

ZONING ORDINANCE
BOROUGH OF OHIOPYLE
FAYETTE COUNTY, PENNSYLVANIA

Prepared for
The Borough Council
Borough of Ohiopyle, Pennsylvania

by

Fahringer, McCarty, Grey and Associates
Landscape Architects and Engineers

and

Edwin B. Forrest, Zoning Consultant

TABLE OF CONTENTS

Article I	Preliminary Provisions	1
Article II	Definitions	1
Article III	General Provisions	2
Article IV	Park District Use Regulations	4
Article V	Residential District Use Regulations	4
Article VI	Commercial District Use Regulations	5
Article VII	Signs	6
Article VIII	Height Requirements	7
Article IX	Area Requirements	8
Article X	Enforcement	9
Article XI	Board of Adjustment	11
Article XII	Interpretation, Purpose, and Conflict	12
Article XIII	Amendments	12
Article XIV	Saving Clause	13

ZONING ORDINANCE
BOROUGH OF OHIOPYLE

AN ORDINANCE to regulate and restrict the size of buildings and structures, their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings or structures, size of yards, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or for other purposes and the uses of land for trade, industry, residence, recreation, agriculture, water supply, conservation, soil conservation, forestry, or other purposes within the Borough of Ohiopyle, Pennsylvania; providing for the administration and enforcement of such regulations, by provisions relating to the Office of the Borough Zoning Officer, to a Board of Adjustment and to the issuance of zoning certificates, and by prescribing penalties for violation; and intended to promote the health, safety, morals, and general welfare of the public.

BE IT HEREBY ORDAINED by the Borough Council of the Borough of Ohiopyle, Commonwealth of Pennsylvania:

ARTICLE I - PRELIMINARY PROVISIONS

SECTION 101. TITLE: This ordinance shall be known as the Zoning Ordinance of the Borough of Ohiopyle, Pennsylvania.

SECTION 102. CONTENT: This ordinance includes a map designated as the Zoning District Map of the Borough of Ohiopyle, Pennsylvania. This Zoning District Map and all notations, references, and other information shown on it are part of this ordinance and have the same force and effect as if fully set forth in this ordinance.

SECTION 103. FILING: This ordinance, together with the Zoning District Map which is part of it, is on file in the Office of the Zoning Officer of the Borough; and a certified copy is on file in the Office of the Recorder of Deeds of Fayette County.

ARTICLE II - DEFINITIONS

SECTION 201. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural, the singular; the words "used for" or "used by" shall include the meaning "designed or redesigned for", and the word "shall" is mandatory and not directory.

201.1 BUILDING: A structure having a roof supported by columns or walls, used or constructed for the enclosure, shelter, or protection of persons, animals or chattels.

(Underscored words are defined in Article II.)

- 201.2 LOT: A plot or parcel of land occupied or intended to be occupied by a main structure or a group of main structures, with accessory structures and uses, including such open spaces as required by this ordinance and other laws and regulations, and having frontage on a street.
- 201.3 SIGN: Any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboard or poster panel) designed to carry the above visual information.
- 201.4 STREET: Any public or private right-of-way, court, drive, highway, lane road, square, or way at least twenty-five (25) feet in width set aside as a permanent right-of-way for public travel.
- 201.5 STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having such location; not including retaining walls, driveway or walk pavings or other similar ground covering.

ARTICLE III - GENERAL PROVISIONS

SECTION 301. DISTRICTS: The area of the Borough is hereby divided into districts classified as set forth in this ordinance.

SECTION 302. DISTRICT BOUNDARIES: The boundaries of the districts are shown upon the Zoning District Map.

- 302.1 Where the districts designated on the Zoning District Map are bounded approximately by streets, alleys, lot lines, or property lines, the streets, alleys, lot lines, or property lines shall be construed to be the boundary lines of the district, unless such boundaries are otherwise indicated on the map.
- 302.2 In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale of the Zoning District Map or by dimensions shown on it.
- 302.3 Where the boundary of a district follows a railroad line, the boundary shall be construed to be located midway between the two (2) rails of the railroad line, unless the boundary line location is otherwise expressly indicated on the Zoning District Map.

(Underscored words are defined in Article II.)

SECTION 303. COMPLIANCE WITH REGULATIONS:

- 303.1 No structure shall be constructed, located, converted, or altered, nor shall any structure or land be used except for the purposes permitted in the district in which the structure or land is located, except as hereinafter provided. No structure shall be erected, enlarged, or altered except in conformity with the minimum yard requirements of this ordinance for the district in which such structure is located.
- 303.2 Except as specified elsewhere in this ordinance, no structure or group of related structures shall be erected, reconstructed, or enlarged; and no use shall be established unless located on or comprising a lot or lots.
- 303.3 No part of a yard or other open space required in connection with any structures for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another structure.

SECTION 304. NONCONFORMING STRUCTURES AND USES:

- 304.1 Any building or structure or use of land lawfully existing at the time of enactment of this ordinance may be continued, even though such building or structure or use of land does not conform to the provisions of this ordinance.
- 304.2 Any such building may be maintained and improved, provided there is no additional structural ground coverage.
- 304.3 Any such building or structure which may become damaged or destroyed by fire or other casualty may be repaired and reconstructed.
- 304.4 If the use of any land or structure, lawfully existing at the time of enactment of this ordinance and not in conformity with the use provisions thereof is abandoned for a continuous period of one (1) year or more, the future use of such land or structure shall be in conformity with the use provisions of this ordinance.

SECTION 305. OFF-STREET PARKING SPACE: At the time of the establishment of any multiple dwelling occupancy, there shall be provided on the same lot with the main structure at least one (1) off-street parking space for each dwelling unit. Each parking space shall be not less than nine (9) feet wide and eighteen (18) feet long, and shall include additional adequate area for ingress and egress. Parking space may be located either within a structure or elsewhere on the lot (as regulated under Section 904) but shall be accessible from a public street or way.

(Underscored words are defined in Article II.)

