

OFFICIAL ZONING ORDINANCE OF THE BOROUGH OF MONROEVILLE

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE REGULATING & RESTRICTING THE ERECTION, CONSTRUCTION, ALTERATION, REPAIR, LOCATION & THE USE OF BUILDINGS & OTHER STRUCTURES & THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS & OTHER OPEN SPACES, THE DENSITY OF POPULATION & THE LOCATION & USE OF BUILDINGS, STRUCTURES & LAND FOR TRADE, INDUSTRY OR OTHER PURPOSES & ESTABLISHING BUILDING LINES UPON ALL PUBLIC STREETS, ROADS, HIGHWAYS, LANES & ALLEYS & THE AREA OF LOTS: CONFERRING UPON THE BOROUGH SECRETARY OR SUCH OTHER OFFICIAL AS THE BOROUGH COUNCIL MAY DESIGNATE CERTAIN POWERS FOR THE ENFORCEMENT THEREOF; PROVIDING FOR A BOARD OF ADJUSTMENT & THE POWERS & DUTIES THEREOF, & PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS & CONDITIONS OF THIS ORDINANCE.

ARTICLE I

SECTION 1. Be it ordained and enacted by the Board of Supervisors of the former Township of Patton, now Borough of Monroeville, County of Allegheny, State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

That from and after the passage and approval of this Ordinance the following districts shall be established and the following regulations for the purpose of regulating and restricting the location of trades and industries and the location of buildings and lands designed for specific use and regulating and restricting the erection, construction, reconstruction, alteration, repair or use of buildings structures, or use of land and regulating and determining the area of yards and the size of lots and other open spaces in connection with buildings hereafter erected or altered, shall be in full force and effect.

SECTION 2. This Ordinance shall be known as the Zoning Ordinance of the Borough of Monroeville. A copy of said ordinance is on file in the Office of the Borough Secretary, where it may be examined by any persons interested, together with a Zoning Map of the Borough of Monroeville, which is hereby made a part hereof.

ARTICLE II

DEFINITIONS

SECTION 1. For the purpose of this ordinance certain terms and words are herein defined. Words used in the present tense include the future, the singular number includes the plural and the plural, the singular: the words "use for" include the meaning "designed for."

DWELLING. Any building which is designed for or occupied in whole or in part as

a home, residence or lodging place of one or more persons permanently.

SINGLE FAMILY DWELLING. A separate building designed for or occupied exclusively by one family.

GROUP HOUSES. One or more building units each consisting of not more than eight (8) dwelling units attached side by side and arranged on a site of not less than one acre.

GARDEN APARTMENTS. One or more multiple family structures arranged on a site of not less than two acres.

GARAGE. A Building structure or any part thereof in which one or more motor vehicles are housed, kept or repaired and are classed as Private Garage or Commercial Garage.

(a) A private garage is a garage with a capacity of not more than two vehicles and used for storage purposes only by the owner or lessee of the premises upon which it is erected, and of which only one car space may be rented to a non-resident of the property.

(b) A commercial garage is any garage not included within the definition of Private Garage, but not including auto service station.

SIGN, SIGN BOARD OR BILL BOARD. Any structure or part thereof on which lettered or pictorial matter is displayed for advertising purposes.

LOT. A parcel of ground which is or may be occupied by a building including the open spaces required under this Ordinance, and fronting upon a public street or a street to be dedicated for public use.

DEPTH OF LOT. The mean horizontal distance between the front lot line and the rear lot line.

CORNER LOT. A lot abutting upon two or more streets at their intersection and on which the building line on both streets must be observed.

YARD. An open, unoccupied space, on the same lot with a building open and unobstructed from the ground to the sky.

FRONT YARD. A yard across the full width of the lot extended from the front line of the building at the first floor level to the front line of the lot.

SIDE YARD. A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

REAR YARD. A yard across the full width of the lot extending from the rear line of the building to the rear line of lot.

ACCESSORY USE. Secondary uses incident to existing principal uses on the lot already or intended to be built along with the principal use.

FARM. A tract or piece of land containing not less than five (5) acres upon which are maintained, grown and produced for sale or use, domestic live stock, dairy products, poultry, eggs, fruit and vegetables and such other crops as are usually and customarily grown and produced in this locality and from which the owners or lessees main source of income is derived.

