CHAPTER 906: - ENVIRONMENTAL OVERLAY DISTRICTS

906.01. - Purpose of Environmental Overlay Zoning Districts.

The purpose of the Environmental Overlay Districts is to:

A.  Reduce hazards to life and protect structures and uses from damages which may be caused by construction on or use of land which is unsafe for development;

B.  Protect land, public infrastructure, and waters of the City from damages caused by improper use or construction on land which has physical, environmental or aesthetic limitations or development;

C.  Maintain and enhance natural land features which are environmentally significant or which constitute a natural resource of importance to the community at large, including especially wooded hillsides, river frontages and stream valleys;

D.  Enhance public access to, and enjoyment of, the City's rivers and riverfronts;

E.  Implement the policies enumerated in the Vacant, Environmentally Sensitive Land Management Study of 1979; and

F.  Carry out the mandates imposed upon governments in Pennsylvania by Article I, Section 27 of the Commonwealth's constitution, which states, "The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all of the people."

§ 906.02. - FP-O, Floodplain overlay district.

906.02.A Purpose

The purpose of the FP-O Floodplain Overlay District is to reduce the potential for property damage and hazards to life caused by flooding. The regulations are intended to implement and ensure consistency with the Pennsylvania Flood Plain Management Act and the National Flood Insurance Program.

The intent of this section is to:

1.  Promote the general health, welfare, and safety of the community.

2.  Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

3.  Minimize danger to public health by protecting water supply and natural drainage.

4.  Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

5.  Comply with federal and state floodplain management requirements.

906.02.B Applicability

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 floodplain unless zoning approval has been obtained from the Zoning Administrator and a permit has been issued by the Bureau of Building Inspection.

906.02.C Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

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

906.02.D Administration

906.02.D.1 Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and enforce this section. The Zoning Administrator may: (a) Fulfill the duties and responsibilities set forth in these regulations, (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (c) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

906.02.D.2 Approvals Required

Approval from the Zoning Administrator shall be required before any construction or development as defined in Article IX is undertaken within the floodplain overlay. Additional permits may be required at the determination of the Zoning Administrator for items not traditionally needing a building or occupancy permit, which include, but may not be limited to parking of recreation vehicles and storage of equipment and materials.

906.02.D.3 Duties and Responsibilities of the Zoning Administrator

(a)  No approval shall be granted until it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(b)  Prior to issuance of zoning approval, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No zoning approval shall be issued until this determination has been made.

(c)  The Zoning Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

(d)  The Zoning Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.

(e)  The responsibility, authority and means to implement the commitments of the Zoning Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the Zoning Administrator.

(f)  The Zoning Administrator shall delegate the consideration of the requirements of the Building Code in accordance with Title 10 to the Building Code Official.

906.02.D.4  Application Procedures and Requirements

(a)  In addition to the information required to apply for Zoning Vouchers and Building Permits, if any proposed construction or development is located entirely or partially within any identified floodplain area, applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Administrator to determine that:

(1)  all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2)  all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;

(3)  adequate drainage is provided so as to reduce exposure to flood hazards;

(4)  structures will be anchored to prevent floatation, collapse, or lateral movement;

(5)  building materials are flood-resistant;

(6)  appropriate practices that minimize flood damage have been used; and

(7)  electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

(b)  Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Administrator to make the above determination:

(1)  A completed application form, in writing and submitted to the Zoning Administrator. The application shall contain the following:

(i)  Name and address of applicant;

(ii)  Name and address of owner of land on which proposed construction is to occur;

(iii)  Name and address of contractor;

(iv)  Site location including address;

(v)  Listing of other permits required;

(vi)  Brief description of proposed work and estimated cost, including a breakout of cost of proposed improvement and the market value of the building before the damage occurred where appropriate; and

(vii)  A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

(2)  A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

(i)  North arrow, scale, and date;

(ii)  Topographic contour lines;

(iii)  The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;

(iv)  The location of all existing streets, drives, and other access ways; and

(v)  The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

(3)  Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(i)  The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;

(ii)  The elevation of the base flood; and

(iii)  Supplemental information as may be necessary under the Building Code in accordance with Title 10.