ARTICLE IV - PARK DISTRICT USE REGULATIONS

SECTION 401. PARK DISTRICT USE REGULATIONS: In the Park District, structures and land shall be used only for the following purposes:

- 401.1 Public park and recreation area, including structures and facilities for such activities as swimming, fishing, hiking, picnicking, community theater, nature study, art and music festivals, and related uses.
- 401.2 Government uses and structures, or uses and structures not owned or operated by government, but performing a needed governmental function not for profit, such as volunteer fire company or ambulance service.
- 401.3 Public utility corporation buildings, structures, facilities, and installations; but such uses shall be permitted only if any yard for service or storage shall be screened.
- 401.4 Single-family residential structures for persons involved in park work, but not necessarily limited to such occupancy.
- 401.5 Accessory uses and structures subordinate and customarily incident to, and located on the same lot with, any of the foregoing principal uses.

ARTICLE V. - RESIDENTIAL DISTRICT USE REGULATIONS

SECTION 501. RESIDENTIAL DISTRICT USE REGULATIONS: In the Residential District, structures and land shall be used only for the following purposes:

- 501.1 Residences, including single-family residences, two-family residences, multiple dwellings for not more than four (4) families and tourist accommodations, but not including multiple dwellings for more than four (4) families, row dwellings, hotels, motels or trailer parks. Multiple dwellings include apartment houses and other residential structures providing permanent living accommodations for three (3) or more families. Row dwellings are multiple dwellings divided by party or partition walls into rows of three (3) or more distinct and non-communicating units. (See Section 305.)
- 501.2 Churches, Sunday schools, and other places of worship.
- 501.3 Gardens.
- 501.4 Government uses and structures, or uses and structures not owned or operated by government, but performing a needed governmental function not for profit, such as volunteer fire company or ambulance service.

(Underscored words are defined in Article II.)

- 501.5 Public and parochial schools.
- 501.6 Public utility corporation buildings, structures, facilities and installations; but such use shall be permitted only if any yard for service or storage shall be screened.
- 501.7 Accessory uses and structures subordinate and customarily incident to, and located on the same lot with, any of the foregoing principal uses.

ARTICLE VI - COMMERCIAL DISTRICT USE REGULATIONS

SECTION 601. COMMERCIAL DISTRICT USE REGULATIONS: In the Commercial District, structures and land shall be used only for the following purposes:

- 601.1 Retail sales, such as food markets, drug stores, hardware stores, stationers, newsdealers, apparel shops, flower shops, beverage stores, book shops and sporting goods.
- 601.2 Automobile service stations and garages, enclosed salesrooms, and enclosed buildings for vehicle repair.
- 601.3 Business services, such as banks, offices, and postal stations.
- 601.4 Clothing services, such as laundry agencies, self-service laundry or dry-cleaning establishments, dressmaking, millinery, and shoe repair.
- 601.5 Government uses and structures, or uses and structures not owned or operated by government, but performing a needed governmental function not for profit, such as volunteer fire company or ambulance service.
- 601.6 Hotels and motels, not including trailer parks.
- 601.7 Personal services, such as barber shops, beauty parlors, and funeral homes.
- 601.8 Restaurants.
- 601.9 Accessory uses and structures subordinate and customarily incident to, and located on the same lot with, any of the foregoing principal uses.

(Underscored words are defined in Article II.)

ARTICLE VII - SIGNS

SECTION 701. PARK AND RESIDENTIAL DISTRICTS: In these districts, only the following signs shall be permitted:

- 701.1 Signs permitted under General Sign Provision, Section 703.
- 701.2 A sign not exceeding one and one-half (1 1/2) square feet in area, used to display and identify only the name of the individual, profession, organization, or institution occupying the premises.
- 701.3 A sign for each street frontage not exceeding thirty (30) square feet in area, indicating the services of a church, school, institution, or public facility occupying the premises.
- 701.4 A sign not exceeding twelve (12) square feet in area, unlighted, pertaining only to the rental, lease, or sale of the property on which it is displayed.

SECTION 702. COMMERCIAL DISTRICTS: In these districts, only the following signs shall be permitted:

- 702.1 Signs permitted under Section 701.
- 702.2 A sign which directs attention to a business, commodity, service, or entertainment, conducted, sold, or offered upon the premises, provided it shall conform to one (1) or the other of the following provisions:
 - a. Be attached to or painted on a main wall of a main building, projecting not more than twelve (12) inches therefrom, and with no portion less than ten (10) feet above the ground, nor erected on the roof. If not projecting more than three (3) inches from a wall of a building, the sign need not conform to the ten (10) foot height limit. The sign (or if more than one (1), the total) shall not exceed thirty (30) square feet in area; or
 - b. Be not attached to or painted on a building, but erected with no portion less than ten (10) feet or more than twenty (20) feet above the ground. The sign (or if more than one (1), the total) shall not exceed sixty (60) square feet in area.

(Underscored words are defined in Article II.)

SECTION 703. GENERAL SIGN PROVISIONS:

- 703.1 A zoning certificate shall be secured for the establishment, major alteration, or moving of any sign (except real estate signs) one and one-half (1 1/2) square feet or more in area.
- 703.2 No sign established before the effective date of this ordinance shall be (except when ordered by an authorized public officer as a safety measure) altered in any major respect or moved, unless it conforms with the provisions of this ordinance.
- 703.3 Where a sign is permitted by any provision of this article, it shall be construed to mean a double-face sign. Each face of a double-face sign may equal the maximum size for the particular type of sign permitted.
- 703.4 All signs referred to in this article, unless otherwise specifically noted, may be illuminated, provided the source of light is not visible and is arranged to reflect away from the adjoining premises. All signs shall be non-flashing and non-animated and shall not be placed so as to cause confusion with traffic signs or lights.
- 703.5 Official public notices, traffic control signs, and other official notices and signs are exempt from the provisions of this ordinance.

ARTICLE VIII - HEIGHT REQUIREMENTS

SECTION 801. HEIGHT REGULATIONS: The maximum height of structures shall be thirty-five (35) feet above the average ground level at the foundation wall. Buildings with a height in excess of thirty-five (35) feet above the average ground level at the foundation wall shall be permitted, provided that the required front, side, and rear yards are increased by one (1) foot for each foot of additional building height above thirty-five (35) feet.

SECTION 802. HEIGHT EXCEPTIONS: The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, drilling rigs, conveyors, and flagpoles, except where such structures will constitute a hazard to the safe landing and take-off of aircraft at established facilities.

(Underscored words are defined in Article II.)