FAMILY. Two or more persons related by blood or marriage, living together; or one or more persons maintaining wholly or partly other persons, all living together in one household or housekeeping unit.

STRUCTURE. Anything constructed or erected, the use of which demands a permanent location on the soil; or attached to something having a permanent location on the soil.

CURB LEVEL. The level of the curb in front of the center of the building or portion thereof under construction. Where no curb or level has been established, the level of the ground at the center of the traveled road shall be considered the equivalent of the curb level.

HEIGHT. The vertical distance from the curb level to the highest point of the roof adjacent to the front wall for flat roofs; the deck line of mansard roofs; or the mean height between eaves and ridge for gabled, hipped and gambrel roofs.

PORCH. A roofed, open structure projecting from the front side or rear wall of the building into the yard.

MIXED-OCCUPANCY. Occupancy of a building or land by or for more than one class of use such as residential use in commercial districts.

ARTICLE III

DISTRICT CLASSIFICATIONS AND REGULATIONS

SECTION 1. General - In order to designate, regulate and restrict the location of residence, commerce, business, trade and industry and the location of all buildings designed, erected, altered or occupied for specific uses, the Borough is hereby divided into the following five (5) Districts hereinafter designated as:

One family residential district	R-1
Multiple family residential district	R-2
Neighborhood - Commercial district	C-1
Commercial district	C-2
Manufacturing & Light Industrial District	M.L.I. - 1

The location and boundaries of the said districts are hereby established and shown on the Zone Map which accompanies and is made a part of this ordinance.

Except as otherwise provided herein, no building, structure or land shall hereafter be erected, altered, or used for any purpose other than is permitted in the District in which such building, structure or land use is located. No yard or open space provided about a building for the purpose of complying with the provisions of these regulations shall again be considered as a yard or open space for another building.

All preliminary and final site plans and plans for public and semipublic buildings, group houses, and garden apartments shall be submitted to the Planning Commission prior to making application for a building permit.

In case of Mixed-occupancy, regulations for each use shall apply to that portion of the building or land so used.

SECTION 2. Prohibited Uses - The following are prohibited and are hereby excluded from the entire Borough:

- (1) Abattoirs;
- (2) Acetylene Gas (Manufacture of Compound Acetylene in excess of 15 pounds pressure per square inch);
- (3) Acid Manufacture; chlorine or bleaching powder, manufacture or refining.
- (4) Airfields, airports, cemeteries;
- (5) Asphalt Manufacture or refining;
- (6) Automobile Wrecking Yard; Automobile Trailers and other moveable or portable structure or contrivance, except that one trailer may be parked or stored in an accessory building provided it is not thus used for living quarters, business or industry; a trailer camp is permitted on Stroschein property east of Stroschein Road;

- (7) Billboard, signboard, signs, except as otherwise provided (See Article IV);
- (8) Blast furnaces, rolling mills or smelters;
- (9) Boiler works;
- (10) Brick, tile or terra cotta manufacture;
- (11) Carpet or rug cleaning establishment;
- (12) Celluloid Manufacture or Storage;
- (13) Cement, lime, gypsum or plaster of Paris manufacture;
- (14) Coke ovens;
- (15) Creosote Manufacture or treatment;
- (16) Disinfectant or Insecticide Manufacture;
- (17) Distillation of coal, wood or bones;
- (18) Dog kennels or boarding houses or stables for other animals are hereby prohibited except in commercial;
- (19) The erection and occupancy of only a basement or cellar for human habitation;
- (20) Dyestuff Manufacture;
- (21) Fat rendering, soap, tallow, grease or lard; Manufacturing and refining and dyestuff manufacturing;
- (22) Fertilizer, animal, manufacture;
- (23) Garbage, offal, dead animals or refuse; incineration, reduction or storage;
- (24) Gas, manufacturing or storage;
- (25) Gasoline, storage in excess of an amount necessary for use on the premises or in supplying retail trade at service stations;
- (26) Glue, size or gelatine, manufacture;
- (27) Gun powder, fireworks, or other explosives; manufacture or storage;
- (28) Iron or steel Foundry or Works;
- (29) Junk, scrap, metal, paper or rags; storage, sorting or bailing;
- (30) Match Manufacture;
- (31) Oil Cloth and Linoleum; manufacture;
- (32) Oil or leather goods; Manufacture;
- (33) Open-Air Theatres, swimming pools, skating rinks, except in commercial;
- (34) Ore reduction and general smelting operations;
- (35) Paint, oil, shellac, turpentine or varnish; Manufacture;
- (36) Paper and pulp manufacture;
- (37) Petroleum refining;
- (38) Petroleum and Petroleum By-Products; storage in excess of an amount necessary for use on the premises or retail trade;
- (39) Potash Manufacture;
- (40) Pyroxyline, plastic manufacture;
- (41) Rubber Coautchouc or Gutta Percha; Manufacture or treatment;
- (42) Soda Ash, Caustic Soda and Washing Compounds; Manufacture;
- (43) Stockyards;
- (44) Strip Mining;
- (45) Tanning, Curing or Storage of raw hides or skins;
- (46) Tar Distillation or manufacture;
- (47) Tar roofing or tar waterproofing manufacture;
- (48) Tourists or over-night cabins, motels except in commercial;
- (49) Slag dumps gob piles, and the dumping of mine or industrial slag; gob or refuse without special permission from Borough Council;
- (50) And, in general, those uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise.