(4)  The following data and documentation:

(i)  If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See 906.02.E.2.a) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;

(ii)  Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 906.02.E.2.b) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community;

(iii)  A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development;

(iv)  Detailed information needed to determine compliance with Section 906.02.F.3.f, Storage, and Section 906.02.F.4, Development Which May Endanger Human Life, including:

A.  The amount, location and purpose of any materials or substances referred to in Sections 906.02.F.3.f. and 906.02.F.4 which are intended to be used, produced, stored or otherwise maintained on site;

B.  A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in 906.02.F.4 during a base flood;

(v)  The appropriate component of the Department of Environmental Protection's Planning Module for Land Development;

(vi)  Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control; and

(vii)  Completed Elevation Certificate based on construction drawings.

906.02.D.5 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. Planning Commission, etc.) for review and comment.

906.02.D.6 Changes

After approval is issued by the Zoning Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Zoning Administrator for consideration.

906.02.E Identification of Floodplain Areas

906.02.E.1 Identification

The identified floodplain area shall be:

(a)  Any areas of City classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 26, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study, and

(b)  Any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by City and declared to be a part of this section.

906.02.E.2 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

(a)  The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

(i)  Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(ii)  Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

(b)  The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

(i)  The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

(c)  The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality 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 municipality.

(d)  Community Identified Flood Hazard Areas shall be those areas where the City has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

906.02.E.3 Changes in Identification of Area

The Identified Floodplain Area may be revised or modified by the City where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See Section 906.02.F.1.b. for situations where FEMA notification is required.

906.02.F Technical Provisions

906.02.F.1 General

(a)  Alteration or Relocation of Watercourse

(1)  No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.

(2)  No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

(3)  In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

(b)  When the following encroachments are permitted: any development that causes a rise in the base flood elevations within the floodway; any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the Applicant shall (as per 44 CFR Part 65.12):

(1)  Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

(2)  Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, the City shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

(3)  Upon completion of the proposed encroachments, the City shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

(c)  Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.

906.02.F.2 Elevation and Floodproofing Requirements

(a)  Residential Structures

(1)  In AE Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation as defined in Section 906.02.J.

(2)  In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 906.02.E.2.b.

(3)  The design and construction standards and specifications contained in the Building Code in accordance with Title 10 and ASCE 24 shall be utilized, where they are more restrictive.

(b)  Non-residential Structures

(1)  In AE Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

(i)  Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,

(ii)  Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2)  In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 906.02.E.2.c.

(3)  Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(4)  The design and construction standards and specifications contained Building Code in accordance with Title 10 and ASCE 24 shall be utilized, where they are more restrictive.

(c)  Space below the lowest floor

(1)  Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

(2)  Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(i)  A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(ii)  The bottom of all openings shall be no higher than one (1) foot above grade.

(iii)  Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d)  Historic Structures

Historic structures as defined in Section 906.02.J undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this section, must comply with all requirements in this section that do not preclude the structure's continued designation as a historic structure. Documentation that a specific section requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exterior alterations to properties designated by the City as historic must be approved by the City's Historic Review Commission prior to commencement. Any exemption from Code requirements will be the minimum necessary to preserve the historic character and design of the structure.

(e)  Accessory structures

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

(1)  The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity;

(2)  Floor area shall not exceed two hundred (200) square feet;

(3)  The structure will have a low damage potential;

(4)  The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters;

(5)  Power lines, wiring, and outlets will be elevated to the regulatory flood elevation;

(6)  Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;

(7)  Sanitary facilities are prohibited; and

(8)  The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

(i)  A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

(ii)  The bottom of all openings shall be no higher than one (1) foot above grade.

(iii)  Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

906.02.F.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(a)  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 - Sanitary Landfills shall not be permitted;

(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 feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and

(5)  Be used to the extent to which it does not adversely affect adjacent properties.