ARTICLE IX - AREA REQUIREMENTS

SECTION 901. FRONT YARDS: Except as provided below, along any street, no building designed as a residence, nor any accessory structure thereto, shall be erected within a distance of fifteen (15) feet from the existing right-of-way line of such street.

901.1 Where a lot abuts the side lot line of only one (1) lot occupied by a main building less than twenty-five (25) feet from the abutting side lot line, the front yard requirement of such lot may be the average of the depth of the front yard of the abutting occupied lot and the front yard depth otherwise required.

901.2 Where a lot abuts, on both sides, lots occupied by main buildings less than twenty-five (25) feet from the abutting side lot lines, the front yard requirement of such lot may be the average depth of the front yards of the abutting occupied lots.

SECTION 902. SIDE YARDS: Except as provided below, no building designed as a residence shall be erected on any lot at a distance of less than six (6) feet from the side line thereof; or, in the case where the side lot line is also a street right-of-way line no building designed as a residence, nor any accessory structure thereto, shall be erected within a distance of less than fifteen (15) feet from the street right-of-way line.

902.1 Where a lot abuts a street on the side, and has an average width of less than sixty (60) feet:

- a. The required side yard distance on said street side may be reduced to twenty-five (25) percent of the width of the lot, but not less than ten (10) feet, and
- b. The required side yard distance not on said street may be reduced to ten (10) percent of the width of the lot but not less than three (3) feet.

902.2 Where a lot does not abut a street on the side, and has an average width of less than fifty (50) feet, the required side yard distance may be reduced to twelve (12) percent of the width of the lot but not less than three (3) feet.

(Underscored words defined in Article II.)

SECTION 903. REAR YARD: Except as provided below, no building designed as a residence shall be erected on any lot at a distance of less than thirty (30) feet from the rear line thereof; and, along a street, no building designed as a residence nor any accessory structure thereto, shall be erected within a distance of fifteen (15) feet from the existing right-of-way line of such street.

903.1 In the case of a lot abutting streets at front and rear, a rear yard abutting a street may have a depth less than the above, in those instances where abutting properties have existing rear yards of less depth, in accord with the formulas provided in item 901.1 above.

SECTION 904. LOCATION OF ACCESSORY STRUCTURES AND USES OTHER THAN SIGNS: Accessory structures and uses, other than signs but including off-street parking facilities, as an adjunct to residential use of property, shall be located not closer than fifteen (15) feet to any street right-of-way line. Such structures and uses, except for fences or walls not exceeding six and one-half (6 1/2) feet in height, shall be located at least six (6) feet from any other lot. However, the Board of Adjustment, by grant of a special exception, shall permit such accessory structures or uses to be located closer than fifteen (15) feet to a street right-of-way line, only if the accessory structure or use is proven to be a necessary adjunct to the use of the main building or structure on the lot, and the topography of the lot is such that location elsewhere thereon would not be feasible. The location of signs shall be governed by Article VII.

ARTICLE X - ENFORCEMENT

SECTION 1001. BOROUGH ZONING OFFICER: There is hereby established the Office of Zoning Officer. The Zoning Officer shall be designated by the Council of the Borough of Ohioyle.

SECTION 1002. ENFORCEMENT: The provisions of this ordinance shall be enforced by the Zoning Officer. Appeal from the decision of the Zoning Officer may be made to the Board of Adjustment as provided herein.

SECTION 1003. ZONING CERTIFICATE REQUIRED: A Zoning Certificate shall be required to erect, construct, reconstruct or alter any structure, or to establish a new use of any land or structure, as herein specified.

1003.1 It shall be the duty of the Zoning Officer to issue a Zoning Certificate, if the building or other structure and the proposed use thereof, or the proposed use of the land or premises, conforms with all of the requirements herein set forth.

(Underscored words are defined in Article II.)

SECTION 1004. FILING OF APPLICATIONS: To obtain a Zoning Certificate, the applicant shall submit the following:

- 1004.1 An application on form prescribed by the Zoning Officer, containing information sufficient to show compliance with the requirements of this ordinance.
- 1004.2 A plat drawn to scale on a sheet eight and one-half by eleven (8 1/2 x 11) inches or any multiple thereof, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing buildings and other structures, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building or structure, other existing and intended use of the property, and such other information with regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of this ordinance.
- 1004.3 In areas which are not served with both public water and/or sewer, a certified statement by a registered engineer that the proposed water and sewer facilities will be installed to conform to the minimum requirements listed in the booklet entitled, "Household Sewage Disposal for Rural and Suburban Areas", as amended and issued by the Pennsylvania State Department of Health.

SECTION 1005. REMEDIES: In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of this ordinance or of any ordinance or other regulation made supplementing this ordinance, the proper authorities of the Borough, in addition to other remedies, may institute any appropriate action or proceedings 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 structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

SECTION 1006. VIOLATION; PENALTY: Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof in a court of record, be fined not to exceed one hundred (100) dollars for any one (1) offense, recoverable with costs, judgment, or imprisonment, not exceeding thirty (30) days, if the amount of said judgment and costs shall not be paid. Each day that a violation is permitted to exist after official notice to the violator, shall constitute a separate offense. Proceedings against violators shall be instituted by the Borough Solicitor upon direction of the Borough Council, the Planning Commission, the Board of Adjustment, or the Zoning Officer. It shall be the duty of the latter to investigate any complaint, filed in writing by a citizen or any public or private agency or corporation, touching violations of this ordinance, and to act thereon if the facts so warrant.

(Underscored words are defined in Article II.)

ARTICLE XI - BOARD OF ADJUSTMENT

SECTION 1101. ORGANIZATION OF BOARD: The Board of Adjustment of Ohiopyle Borough is hereby created. The word "Board", when used in this article, shall be construed to mean the Board of Adjustment. The Board shall consist of three (3) members to be appointed by the Borough Council, one (1) of whom shall be a member of the Borough Planning Commission. The term of office of the members of the Board shall be three (3) years excepting that the three (3) members first appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years; thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled for the unexpired term only. A Board member shall be removable for cause by the appointing authority upon written charges and after public hearing.