SECTION 3. One Family Residential District - R-1

Uses. One Family Dwelling;

Church; Public or parochial School (Certified by State Board of Education)

Telephone Central Office Building; it must conform to type of residences in the area

Farming (5 acres or more) Garden: Nursery, Horticultural, Greenhouse (for private use only.)

Accessory Uses, incident to any of the principal uses above listed and not involving the conduct of a business, such as:

- (1) Private Garage - No part thereof shall be nearer the road, street or highway than the building line fixed by this ordinance on adjoining lots and the lot on which it is erected. No commercial vehicle not in active use may be stored on a lot in a Residence District unless the same is stored in a private garage on said lot.
- (2) Buildings - Erected for the housing of domestic animals and fowls, which must be appurtenant to a dwelling already erected upon the same property, shall not be closer to any road, street or highway than the rear wall of the dwelling house erected on said property. Said buildings shall not exceed in any dimensions that necessary for proper housing or sufficient domestic animals or fowls to serve the owner's or lessee's private family use, and in no case can said building be used for commercial purposes, and further, the animals and fowls shall not be permitted to run at large but must be kept within a fenced enclosure.
- (3) Fences. No fence may be erected exceeding 48 inches in height except for the bonafide confinement of poultry, or of which the solid portion thereof exceeds in area the open portion. The provisions relating to fences hereinabove set forth shall not apply to fences erected on farm land.

Areas. Each lot in this district shall comply with the following minimum requirements.

- (1) Lot Area 7500 square feet.
- (2) Front Yard 40 feet from the established right-of-way line of the thoroughfare or street.
- (3) Side Yard 10 feet on each side; for buildings housing animals, they shall be 50 feet from any property line.
- (4) Rear Yard 35% of the depth of the lot and in no event less than 50 feet.
- (5) Lot frontage 60 feet.
- (6) Building Area 700 square feet for one-story dwellings; 500 square feet on the first floor for one and one-half story or two-story dwellings.
- (7) Maximum Lot Coverage by Building 1/3 total.

Height. The height of buildings and structures in this District shall not exceed 35 feet and contain more than two and one-half stories.

The entire Borough of Monroeville is considered residential except where specifically designated to be other wise as set forth in Sections 4, 5 and 6 hereafter.

SECTION 4. Multiple Family Residential District R-2

Uses. All uses permitted in R-1 District except Accessory Use (2) plus, when public water and sewer service is provided, the following:

Group Houses not permitted

Garden Apartments

Areas. Lot lines shall be required in this District and the building or structure placed thereon shall comply with the following minimum requirements.

- (1) Lot Area per family 3000 square feet for each family dwelling unit provided within the building unit.
- (2) Front Yard 35 feet from the established right-of-way lines of the thorofare or street.
- (3) Side Yard 50 feet on each side; when the rear of the building backs upon the side yard, 35 feet shall be provided.
- (4) Rear Yard 35 feet from the rear of the main building to the accessory building or if no accessory building is built, the required depth shall be measured to the rear lot line.
- (5) Site Size Two acres for Garden Apartments.
- (6) Off-Street Parking - one car space of 300 square feet shall be provided for each dwelling unit included in the building.
- (7) Maximum Lot Coverage by Building, 25% total.