(b)  Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage 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.

(c)  Water and Sanitary Sewer Facilities and Systems

(1)  All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

(2)  Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

(3)  No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

(4)  The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

(d)  Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(e)  Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f)  Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 906.02.F.4, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

(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 floodwater.

(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, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed.

(i)  Floors, Walls, and Ceilings

(1)  Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

(2)  Plywood used at or below the regulatory flood elevation 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 metal or other "water-resistant" material.

(j)  Paints and Adhesives

(1)  Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

(2)  Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.

(3)  All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k)  Electrical Components

(1)  Electrical distribution panels shall be at least three (3) feet above the base flood elevation.

(2)  Separate electrical circuits shall serve lower levels and shall be dropped from above.

(l)  Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(m)  Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

(n)  Building Code Coordination

The Standards and Specifications contained Title 10 - Building, including adoption of the Uniform Construction Code 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this section, to the extent that they are more restrictive and supplement the requirements of this section.

International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

906.02.F.4 Development Which May Endanger Human Life

(a)  In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

(1)  Will be used for the production or storage of any of the following dangerous materials or substances; or,

(2)  Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

(3)  Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

• Acetone

• Ammonia

• Benzene

• Calcium carbide

• Carbon disulfide

• Celluloid

• Chlorine

• Hydrochloric acid

• Hydrocyanic acid

• Magnesium

• Nitric acid and oxides of nitrogen

• Petroleum products (gasoline, fuel oil, etc.)

• Phosphorus

• Potassium

• Sodium

• Sulphur and sulphur products

• Pesticides (including insecticides, fungicides, and rodenticides)

• Radioactive substances, insofar as such substances are not otherwise regulated.

(b)  Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 906.02.F.4.a. above, shall be elevated to remain completely dry up to at least one and one-half (1½) feet above base flood elevation and built in accordance with Sections 906.02.F.1, 906.02.F.2, and 906.02.F.3.

(c)  Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 906.02.F.4 above, shall be built in accordance with Sections 906.02.F.1, 906.02.F.2, and 906.02.F.3 including:

(1)  Elevated, or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above base flood elevation, and

(2)  Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

906.02.F.5 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

906.02.F.6 Special Requirements for Manufactured Homes

(a)  Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Section 906.02.I, then the following provisions apply:

(b)  Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:

(1)  Placed on a permanent foundation;

(2)  Elevated so that the lowest floor of the manufactured home is at least one and one-half (1½) feet above base flood elevation;

(3)  Anchored to resist flotation, collapse, or lateral movement; and

(4)  Have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.

(c)  Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.

(d)  Consideration shall be given to the installation requirements of the Building Code, as prescribed in Title 10 - Building, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

906.02.F.7 Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A and AE must either:

(a)  Be on the site for fewer than one hundred eighty (180) consecutive days, and

(b)  Be fully licensed and ready for highway use, or

(c)  Meet the permit requirements for manufactured homes in Section 906.02.F.6.

906.02.G Activities Requiring Special Permits

906.02.G.1 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the City.

(a)  The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

(1)  Hospitals

(2)  Nursing homes (meaning facilities where twenty-four (24) hour staff care or supervision is provided)

(3)  Correctional Facilities

906.02.G.2 Application Requirements for Special Permits

Applicants for Special Permits shall provide five copies of the following items:

(a)  A completed Application as prescribed by the Zoning Administrator.

(b)  A small scale map showing the vicinity in which the proposed site is located.

(c)  Detailed Site Plan of the entire site that meets the requirements of Section 922.01.D.2 A, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:

(1)  Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;

(2)  The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

(3)  The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

(3)  The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;

(4)  The location of all proposed buildings, structures, utilities, and any other improvements; and

(5)  Any other information which the municipality considers necessary for adequate review of the application.