SECTION 1102. APPEALS: Appeals to the Board may be taken by any person aggrieved or by any officer of the Borough affected by any decision of the Zoning Officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Officer and with the Board a notice of appeal and by paying the appeal fee of fifteen (15) dollars. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. Upon appeal, the Board shall have the following powers:

- 1102.1 To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency, based on or made in the enforcement of the Zoning Ordinance.
- 1102.2 To interpret the Zoning District Map and pass upon disputed questions of lot lines or similar questions as they may arise in the administration of the Zoning Ordinance.
- 1102.3 To hear and decide requests for special exceptions where specifically provided for and under conditions therein stated in this ordinance.
- 1102.4 Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

(Underscored words are defined in Article II.)

SECTION 1103. NATURE OF NOTICE: The Board shall fix a reasonable time for the hearing of the appeal, give at least fifteen (15) days' notice to the public and to the parties in interest in the manner prescribed by rules of the Board, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by agent or attorney. Any party adversely affected by a decision of the Board may appeal therefrom within thirty (30) days to the Court of Common Pleas of Fayette County, as provided by law.

ARTICLE XII - INTERPRETATION, PURPOSE, AND CONFLICT

SECTION 1201. In interpreting and applying the provisions of this ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this ordinance shall control.

ARTICLE XIII - AMENDMENTS

SECTION 1301. The Council of the Borough of Ohiopyle may, from time to time amend the number, shape, boundary, or area of any district or districts or any regulations of or within such district or districts or any other provisions of this zoning ordinance, but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval, disapproval, or suggestions to the Ohiopyle Borough Planning Commission.

SECTION 1302. Except as provided in Section 1303, any proposal, approval, disapproval, or suggestion of the Ohiopyle Borough Planning Commission shall have an advisory effect only and not be binding upon the Borough Council; and unless said Ohiopyle Borough Planning Commission shall have transmitted its report upon the proposed amendment within thirty (30) days after the submission thereof to it, the Borough Council shall be free to proceed with the adoption of the amendment without further awaiting the receipt of the report of the Ohiopyle Borough Planning Commission. Before finally adopting such amendment, the Borough Council shall hold a public hearing thereon; and at least thirty (30) days' notice of time and place shall be given at least once in a newspaper of general circulation in the Borough.

(Underscored words are defined in Article II.)

OHIOPYLE BOROUGH COUNCIL

OHIOPYLE, PA. 15470

Jan. 2, 1984

Upon a motion by Carl Johnson, seconded by J. C. Orendorff, Zoning Ordinance Section No. 1304.1 was amended as follows:

1304.1 At the time an application for the change of zoning district or amendment to the zoning text is filed with the Ohiopyle Borough Council, there shall be deposited the sum of one hundred (100) dollars as a fee to cover investigation, legal notices, and other expenses incident to the determination of such matter. All remaining funds, if any, or balance due, to be adjusted with the depositor.

SECTION 1303. When the Borough Planning Commission disapproves, or in case a protest against any proposed change, signed by the owners of thirty-three and one-third ($33 \frac{1}{3}$) percent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear or adjoining on the sides thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite lots, or of any other property within one hundred and fifty (150) feet of the property included in the proposed change, is presented to Council before passage of the amending ordinance, the ordinance providing for such amendment, supplement, or change shall not become effective except by a favorable vote of at least two-thirds ($2/3$) of all the members of the Borough Council.

SECTION 1304. In order to have a proposed change of district or amendment introduced and considered by the Ohiopyle Borough Council, persons requesting the same shall comply with the following:

- 1304.1 At the time an application for the change of zoning district or amendment to the zoning text is filed with the Ohiopyle Borough Council, there shall be deposited the sum of twenty (20) dollars as a fee to cover investigation, legal notices, and other expenses incident to the determination of such matter.
- 1304.2 The foregoing requirements shall not limit the introduction of amendments on their own initiative by the Borough Planning Commission or the Borough Council.

ARTICLE XIV - SAVING CLAUSE

SECTION 1401. If any provision of this ordinance, or the application of any provision to particular circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the application of any such provision to other circumstances and shall not affect the validity of any other provision of this ordinance.

(Underscored words are defined in Article II.)

Ordained and enacted into a law this March 2 day of March, 1965.

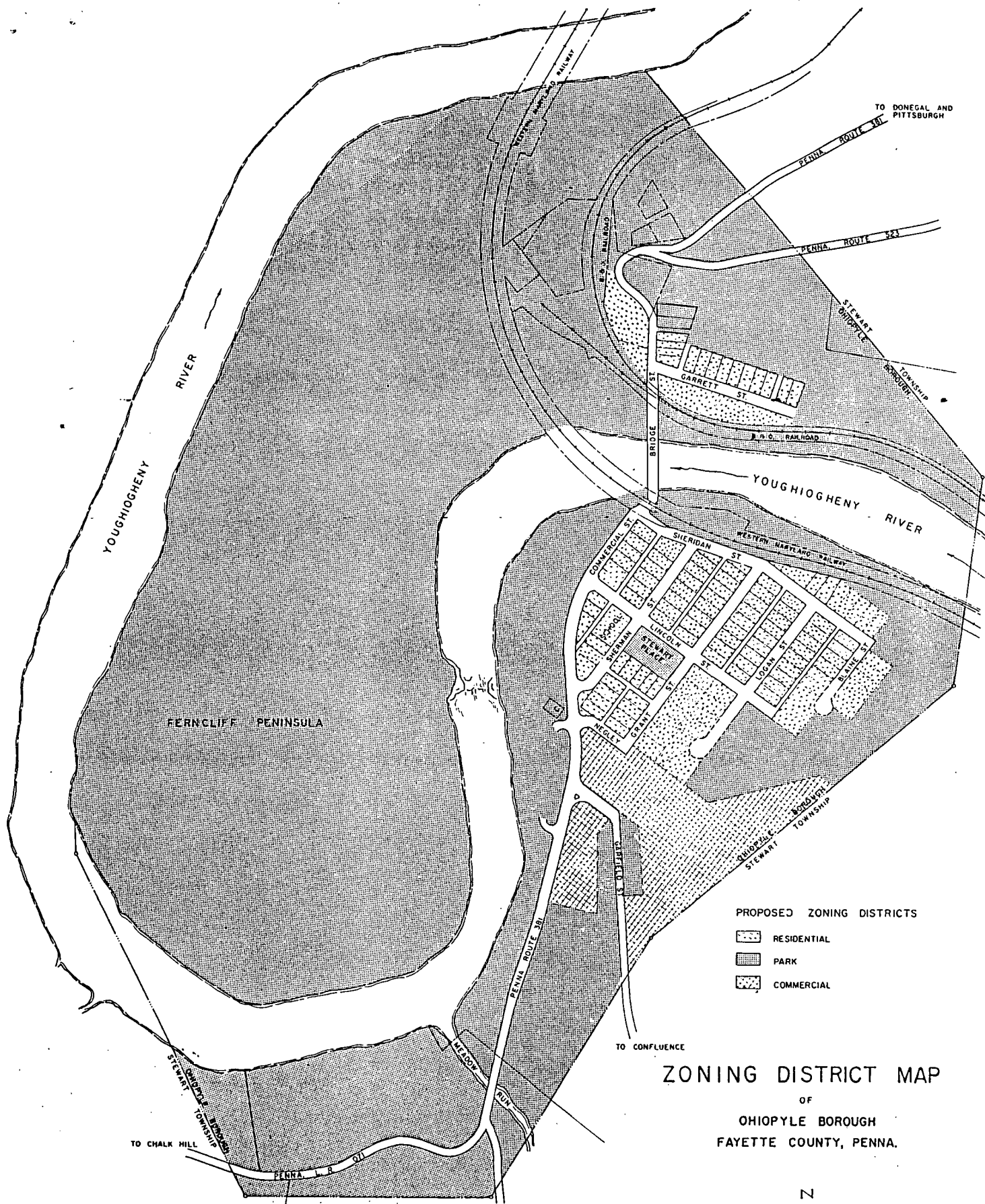
ATTEST:

Elmer J. Wolfe
President of Council of the Borough
of Ohiopyle




James A. King
Secretary of Council of the Borough
of Ohiopyle

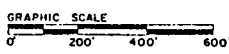
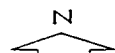
Examined and approved this 5 day of March, 1965

Ray S. Leonard
Mayor of the Borough of Ohiopyle,
Fayette County, Pennsylvania



ZONING DISTRICT MAP
 OF
 OHIOPLYE BOROUGH
 FAYETTE COUNTY, PENNA.

- PROPOSED ZONING DISTRICTS
-  RESIDENTIAL
 -  PARK
 -  COMMERCIAL



APPROVED MARCH 2, 1965
James R. King
 BOROUGH SECRETARY

Edmund Wolfe
 PRESIDENT OF COUNCIL

EXAMINED AND APPROVED March 5, 1965
Russell Leonard
 MAYOR

PA. 381 TO FARMINGTON AND U.S. ROUTE 40

At the regular meeting of the Ohiopyle Borough Council held on May 7, 1984, a motion was made by Carl Johnson, and seconded by J. C. Orndorff, to amend the Ohiopyle Borough Zoning Ordinance granting a variance to Mr. & Mrs. William J. Holt.

The variance will allow for the use of their property in the Borough (Lot No. 67) as an office only.

ORDINANCE NO. 103

THIS IS AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES AND CORPORATIONS TO OBTAIN A BUILDING PERMIT OR AN EXEMPTION CERTIFICATE FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE, SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF OHIO PYLE, WHICH ARE SUBJECT TO FLOODING; ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

WHEREAS, pursuant to the Act of 1978 Section 301 of Act 166 of the Commonwealth of Pennsylvania, known as the Flood Plain Management Act, the Legislature has mandated that all municipalities, such as Ohio Pyle Borough, participate in the National Flood Insurance Program; and

WHEREAS, if the said municipality does not enter into said program, the municipality may have withheld from its payments of funds payable to the Municipality from the General Fund or any other fund of the Commonwealth of Pennsylvania.

NOW THEREFORE, BE IT ORDAINED AND ENACTED THIS _____ DAY OF _____, 1982, BY THE BOROUGH COUNCIL OF OHIO PYLE BOROUGH:

ARTICLE I.

Section 1.00 - Statement of Intent

The Intent of this Ordinance is to:

- A. promote the general health, welfare, and safety of the community.
- B. encourage the utilization of appropriate construction practices to minimize Flood damage in the future,

in the identified flood-prone area (s). Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Ohiopyle Borough, or any officer or employee thereof, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 2.01 - Issuance of Building Permit or Exemption Certificate

- A. Issuance of Permit - the Secretary shall promptly issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.
- B. Issuance of Exemption Certificate - The secretary shall promptly issue an exemption certificate when it has been determined that the proposed construction is not within the flood hazard area. In areas outside the flood hazard area no regulations shall apply and no inspection shall be required.

Section 2.02 Application Procedures

- A. Application for such a building permit or exemption certificate shall be made, in writing, to the Secretary on forms supplied by the Borough of Ohiopyle, such application shall contain at least the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.

- C. minimize danger to public health by protecting water supply and natural drainage;
- D. reduce financial burdens imposed on the community, its governmental units, and its residents, by regulating development in areas subject to flooding.

Section 1.01 - Applicability

- A. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Borough, unless an approved Building Permit or Exemption Certificate has been obtained from the Secretary.
- B. A building permit or exemption certificate shall not be required to existing buildings or structures, provided that no structural changes or modifications are involved.

Section 1.02 - Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect in flood-prone areas. However, any underlying Ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

Section 1.03 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining provisions of this Ordinance which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1.04 Municipal Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes.

in the identified flood-prone area (s). Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified flood-prone area, or that land uses permitted within such areas will be free from flooding or flood damages.

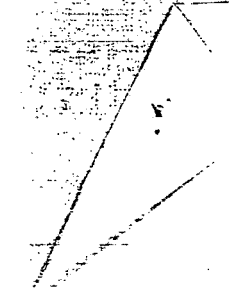
This Ordinance shall not create liability on the part of the Ohiopyle Borough, or any officer or employee thereof, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 2.01 - Issuance of Building Permit or Exemption Certificate

- A. Issuance of Permit - the Secretary shall promptly issue a building permit only after it has been determined that the proposed construction will be in conformance with all applicable requirements and regulations.
- B. Issuance of Exemption Certificate - The secretary shall promptly issue an exemption certificate when it has been determined that the proposed construction is not within the flood hazard area. In areas outside the flood hazard area no regulations shall apply and no inspection shall be required.