Height. The height of buildings and structures in this District shall not exceed 70 feet and contain more than six stories.

SECTION 5. Neighborhood Commercial Districts C-1

Uses. Food and Drug Stores.
 Barber and Beauty Shops.
 Shoe repair, Tailoring and Cleaning Pick-up Shops
 Hardware and Notion Stores.
 Dairy and Ice Cream Stores.
 Office of Physician or Dentist.

Areas. Each lot in this district shall comply with the following minimum requirements:

- (1) Front Set Back, 40 feet from the established right-of-way line of the thorofare or street. This space may be used for sidewalk, driveway, landscaping and parking space.
- (2) Side Set Back, on corner lots only need there be provided any side yard and in such case it shall be equal to the front yard on the intersecting street. This space may be used for sidewalk, driveway, landscaping and parking space.
- (3) Rear Yard, 25 feet unless it is a through lot and then a rear yard equal in depth to the front yard required on the street in the rear shall be provided.
- (4) Off-Street Parking, one car space (300 square feet) for each 150 square feet or fraction thereof of first floor commercial area, plus one car space for each 300 square feet or fraction thereof, of second floor commercial area.
- (5) Buffer Strip, a depth of 15 feet for landscape and planting purposes shall be provided along all Residential District boundary lines.
- (6) Maximum Lot Coverage by Building 1/3 total.

Height. The height of buildings and structures in this District shall not exceed 35 feet and contain more than 2 stories.

The following districts are hereby designated as Neighborhood Commercial Districts:

1. From intersection of Moss Side Boulevard and Haymaker Road down to Northern Pike - 300 feet deep on East side of Moss Side Boulevard and 200 feet on West Side.
2. Walkers Corner District (Jordan) - Main Road 100 feet each way from side road, 200 feet deep East side only.
3. North Pitcairn District - Commercial and residential.
4. Young's Corner - From the intersection of Upper Road and Turtle Creek-Monroeville Road - 300 feet along the Upper Road 200 feet deep on North Side and 100 feet deep on South Side.
5. From intersection of Upper Road and Turtle Creek-Monroeville Road - 300 feet north along Turtle Creek and Monroeville Road 200 feet deep on West Side only.

SECTION 6. Commercial District C-2

Uses. All uses permitted in C-1 District, plus Retail and Department Stores.

Shops and offices.

Banks and Auto Sales Agencies.

Theatre, Night Club and other amusement centers except those prohibited uses Section 2 of Article III.

Restaurant, Parking Lots and Gasoline Stations.

All other acceptable type of legitimate commercial use.

Areas. Each lot in this District shall comply with the following minimum requirements:

- (1) Same as C-1 for Front and Side Set Backs, Rear Yard and Buffer Strip.
- (2) Off-Street Parking, one car space (300 square feet) for each 150 square feet or fraction thereof, of first floor commercial area, plus one car space for each 300 square feet or fraction thereof, of second and third floor commercial area.
- (3) Maximum Lot Coverage by Building, 1/3 total.

Height. The height of buildings and structures in this District shall not exceed 45 feet and contain more than three stories.

The following districts are hereby designated as Commercial Districts:

1. New William Penn Highway-200 feet from each side from Borough line to Borough line.
2. Moss Side Road - From intersection of Pitcairn-Trafford Road North 1500 feet, 300 feet deep each side.
3. On Turtle Creek-Monroeville Road - The ground between Maple Drive and Monroeville Road - 300 feet both ways from Locust Street.

4. On Turtle Creek-Monroeville Road - East side only from Main Street to Turtle Creek Borough line 100 feet deep.
5. Wilmerding-Pitcairn Road - North Side only 100 feet deep from Wilmerding Borough line to Pitcairn Borough line.
6. Old William Penn Highway - 200 feet each side from West Borough Boundary to within 500 feet of intersection of Old William Penn and Haymaker Road.
7. Center - North from Route #22 - 300 feet on both sides 150 feet deep.

SECTION 7. Manufacturing and Light Industrial M.-L.I.-1

Uses. Manufactured Jewelry, musical instruments, toys and novelties; professional scientific and controlling instruments; watches and clocks.