(d)  Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:

(1)  Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;

(2)  For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;

(3)  Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

(4)  Detailed information concerning any proposed floodproofing measures;

(5)  Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;

(6)  Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and

(7)  Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

(e)  The following data and documentation:

(1)  Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;

(2)  A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;

(3)  A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;

(4)  A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;

(5)  The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"

(6)  Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;

(7)  Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and

(8)  An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

906.02.G.3 Application Review Procedures

Upon the Zoning Administrator's receipt of an application for a Special Permit the following procedures shall apply in addition to those of Section 906.02.D:

(a)  Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission and notify the applicant of the hearing date. The application shall be reviewed as a Project Development Plan as per section 922.10 except that the criteria for review shall be provisions 906.02.F of this section.

(b)  If the Planning Commission and/or City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.

(c)  Before issuing the Special Permit, the Zoning Administrator shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by Council.

(d)  If the Zoning Administrator does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.

(e)  If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Zoning Administrator and the applicant, in writing, of the reasons for the disapproval, and the Zoning Administrator shall not issue the Special Permit.

906.02.G.4 Special Technical Requirements

(a)  In addition to the requirements of Section 906.02.F, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 906.02.F. or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

(b)  No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:

(1)  Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

(i)  The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.

(ii)  The lowest floor (including basement) will be elevated to at least one and one-half (1½) feet above base flood elevation.

(iii)  The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.

(2)  Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

(c)  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 Zoning Administrator, Planning Commission, and the Department of Community and Economic Development.

906.02.H Existing Structures In Identified Floodplain Areas

906.02.H.1 Existing Structures

The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 906.02.H.2 shall apply.

906.02.H.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

(a)  No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.

(b)  No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

(c)  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 constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.

(d)  The above activity shall also address the requirements of the Building Code, as prescribed in Title 10 - Building.

906.02.I Variances

906.02.I.1 Variance Procedures and Conditions

Requests for variances shall be considered by the Zoning Board of Adjustment in accordance with the procedures contained in Section 922.09 and the following:

(a)  No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

(b)  No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.

(c)  Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (or Prohibited Activities) (906.02.G) or to Development Which May Endanger Human Life (Section 906.02.F.4).

(d)  In reviewing any request for a variance, in addition to the considerations of Section 922.09.E., the Zoning Board of Adjustment shall consider, that the granting of the variance will:

(1)  Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

(2)  Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

(e)  Whenever a variance is granted, the Zoning Board of Adjustment shall notify the applicant in writing that:

(1)  The granting of the variance may result in increased premium rates for flood insurance.

(2)  Such variances may increase the risks to life and property.

(f)  A complete record of all variance requests and related actions shall be maintained by the Zoning Administrator. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

906.02.J Definitions

906.02.J.1 General

Unless specifically defined below, words and phrases used in this section shall be interpreted in accordance with Section 926.

906.02.J.2 Specific Definitions

(a)  Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

(b)  Base flood discharge means the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

(c)  Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zone AE that indicates the water surface elevation resulting from a flood that has a 1-percent (1%) or greater chance of being equaled or exceeded in any given year.

(d)  Basement means any area of the building having its floor below ground level on all sides.

(e)  Building means a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

(f)  Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

(g)  Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(h)  Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(i)  Flood means a temporary inundation of normally dry land areas.

(j)  Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(k)  Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

(l)  Floodplain Area means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

(m)  Floodproofing means any combination of structural and nonstructural 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.

(n)  Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(o)  Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(p)  Historic structure means any structure that is:

(1)  Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2)  Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3)  Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

(4)  Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

(i)  By an approved state program as determined by the Secretary of the Interior; or

(ii)  Directly by the Secretary of the Interior in states without approved programs.

(q)  Identified Floodplain Area is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 906.02.E.1 and 906.02.E.2 for the specifics on what areas the community has included in the Identified Floodplain Area.

(r)  Lowest floor means the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

(s)  Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

(t)  Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(u)  Minor Repair means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.

(v)  New Construction means structures for which the start of construction commenced on or after September 26, 2014 and includes any subsequent improvements to such structures. Any construction started after December 15, 1981 and before September 26, 2014, is subject to the Code in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.