Section 2.02 Application Procedures

- A. Application for such a building permit or exemption certificate shall be made, in writing, to the Secretary on forms supplied by the Borough of Ohiopyle, such application shall contain at least the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.

- 
3. Name and address of contractor.
 4. Site location.
 5. Proposed lowest floor and basement elevations in relation to mean sea level, based upon the National Geodetic Vertical Datum of 1929, if said construction is in a designated flood-prone area.
 6. Brief description of proposed work and estimated cost.
 7. A plan of the site showing the exact size and location of the proposed construction as well as any buildings or structures.

B. If any proposed construction or development is located within, or adjacent to, any identified flood-prone area applicants for building permits or exemption certificates shall also provide at least four (4) copies of the following specific information:

1. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works. Included shall be all plans for proposed subdivisions and land development in order to assure that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all utilities and facilities, such as sewer, gas, electrical and water systems are located elevated, and constructed to minimize or eliminate flood damage; and

- c. adequate drainage is provided so as to reduce exposure to flood hazards.
2. Such plan shall also include existing and proposed contours; information concerning one hundred (100) year flood elevations, and other applicable information such as uplift forces and other factors associated with the one hundred (100) year flood; size of structures, location and elevations of streets, water supply and sanitary sewage facilities, soil types, and flood-proofing measures.

A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for the development of the site adhere to the restrictions cited in Article IV of this Ordinance.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.

Section 2.03 - Other Permit Issuance Requirements

- A. Prior to any proposed alteration or relocation of any stress of any watercourse, etc. within the municipality, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division, as specified in the Water Obstruction Act of 1913, as amended. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Prior to the issuance of any building permit or exemption certificate, the Secretary shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act amendments of 1972. Section 404, 33 I.S.C. 1334. No permit or certificate shall be issued until this determination has been made.

Section 2.04 - Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodprone area to be considered for approval shall be submitted by the Secretary to the County Conservation District for review and comment prior to the issuance of a building permit or exemption certificate. The recommendations the Conservation District shall be considered by the Secretary for possible incorporation into the proposed plan.

Section 2.05 - Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified flood-prone area to be considered for approval may be submitted by the Secretary to any other appropriate agencies and/or individuals for review and comment.

Section 2.06 - Changes

After the issuance of the building permit or exemption

certificate by the Secretary, no changes of any kind shall be made to the application, permit or certificate, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Secretary.

Section 2.07 - Placards

In addition to the building permit or exemption certificate the Secretary shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit or exemption certificate, the date of its issuance and be signed by the Secretary.

Section 2.08 - Start of Construction

Work on the proposed construction shall begin within six (6) months after the date of issuance of the building permit or exemption certificate or the permit or certificate or the permit or certificate shall expire unless a time extension is granted, in writing, by the Secretary. Construction shall be considered to have started with the first placement of permanent construction on the site, such as the pouring of slabs or footing or any work beyond the stage of excavation. For a structure without a basement or poured footing, the start of construction includes the first permanent framing or assembly of the structure or any part thereof in its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

Section 2.09 - Inspection and Revocation

During the construction period, the Secretary or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Borough laws and Ordinances, or that there has not been a false statement or misrepresentation by any applicant, the Secretary shall revoke the building permit or exemption certificate and report such facts to the Borough for whatever action it considers necessary.

Section 2.10 - Fees

- A. Applications for a building permit shall be accompanied by a fee, payable to the Borough, based upon the estimated cost of the proposed construction as determined by the Building Permit Officer at the following rates:

<u>Estimated Cost</u>	<u>Fee</u>
\$0.00 to \$1,000.00	\$5.00
Each additional \$1,000.00 or part thereof beyond the first \$1,000.00	1.00

- B. Application for exemption certificate shall be accompanied by a fee payable to the Borough in the amount of one dollar and fifty cents (\$1.50).

Section 2.11 - Enforcement

- A. Notices

Whenever the Building Official or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, such authority shall give notice of such alleged violation as hereinafter-provided: Such notice shall (a) be in writing; (b) include a

statement of the reasons for its issuance, (C) allow a reasonable time for the performance of any act it requires, (D) be served upon the property owner or his agent as the case may require, provided however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State, (E) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted pursuant thereto.

B. Hearings

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Borough provided that such person shall file with the Borough Secretary, a written petition, requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner, the Borough Secretary may postpone the date of the hearing for a reasonable time, beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and Order

After such hearing the Borough shall make findings as to compliance with the provisions of this Ordinance and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in subsection A of this section.

D. Record of Hearing

The proceedings at such hearing, including the findings and decision of the Borough and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the Borough but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section.

E. Penalties

Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Building Official or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough, of not less than Twenty-five (\$25.00) Dollars nor more than Three Hundred (\$300.00) dollars plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed ten (10) days. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition

of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any structure or building construction, reconstructed, enlarged, altered, or relocated, in non-compliance with this Ordinance may be declared by the Borough to be a public nuisance and abatable as such.

Section 2.12 - Appeals

- A. Any person aggrieved by an action or decision of the Building Official, or by any of the requirements of this Ordinance, may appeal to the Borough. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Building Official.

Upon receipt of such appeal the Borough shall set a time, and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard.

- B. Any person aggrieved by any decision of the Borough may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

ARTICLE III Designation of Flood-Prone Area (s)

Section 3.00 - Identification

The "Flood-prone Area (s)" shall be any area (s) of Ohiopyle Borough which are identified as being flood-prone on the Flood Hazard Boundary map as issued by the Federal Insurance Administration dated _____

January 31, 1975 .

Section 3.01 - Determination of the Regulatory Flood Elevation

For purposes of this Ordinance, the regulatory flood elevation, i.e. the one hundred (100) year flood elevation shall be used. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified flood prone area (s) which is nearest the construction site in question will be used. In helping to make this necessary elevation determination other sources of data where available shall be used such as:

- A. Corps of Engineers - Flood Plain Information Reports
- B. U.S. Geological Survey - Flood Prone Quadrangles
- C. U.S.D.A., Soil Conservation Service - County Soil Surveys (Alluvial Soils).
- D. Known Highwater Marks from Past Floods.
- E. Other sources

In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough.