Fabricated metal or plastic products.

Animal hospitals.

Auto repair and painting; truck repair and overhauling; tire recapping and retreading.

Bottling, packaging and distribution plants, for milk, beverages and other non-alcoholic drinks, as well as articles and materials not permitted to be manufactured but may be brought in for this purpose.

Laundry, cleaning and dyeing plants.

Storage warehouse or yard for building and constructing material.

Each of the above uses shall be conducted completely within a structure or building, although material may be stored on lot if enclosed by fence and planting screen at least six (6) feet high.

All of the above uses shall be conducted and operated so as to not be objectionable because of odor, smoke, dust, fumes, noise, vibration, electrical interference, or similar causes.

(Note: Residential uses are prohibited in this District.)

Areas. Each lot in this District shall comply with the following minimum requirements:

- (1) Front Set Back, 35 feet from the established right-of-way line of the thoroughfare or street. This space may be used for sidewalks, driveway, landscaping and parking.
- (2) Side Set Back - only at intersecting streets or roads need a side yard be provided and in such cases it shall be equal to the front yard on the intersecting street. This space may be used for sidewalk, driveway, landscaping and parking.
- (3) Off-Street Parking - one car space (300 square feet) for each 300 square feet or fraction thereof of floor area, for employees and customers cars. In addition, the necessary space for loading and unloading material and finished products shall be provided on the property.

- (4) Buffer Strip, a depth of 15 feet for landscape and planting purposes shall be provided along all Residential District boundary lines.
- (5) Maximum Lot Coverage by Building, 50% total.

Height. The height of buildings and structures used for offices or in which employees customarily work shall not exceed 45 feet and contain more than 3 stories.

The following districts are hereby designated as manufacturing and light industrial districts:

1. District between Blackburn Station Road, Turtle Creek and Pitcairn-Trafford Road.
2. South of Pitcairn - Trafford Road to Turtle Creek.
3. On Wilmerding-Pitcairn Road to Turtle Creek Borough - South Side only.
4. On Linhart Road - from Borough line to base of hill - from Turtle Creek Borough to William Penn - overhead bridge.
5. Between old and new William Penn Highways, from Borough line to 500 feet east of road.

ARTICLE IV

BILLBOARDS, SIGNBOARDS, SIGNS

SECTION 1. In All Districts

A sign or signboard not exceeding eight (8) square feet in area, appertaining to the lease or sale of the premises may be erected or placed on a building.

A name plate not exceeding one (1) square foot in area may be placed on the premises.

A sign or signboard used by churches or eleemosynary institutions may be erected, provided that they are not over twenty (20) square feet in area.

A sign or signboard used to indicate the location or direction of real estate development, may be erected for a limited time upon the approval of and the time designated by the Borough Secretary. They must be limited to fifty (50) square feet in area.

SECTION 2. In Commercial C-1 and Manufacturing, Light Industrial - M.-L.I.-1 Districts

A billboard, signboard or sign may be erected or used to advertise products manufactured or sold on the premises.

All billboards, signboards or signs permitted in Commercial C-1 Districts must be attached and be parallel to and project not more than six (6) inches from a wall of the building.

ARTICLE V

EXCEPTIONS IN USE

A gasoline service station may be permitted in a Neighborhood Commercial District C-1, provided it is not within 200 feet of a property used for public or semi-public purposes at which gatherings or groups of people attend; and further provided there is filed with the request, written consent of owner of 80% or more of the area of property lying within 200 feet of the property proposed to be used for a gasoline service station.

"Telephone Central Office Building - A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radiotelephone messages between subscribers and other business of the Telephone Company; but in a residential district not to include public business facilities, storage of materials, trucks or repair facilities or housing of repair crews."

Renting of rooms or lodgings to not more than two (2) persons not members of the family may be permitted in One Family Residential Districts, provided no additional facilities for cooking and serving meals are involved or required.

Home occupation involving use of part of a dwelling for office or workroom may be permitted in One Family Residential Districts for resident architect, doctor, dentist, artist or dressmaker, provided no outside assistant is employed.

In any district, the cultivation of the soil, the raising of crops and the sale of the products on the premises may be permitted, provided no temporary or permanent building or structure be used or constructed.