(w)  Person means an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

(x)  Post-FIRM Structure means a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 15, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

(y)  Pre-FIRM Structure means a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated December 15, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

(z)  Recreational vehicle means a vehicle which is:

(1)  Built on a single chassis;

(2)  Not more than four hundred (400) square feet, measured at the largest horizontal projections;

(3)  Designed to be self-propelled or permanently towable by a light-duty truck,

(4)  Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(aa)  Regulatory flood elevation means the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet.

(bb)  Special permit means a special approval which is required for hospitals, nursing homes, correctional facilities, and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

(cc)  Special flood hazard area (SFHA) means an area in the floodplain subject to a 1-percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or AE.

(dd)  Start of construction means includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(ee)  Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(ff)  Subdivision means the division or re-division 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, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(gg)  Substantial damage means damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

(hh)  Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(ii)  Uniform Construction Code (UCC) means the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

(jj)  Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 17-2014, § 1(Att.), 9-23-14)

906.03. - RF-O, Riverfront Overlay District.

906.03.A Purpose

Pittsburgh's river corridors, consisting of rivers, adjacent lands and islands are natural, scenic and development resources of regional significance. In recognition of the Commonwealth's trusteeship of the rivers for the benefit of all people, the RF-O, Riverfront Overlay District is intended to:

1.  Maintain an open space area with the potential for public access along the banks of the rivers;

2.  Improve the scenic quality of the City's riverfronts;

3.  Establish a classification of land and water area; and

4.  Establish an application, review and permitting procedure appropriate to these special lands and waters.

It is further intended that the regulations applicable to the RF-O District shall permit and encourage development in accordance with goals, objectives and policies found in the City's Riverfront Plan and in those plans and policy documents adopted from time-to-time by the Planning Commission.

906.03.B Special Definitions

The following special definitions shall apply throughout the RF-O District regulations of this section:

1.  Access means a means of approaching or the right to approach, enter and use.

2.  [Reserved.]

3.  Commercial boat facility used for public admission by charge or charter means water oriented development, not including regular public transit service requiring a Port Authority license, which makes available to the public via admission charge or charter, private boats capable of providing meals, excursions or entertainment with a capacity of twenty (20) or more persons.

4.  Corridor means a long narrow strip of land assembled by covenant or deed with an existing, previous or potential common use.

5.  [Reserved.]

6.  Floodway means the channel of a river and adjacent land area that shall be reserved in order to discharge the waters of the base flood (100-year flood) as depicted on maps prepared by the Federal Emergency Management Agency (dated 15 December 1981 as amended).

7.  Launching Ramp means a constructed or altered segment of the river bank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

8.  Preservation, Conservation and Development Map means the map depicting the zoning subdistricts of the RF-O District maintained in the office of the Zoning Administrator.

9.  [Reserved.]

10.  Riverbank means rising ground bordering a river.

11.  Water enhanced facility or use means recreation, entertainment or restaurant facilities or uses which achieve greater value or beauty as a result of a location on or near a river.

12.  Water oriented facility or use means a facility or use which by its nature is required to be on or adjacent to a river; without such adjacency the use could not exist.

13.  Yard, Riverfront means the area created by the Riverfront Setback requirements of Sec. 906.03.E.

906.03.C General Review Criteria

All uses within the RF-O District shall comply with the Riverfront Development Review Criteria adopted by the Planning Commission. All uses within the RF-O that include the riverbank shall comply with the Riverbank Treatment section of the Riverfront Development Review Criteria adopted by the Planning Commission.

906.03.D Development Review Procedures

In addition to any other applicable review procedures and requirements, an applicant for approval of a Certificate of Occupancy in the RF-O District shall submit a riverfront development application in a form established by the Zoning Administrator and made available to the public. The application and required support material shall demonstrate compliance with all of the standards and criteria of this section. Upon receipt of a complete application, the Zoning Administrator shall process the riverfront development application in accordance with the procedures that are applicable to the proposed use. No Certificate of Occupancy shall be issued for a use that does not comply with the regulations and standards of the RF-O District and all other applicable requirements.