Section 3.02 - Changes in Designation of Area (s)

The delineation of any of the identified flood-prone area (s) may be revised by the Borough where natural or man-made changes have occurred and/or more detailed

studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification of such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

Section 3.03 - Boundary Disputes

Should a dispute concerning any district boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Township. The burden of proof shall be on the appellant.

ARTICLE IV SPECIFIC REQUIREMENTS

Section 4.00 - General

- A. In the identified Flood prone Area (s), the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of all other applicable codes and ordinances in force in the Borough.
- B. Within any identified flood-prone area (s), the elevation of the lowest floor (including basement) of any new or improved residential structures shall be at or above the regulatory flood elevation.
- C. Within any identified flood-prone area (s), the elevation of the lowest floor (including basement) of non-residential structures shall be at or above the regulatory flood elevation or be flood-proofed up to that height.

Any structure, or part thereof, which will not be completely or adequately elevated, shall be flood-proofed in accordance with the Provisions of this article. Additional information may be obtained from the publication entitled "Flood-proofing Regulations (U.S. Army Corps of Engineers, June, 1972).

Section 4.01 - Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified flood-prone area:

A. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

B. Sanitary Sewer Facilities

All new or replacement sanitary Sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

C. All new or replacement water facilities shall be

designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.

D. Streets

The finished elevation of proposed new streets shall be no more than one (1) foot below the regulatory flood elevation.

E. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the change or impairment during a flood.

F. Fill

If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points,
2. consist of soil or small rock materials only (excluding sanitary land fill materials),
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,
4. be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Borough Building Official.
5. be used to the extent to which it does not adversely affect adjacent properties.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located and constructed, so as to offer the

minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood waters.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes and storage tanks and other similar objects or components located at or below the regulatory flood elevation shall be firmly anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

Where located at or below the regulatory flood elevation

1. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular, to the flooring grain without incurring structural damage to the building.
2. Plywood shall be of a "marine" or "Water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of water or other water-resistant material.

J. Electrical Systems and Components

1. Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation and other electrical equipment or apparatus shall be permitted

only at elevations above the regulatory flood elevation.

2. Electrical distribution panels shall be at least three (3) feet above the level of the one hundred (100) year flood elevation.
3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

K. Plumbing

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
2. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding. At a minimum all systems shall meet the requirements of Act 537, The Pennsylvania Sewage Facilities Act, as amended.
3. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
4. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

L. Paints and Adhesives

When used at or below regulatory flood elevation:

1. Paints or other finishes shall be of a "marine" or water-resistant quality.
2. Adhesives shall be of a "marine" or water-resistant quality.

M. Storage

No materials that are bouyant, flammable, explosive, or in times of flooding, could be injurious to human, animal or plant life, shall be stored below the regulatory flood elevation.

Section 4.02 - Special Requirements for Mobile Homes

A. All mobile homes and any additions thereto shall be anchored to resist flotation, collapes, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:

1. over-the-top ties shall be provided at each of the four (4) corners of the mobile home with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

2. frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermiediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

3. all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.

B. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements:

1. the stands or loas shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the regulatory flood elevation.

2. adequate surface drainage is provided.
 3. adequate access for a hauler is provided.
 4. where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- C. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Borough officials for mobile homes parks and mobile home subdivisions where appropriate.

ARTICLE V. EXISTING STRUCTURE IN IDENTIFIED FLOOD-PRONE AREAS

Structures existing in any identified flood-prone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain provided that any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

ARTICLE VI ACTIVITIES REQUIRING SPECIAL PERMITS

Section 6.00 - General

It has been determined that the following activities and development present a special hazard to the health and safety of the general public, or may result in significant pollution, increased flood levels or flows, or debris endangering life and property if such activities and development are located, either entirely or partially, within an identified flood-prone area:

- A. hospitals (public or private)
- B. nursing homes (public or private)
- C. jails or prisons
- D. new mobile home parks and mobile homes subdivisions, and substantial improvements thereto.
- E. facilities necessary for emergency response such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, emergency communications facilities, evacuation and emergency medical centers.

Because of the special hazards presented by the above list of activities and development, they shall be prohibited from locating within any identified flood-prone area unless a Special Permit has been issued by the Borough.

Section 6.01 - Special Permit Application Procedures

Application for a Special Permit shall consist of at least six (6) copies of the following items, two (2) of which shall be submitted to the Department of Community Affairs, Bureau of Planning:

- A. A written request which includes the information specified in Section 202A (1-3,6).
- B. A plan of the site, drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 1. north arrow, scale and date.
 2. a location map showing the vicinity in which the proposed activity or development is to be located within the Borough.
 3. topography showing existing and proposed contours, at intervals of two (2) feet.
 4. all property and lot lines including dimensions,

and the size of the **site** expressed in acres or square feet.

5. the location of all existing streets, drives, and other accessways with information concerning widths, pavement types and construction, and elevations.
 6. the location of any existing bodies of water or water course, buildings, structures and other public or private facilities, and any other natural or manmade features affecting, or affected by, the proposed activity or development.
 7. the location of the identified flood-prone area boundary line, information and spot elevations concerning the one hundred (100) year elevations, and information concerning the flow of water including direction and velocities.
 8. a general plan of the entire site accurately showing the location of all proposed buildings, structures, and any other improvements.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
1. detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
 2. the proposed finished floor elevations of any proposed building.
 3. complete information concerning the hydrostatic and hydrodynamic forces and pressures that will exist during the course of one hundred (100) year flood, including impact loads.
 4. detailed information concerning any proposed flood proofing measures.

5. cross-section drawings for all proposed streets, drives, and accessways showing all rights-of-way and pavement widths.
 6. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
 7. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- D. The following data and documentation:
1. certification from a registered professional engineer or architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood
 2. the appropriate component of the Department of Environmental Resources "Planning Module for Land Development".
 3. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

Section 6.02 - Review of Application for Special Permit

Upon receipt of an application for a Special Permit by the Borough the following procedures shall apply in addition to those of Article II:

- A. within three (3) days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Pennsylvania Department of Community Affairs in Harrisburg by registered or certified mail for its review and recommendation. Copies of the

application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.

