060, 7/20/2004, §701)

§27-702. Definitions.

For the purpose of the Floodplain Management Section, Part 6 above, the following words and phrases have the meanings herein specified.

Base flood - that flood having a 1% chance of being equaled or exceeded in any given year.

Development - any man-made change to improve or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Flood fringe - the area between the floodway and the boundary of the 100 year flood, said flood being sometimes referred to as the base flood.

Floodplain management regulation - zoning, subdivision, building codes, health regulations, and special purpose ordinances.

Mobile home - a structure transportable in one or more sections, which is built on a permanent chassis and designated to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. This term includes, but is not limited to the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program.

Regulatory floodway - a channel of watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (i.e., 1 foot

at any point, pursuant to Title 44 Code of Federal Regulations).

Substantial improvements - any repair, reconstruction, or improvement of a structure, the cost which equals or exceeds 50% of the market value of the structure either; (a) before the improvement or repair is started, or; (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living condition.

(2) Any alternation of a structure listed on the Nation Register of Historic Places or a State Inventory of Historic Places.

(Ord. 1060, 7/20/2004, §702)

Part 8**Remedies****§27-801. Remedies.**

In case any building, structure, or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Chapter or any regulations made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding whether by legal process or otherwise may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, or land or to prevent any legal act, conduct, business, or use in or about such premises.

(Ord. 1060, 7/20/2004, Art. 9)

Part 9**Penalties****§27-901. Penalties.**

1. Any person or corporation who shall violated any of the provisions of this Chapter or fail to comply therewith or with any of the requirements hereof, or who shall build any building or structure in violation of any detailed statement or plan submitted and approved thereunder shall upon conviction thereof for each and every violation be fined not more than \$500; and each day such violation shall be permitted to exist shall constitute a separate offense. Said penalty shall be imposed through summary criminal proceedings before the magisterial district judge having jurisdiction of the same, and said penalty shall also include imprisonment for a period not to exceed 60 days as the magisterial district judge shall determine in addition to or in lieu of the aforesaid fine or fines. [*Ord. 1077*]

2. The owner or owners of any building or premises or part thereof, where anything in violation of this Chapter shall be places or shall exist and any person or persons or corporation who have or may assist in said violation shall each day be guilty of a separate offense and shall be find as aforesaid.

3. Whenever any person or persons or corporation shall have been officially notified by the Zoning Officer or by service or a summons or citation in prosecution or in any other official manner that he is committing a violation of this Chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by like fine or penalty as set out above.

(*Ord. 1060, 7/20/2004, Art. 10; as amended by Ord. 1077, 5/23/2006*)