Temporary use of the ground for the operation of miniature golf courses, golf driving ranges or similar recreation uses may be permitted in Residential District provided that, for new uses, there is filed with such a request the written consent of the owner of 80% or more of the area of property lying within 200 feet of the

proposed use; and further that the existing and new uses be on an annual permit basis, the fee to be fixed by Borough Council, and no permanent building or fixtures to be involved or built.

A parking lot may be permitted in a Residence District provided its principal use is for patrons of mass transportation facilities and provided further there is filed with such a request the written consent of the owners of 80% or more of the area of the property lying within 200 feet of the proposed use.

A trailer camp or tourist court is permitted on Stroschein property east of Stroschein Road.

EXCEPTIONS IN AREA

An open porch may be built and projected into the required front or rear yard a maximum distance of 8 feet and into the required side yard a maximum of 6 feet.

In measuring the width and depth of yards prescribed herein, a cornice projecting not more than two feet, or a fence, shall not be held to reduce such required dimensions.

EXCEPTIONS IN HEIGHT

In any district, the height limit may be exceeded by chimneys, flag poles, skylights or by pent-house and structure, only as may be necessary to enclose equipment used in the operation of the building or structure.

Schools, churches, public or semi-public buildings, farm or industrial buildings and structures, and theatre signs may be erected, used or altered, provided that in addition to meeting the area requirements for the district, the height does not exceed a 45 degree angle from any property line.

The maximum height above the curb or street grade may be exceeded by a building or structure on a terrace or rising lot grade, provided the front yard set-back is likewise increased in amounts equal to what the height limit is exceeded.

ARTICLE VI

NON-CONFORMING USES

SECTION 1. (a) The lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform with the provisions thereof, may be continued, but if such non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of this Ordinance.

(b) The lawful use of a building existing at the time of adoption of this ordinance may be continued although such use does not conform to the provisions thereof, and such use may be extended throughout the building, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure, and provided further that such extension does not displace any residence use in a Residence District. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a higher classification.

(c) Whenever a Use District shall be hereafter changed, any then existing non-conforming use in such changed district may be continued or changed to another non-conforming use of the same or a higher classification, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure.

(d) Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(e) In any district, whenever a non-conforming use of a building or portion thereof has been abandoned or discontinued for a period of at least one (1) year, or has been destroyed to the extent of 60% of its assessed valuation by fire or other causes of destruction, such non-conforming use shall not thereafter be re-established and the future use shall be in conformity with the provisions of this Ordinance.

ARTICLE VII

ADMINISTRATION

SECTION 1. The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Borough Secretary or upon such other official as the Supervisors or Borough Council may designate, who shall have such powers as are conferred on her or him by this Ordinance and are reasonably implied for that purpose.

SECTION 2. Plans and Permits - After the passage of this Ordinance, no building or structure may be built or erected, no existing building or structure may be remodeled or changed in use, or no land may be changed, without first securing a building permit therefor.

Any owner or contractor desiring to erect any building or structure in the Borough shall file with the Borough Secretary or upon such other official as the Board of Supervisors or Borough Council may designate, a plan in duplicate drawn to scale showing the location and the actual dimensions of the lot to be built upon, the actual dimensions and location of the building to be erected, the use to which the building to be put and such other information as may be necessary. Said plans shall be examined by the Borough Secretary or by such other official as the Board of Supervisors or Borough Council may designate, and, if found to comply with this Ordinance, shall before the owner or contractor commence work, be endorsed by the Borough Secretary with a certificate to that effect. For public and semi-public buildings and garden apartments, copies of site and building plans shall be submitted to the Planning Commission and favorably acted upon and recommended to the Board of Supervisors or the Borough Council prior to submitting them to the Borough Secretary.

This requirement, however, shall not apply to a one-family dwelling, or other buildings or structures erected upon farm land for the owner's or lessee's use in operating said farm, except that before the building or structure is erected, written notice of the proposal to erect such building or structure shall be given the Borough Secretary, and written acknowledgement received. In all other respects

other than not securing a building permit, the regulation of the district shall be met or an exception be allowed by the Board of Adjustment. ✓

Any permit issued for erection, construction, alteration, repair or use of buildings or land shall become null and void six months after date of issue of such permit provided no reasonable amount of visible work has been done or no contracts have been entered into involving the property for which the permit was issued.