- B. No final decision concerning the application shall be taken by the Borough until the recommendation from the Department of Community Affairs, and the comments from the Planning Commission and Engineer have been received, or until the expiration of thirty (30) days from the date the application was received by DCA, whichever is first.
- C. If the Department of Community Affairs should recommend disapproval of an application, the Borough shall not approve the application or issue any permit.

Section 6.03 - Special Technical Requirements

In addition to the requirements of Article IV of this Ordinance, the following minimum requirements shall also apply. If there is any conflict between any of the following requirements, and those located elsewhere in this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

Sufficient documentation shall accompany every application to demonstrate that the proposed activity or development will:

- A. Fully protect the health and safety of the general public and any occupants. At a minimum, all new structures shall be designed, located, and constructed so that:
 - 1. the structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment

or contents below the one hundred (100) year flood elevation.

3. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time.

B. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. At a minimum, all new structures shall be designed and constructed so that:

1. there will be no pollution from the structure or activity during the course of a one hundred (100) year flood.
2. There will be no increase in the one hundred (100) year flood elevation.
3. There will be no loose, buoyant materials of any kind below the one hundred (100) year flood elevation.

All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community Affairs.

In approving any application for a Special Permit, the Borough may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this ordinance and to protect the general health, safety, and welfare of the public.

ARTICLE VII VARIANCES

If compliance with the elevation or floodproofing requirements of this Ordinance would result in an exceptional hardship for a prospective builder, developer, or landowner, the Borough may, upon request, grant relief from the strict application of the requirement.

Request for variances shall be considered by the Borough in accordance with the procedures contained in Section 2.12 and the following procedures:

1. If granted, a variance shall involve only the least modification necessary to provide relief.
2. In granting any variance, the Borough attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
3. Whenever a variance is granted, the Borough shall notify the applicant in writing that:
 - a. the granting of the variance may result in increased premium rates for flood insurance.
 - b. such variances may increase the risks to life and property.
4. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:
 - a. that there is good and sufficient cause.
 - b. that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. that the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict

with any other applicable local or state Ordinances and regulations.

5. a complete record of all variances requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

ARTICLE VIII DEFINITIONS

Section 8.00 - General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 8.01 - Specific Definitions

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.
- C. Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure including the placement of mobile homes.
- D. Development - any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, the subdivision

of land, the placement of mobile homes, streets, and other pavings, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

- E. Flood - a temporary inundation of normally dry land areas.
- F. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- G. Flood-prone area 0 a relatively flat or low-land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water-course, and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- H. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including any addition, change, or modification in construction, exit facilities, or permanent fixtures or equipment.
- I. Mobile home - means a transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

- J. Mobile home park - a parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient use.
- K. Obstruction - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change.
- L. One hundred year flood - a flood, that, on the average is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)
- M. Person - any person, persons, partnership, business or corporation.
- N. Regulatory Flood Elevation - the one hundred (100) year flood elevation.
- O. Structure - anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, mobile homes, and other similar items.
- P. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

ARTICLE IX ENACTMENT

This Ordinance shall become effective on the 20
day of July, 1984, and shall remain in force until
modified, amended, or rescinded by the Borough Council of
the Borough of Ohiopyle, Fayette County, Pennsylvania.

Adopted by the Borough Council of the Borough of Ohiopyle,
this 20 day of July, 1984.

ATTEST:

Kimela S. Burnam
Secretary of Council

Frank H. [Signature]
President of Council

ORDINANCE NO. 1 OF 1998

AN ORDINANCE OF THE BOROUGH COUNCIL OF OHIOPYLE
BOROUGH, FAYETTE COUNTY, PENNSYLVANIA, AMENDING THE
ZONING ORDINANCE FOR OHIOPYLE BOROUGH (March 2, 1965, as
amended) BY REZONING CERTAIN TRACTS OF LAND FROM
RESIDENTIAL TO COMMERCIAL

WHEREAS, a petition requesting rezoning to Commercial District has been filed with respect to various properties in the Borough of Ohiopyle.

WHEREAS, the demand for tourism and other commercial facilities has grown since the original enactment of the Zoning Ordinance, while the demand for other uses has declined; and

WHEREAS, the Borough Council of Ohiopyle, after consultation with the Planning Commission, finds that rezoning the following tracts would be in the best interests of all residents of the Borough of Ohiopyle, that such rezoning will provide for needed commercial uses and that such rezoning will promote the more orderly development of Ohiopyle Borough; and

WHEREAS, existing uses in the tracts will remain protected "non-conforming uses";

NOW, THEREFORE, be it enacted and ordained, and it is hereby enacted and ordained, by the Council of the Borough of Ohiopyle as follows:

"The Zoning District Map of Ohiopyle Borough, Fayette County, Pennsylvania, is hereby amended by rezoning to 'commercial' all of the following properties":

ALL land North of the Youghiogheny River and East of Bridge Street (Rt. 381); those lots numbered 118 through 126, inclusive; those lots numbered 155 through 163, inclusive; and those lots numbered 178 through 181, inclusive; in the original plan of Ohiopyle recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Plan Book No. 1 at pages 198A and 198B, which lots are now designated by the tax assessment office as Map 26-2, lots 1 through 11, inclusive; and lots 18 through 30, inclusive; all of which front on Blaine, Logan, Garrett or Bridge Streets.

This Ordinance shall amend the Zoning Ordinance for Ohiopyle Borough insofar as it relates to the within described property.

Any uses rendered non-conforming by this rezoning amendment are permitted to continue in accordance with Section 304 of the Zoning Ordinance.

ENACTED AND ORDAINED this 17th day of December, 1998, following a properly advertised special meeting in lawful session of the Council of Ohiopyle Borough duly assembled.

Votes in Favor: 3

Votes Against: 1

Leo P. Smith
President - Borough Council

ATTEST:

Patricia Mowen
Secretary

Approved: Dec. 17th, 1998 Vetoed: _____, 1998

Wesley Kelly
Mayor

Mayor

CERTIFICATION

I certify that I am the duly appointed Secretary of the Borough of Ohiopyle, and that the within Ordinance was passed by the Council of the Borough of Ohiopyle, in lawful session duly assembled as above set forth.

ATTEST:

Date: Dec. 17, 1998

Patricia Mowen
Secretary of Ohiopyle Borough

(BOROUGH SEAL)