906.03.E Riverfront Setbacks

In addition to the setback standards of the underlying zoning district, there shall be provided and maintained a Riverfront Setback, not less than fifty (50) feet in depth, measured landward from the normal or full pool elevation, for all property that falls within fifty (50) feet of the Allegheny, Ohio or Monongahela Rivers. Required Riverfront Setbacks shall be landscaped and maintained in good condition. Riverfront Setbacks shall be kept free of trash, storage and parked vehicles. No structures or use shall extend into required Riverfront Setbacks, except for the following, which may be authorized by the Zoning Administrator in accordance with the Administrator Exception procedures of Sec. 922.08:

906.03.E.1 Riverfront Setbacks for Planned Unit Development Districts, where potential for continuous public access along the riverfront length of the property is not provided.

The Zoning Administrator shall approve a waiver of the required riverfront setback for Planned Unit Developments which cannot provide potential for continuous public access, provided that the Zoning Administrator shall determine that the proposed landscaping, riverfront treatment, and open space meet the purpose of the RF-O District. While the open space provided under this section need not provide the potential for continuous public access along the entire river bank length of the applicant's property, it shall provide substantial potential for public access to the river bank; shall provide as much potential for public access to the river bank as is physically possible; and shall provide a means to assure the potential for public access through the applicant's property to adjacent riverfront properties.

906.03.E.2 Exception to Riverfront Setback Requirement

The Zoning Administrator may grant a waiver from the riverfront setback requirement provided that:

(a)  Landscaping, riverfront treatment and open spaces are in accord with the purpose of the Riverfront Overlay District; and

(b)  The open space along the riverfront length of the property need not provide the potential for continuous riverfront access if the project provides the maximum amount of potential access as is physically possible, and if the project provides a means to assure the potential for public access through the applicant's property to adjacent riverfront property.

906.03.E.3 Water Enhanced or Water Oriented Uses and Structures

Water enhanced or water oriented use or structures whose function physically precludes the ability to provide a riverfront setback.

906.03.F Use Regulations

Within the RF-O District development may occur, land may be used and structures may be erected, altered or enlarged for uses allowed in the underlying zoning district, as further regulated by the provisions of this section.

906.03.F.1 Preservation Subdistrict

The following use regulations shall apply within the Preservation Subdistrict of the RF-O District.

(a)  Uses Permitted By-Right

All uses permitted by-right in the underlying zoning district shall be permitted by-right in the Preservation Subdistrict provided that:

(1)  No development shall be permitted by-right on slopes in excess of twenty-five (25) percent;

(2)  No development shall be permitted by-right within the floodway; and

(3)  Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.

(b)  Administrator Exceptions

All primary uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Preservation Subdistrict provided that:

(1)  No development shall be allowed as an Administrator Exception on slopes in excess of twenty-five (25) percent;

(2)  No development shall be allowed as an Administrator Exception within the floodway; and

(3)  Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.

(c)  Special Exceptions

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Preservation Subdistrict provided that

(1)  No development shall be allowed as a Special Exception on slopes in excess of twenty-five (25) percent; and

(2)  No development shall be allowed as a Special Exception within the floodway.

(d)  Conditional Uses

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Preservation Subdistrict provided that no development shall be allowed as a Conditional Use within the floodway. In addition, the following uses shall be considered a Conditional Use in accordance with the procedures of Sec. 922.06:

(1)  New construction or development in a Preservation Subdistrict on slopes in excess of twenty-five (25) percent provided:

(i)  No construction or development occurs on slopes in excess of thirty-three (33) percent;

(ii)  No construction or development occurs in a floodway;

(iii)  The development does not affect more than fifteen (15) percent of the site's land area which is in the Preservation Subdistrict.

(iv)  It is not possible to locate the development on a portion of the site which is not in the Preservation Subdistrict; and

(v)  Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the floodplain; to improve or maintain the scenic quality of the rivers or riverfronts.