SECTION 3. Occupancy Permits - No new building, structure or land use shall be permitted without the issuance by the Borough Secretary of a certificate of occupancy and compliance with the provisions of this Ordinance. Within a period of three (3) months after the passage of this Ordinance, a certificate of occupancy will be required for all buildings and structure, existing at that time, which are not conforming to the requirements of the District in which they are located. Certificate of Occupancy and compliance, either for the whole or a part of the building, shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the completion of the whole or a part of a building if in conformity with this Ordinance. A record of all permits and certificates shall be kept in the files in the Office of the Borough Secretary and be available for examination by any person having a proprietary or tenancy interest in the building effected. No permit for excavation or erection of any building or part of a building, or for repairs to or alterations of a building shall be issued before application has been made for certificate of occupancy and compliance.

SECTION 4. INTERPRETATION AND PURPOSE

(a) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum (unless otherwise specified) requirements for the promotion of the public health, safety and general welfare. It is not intended to interfere with, abrogate or annul any Ordinance, rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or land. Where this Ordinance imposes greater

restriction upon the use of a building or land, or prescribes larger open spaces than are required by such ordinance, rules, regulations or permits, this Ordinance shall control.

(b) All buildings, for the construction of which a contract or contracts have been entered into or substantial work has been commenced upon prior to the adoption of the Ordinance may be completed and used for the purpose for which the use of said buildings were contemplated.

(c) All permits for buildings which were issued within sixty (60) days prior to the passage of this Ordinance are declared void at the time of the passage of this Ordinance, provided --

(1) No substantial construction on each building shall have been made,

(2) No contract or contracts have been let pursuant to said permit, provided such building or its use does not conform to the provisions of this Ordinance.

A building permit shall be issued for only one (1) building or structure on a private road, street or lane. The subdivision of land into lots or parcels three or more in number, for the purpose of conveyance, transfer, improvement or sale shall be interpreted to no longer be a private but a public matter requiring access from a public road, street or lane.

SECTION 5. BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various districts as herein described, or as shown on the Zone Map, the following rules shall apply:

(a) The district boundaries are streets unless otherwise shown, and where the designation on the Zone Map indicates a boundary approximately upon a street line, such street shall be construed to be the boundary.

(b) Where the district boundaries are now shown to be streets and where the property has been or may hereafter be divided into blocks and lots the district boundaries shall be construed to be lot lines; and where the designation on the Zone Map indicates a district boundary approximately upon lot lines, said lot lines shall be construed to be the boundary.

(c) In all other cases, the decision of the Board of Adjustment shall be final.

SECTION 6. VIOLATION AND PENALTY

Any person, firm or corporation violating any provision or regulation of this Ordinance, shall upon conviction thereof before any Justice of the Peace, be fined a sum not exceeding One Hundred (\$100.00) Dollars and upon any default of payment of said fine, may be committed to imprisonment in the Allegheny County Jail for a period not exceeding thirty days. Each day that a violation is permitted to exist after notice in writing has been served by the Borough Secretary shall constitute a separate offense.

Proceedings for violation hereof may be instituted by anyone by making an information before a Justice of the Peace and may be commenced by issuing either a summons or a warrant after information has been made, as is now provided by Borough Law and proceedings to restrain any violation or the continuance of any violation of this Ordinance may be prosecuted as provided by law.

ARTICLE VIII

CHANGES & AMENDMENTS

SECTION 1. The Board of Supervisors or the Borough Council shall, upon petition signed by the owners of a majority of the property according to area in any district or portion thereof and may upon its own initiative, or the Planning Commission may recommend an ordinance amending, supplementing or changing the district boundaries or the regulations herein established. Subsequent to the introduction of any such ordinance and at least fifteen days prior to the passage thereof notice of the introduction thereof shall be given to all persons concerned by at least one advertisement in the official newspaper of said Borough or a paper of general circulation and by at least ten typewritten or printed handbills posted in conspicuous places located within the area of the territory affected by the changes proposed by such Ordinance. This notice shall set a date for a public hearing for consideration of such proposed amendment, supplement, or change. Whenever a written protest against such proposed amendment, supplement or change, signed by the owners of twenty per cent of the area proposed to be altered, or by the owners of twenty per cent of the

area in the rear thereof extending 100 feet therefrom, or by the owners of twenty per cent of the area adjacent or directly opposite the frontage proposed to be altered extending 100 feet from the street frontage of such opposite property, shall have been filed with the Borough Secretary, or if disapproved by the Planning Commission, the Ordinance providing for such proposed amendment, supplement or change shall not be passed except by a 2/3 vote of the members of the Borough Council.

SECTION 2. The cost of preparing and advertising a proposed change in zoning regulations shall be paid by the petitioner and a deposit thereof shall be made before said petition shall be considered. The money will be refunded if the proposed change is not favorably acted upon and advertising. No petition shall be considered for a change which had previously been petitioned for within one year previously.

ARTICLE IX

BOARD OF ADJUSTMENT

SECTION 1. CREATION - MEMBERS

A Board of Adjustment is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the Board of Adjustment. The Board will consist of three members to be appointed by the Board of Supervisors or the Borough Council, one of whom shall be designated to serve until the first day of January following the adoption of this Ordinance; one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms, to serve three years. The members of the Board shall be removable for cause, by the Board of Supervisors or the Borough Council, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member of the Board of Adjustment shall be a member of the Planning Commission.

SECTION 2. The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman or in his absence, the

acting chairman may administer oaths, and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record.

SECTION 3. APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Borough affected by any decision of the Borough Secretary. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Borough Secretary, from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds therefor. The Borough Secretary shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Borough Secretary from whom the appeal is taken, certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life and property. In such case proceeding shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Borough Secretary from whom the appeal is taken, and due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

SECTION 4. POWERS

The Board of Adjustment shall have the following powers: (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision

or determination by the Borough Secretary or by such other official as the Board or Supervisors or the Borough Council may designate, in the enforcement of this act or of any ordinance hereafter adopted, amending, revising or supplementing this Ordinance.

(2) To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance or any supplements thereto.

The exceptions shall apply to land or building uses such as among others, uses for public service or governmental purposes or temporary use by annual permit for recreation, extraction of natural resources or for similar purposes.

(3) To authorize upon appeal, in specific cases, such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardships and so that the spirit of the Ordinance shall be observed and substantial justice done.

The variations shall apply principally to height and area requirements such as, among others, when topography or other conditions exist which clearly show a hardship would be caused in requiring full compliance with the requirements of the District.

In issuing such exceptions or variations, the Board shall consider whether such acts will tend to affect adversely the use and development of neighboring properties and the general neighborhood in accordance with the Zoning Ordinance. The Board may as a condition of issuing such an exception or variation, require such safeguards and restrictions as will protect the neighborhood and not prevent or impair the future use of the land in accordance with the Zoning Ordinance.

In exercising the above mentioned powers, such Board may in conformity with the provisions of this Ordinance, revise or affirm, wholly or partly, or may modify the order requirement, decisions, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Borough Secretary from whom the appeal is taken.

ARTICLE X

REMEDIES

SECTION 1. In case any building or structure is erected, constructed, reconstructed altered, repaired, converted or maintained, or any building structure, or land is used in violation of this Ordinance or any ordinance or other regulation made supplementing this Ordinance, the proper authorities of the Borough in addition to the 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 building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE XI

SECTION 1. Should any section or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Ordained and enacted this 22nd day of December 1951.

(Signed) Walter H. Stroschein

(Signed) W. B. Graham

(Signed) Alvin Mertz

Board of Supervisors of the
Township of Patton, now Borough
of Monroeville

ATTEST:

ATTEST:

(Signed) Edyth J. Amalong
Secretary, Borough of Monroeville

Re-Ordained, adopted and re-enacted by the Council of the Borough of Monroeville this 21st day of January, 1952.

Attest: (Signed) Edyth J. Amalong
Borough Secretary

(Signed) Wm. J. Caughey
President of Council

Examined and approved this 21st day of January, 1952

(Signed) Samuel Jenkins
Burgess

I hereby certify that this is a true and correct copy of the original Zoning Ordinance of the Borough of Monroeville, filed of record in the Office of the Borough Secretary.

(Signed) Edyth J. Amalong
Borough Secretary