906.03.F.2 Conservation Subdistrict

The following uses regulations shall apply within the Conservation Subdistrict of the RF-O District.

(a)  Uses Permitted By-Right

All uses listed as permitted by-right in the underlying zoning district shall be permitted by-right in the Conservation Subdistrict provided that:

(1)  No development shall be permitted in a Conservation Corridor other than pedestrian walkways, local roadways (as defined by functional classification), surface parking involving no structure and recreation facilities involving no structure; and

(2)  Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.

(b)  Administrator Exceptions

All uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Conservation Subdistrict, according to the provisions of Sec. 922.08, provided that no Administrator Exception use shall be allowed with a Conservation Corridor. The development of a use that is permitted As-of-Right in the underlying zoning district shall be considered an Administrator Exception when located within a Conservation Corridor. In addition, the following uses shall also be Administrator Exceptions in the Conservation Subdistrict:

(1)  Water Oriented Uses

Water oriented uses, other than launching ramps, marinas with more than seventy-five (75) boat slips, or commercial/boat operations for public admission charge or charter, provided no development occurs in a conservation corridor other than pedestrian walkways, local roadways, surface parking involving no structure and recreation facilities involving no structure.

(2)  Parks and Recreation (General)

Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.

(3)  Construction or Development in a Conservation Subdistrict of the Riverfront Overlay District

New construction or development in a Conservation Subdistrict of the RF-O District for water-oriented facilities or uses such as marinas, docks, boating and fishing facilities, recreational uses and open space uses, including structures:

(i)  No new construction or development shall be authorized in a floodway for any use which does not require direct access to a river, other than recreation and open space uses, or for which an alternative location outside of a floodway is possible;

(ii)  To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;

(iii)  If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction;

(iv)  All requirements of the Site Plan Review procedures of Sec. 922.04 have been met; and

(v)  Parking is provided in accord with the regulations of Chapter 914.

(4)  Construction or Development in a Conservation Corridor

New construction or development in a Conservation Corridor provided that:

(i)  An alternate development-free continuous corridor of at least the same width as the Conservation Corridor is provided on the Administrator Exception applicant's property;

(ii)  The provided alternate corridor abuts the Conservation Corridors on adjacent properties and forms a continuous corridor;

(iii)  The alternate corridor provided the same general type of potential use as the delineated Conservation Corridor considering such factors as topography, landscaping, surface treatment, vehicular conflicts, and the condition of immediate environs;

(iv)  It is not possible to locate the development on a portion of the site which is not a Conservation Corridor; and

(v)  The Zoning Administrator may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the floodplain; to improve or maintain the scenic quality of the rivers and riverfronts.

(c)  Special Exceptions

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Conservation Subdistrict in accordance with the provisions of Sec. 922.07, provided that no Special Exception Use shall be allowed within a Conservation Corridor.

(d)  Conditional Uses

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Conservation Subdistrict according to the provisions of Sec. 922.06 provided that no Conditional Uses shall be allowed within a Conservation Corridor. The following uses shall also be Conditional Uses in the Conservation Subdistrict:

(1)  Water Enhanced Uses

New construction or development in a Conservation Subdistrict of the RF-O District for water enhanced facilities or uses such as recreation, entertainment or restaurant facilities or uses, open to the public, which achieve greater value or beauty as a result of a location on or near a river; marinas with more than seventy-five (75) boat slips; launching ramps; commercial boat operations for public admission charge or charter; public utility and mass transportation facilities; in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district and provided:

(i)  No new construction or development shall be authorized in a floodway for any use not open to the public which does not require direct access to a river, other than recreational uses involving no structures and open space uses, or for which an alternative location outside of a floodway is possible;

(ii)  To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;

(iii)  If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction; and

(iv)  Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the floodplain; to improve or maintain the scenic quality of the rivers and riverfronts.

(2)  Launching Ramps

Launching ramps that are not located in a Planned Development District;

(3)  Marinas

Marinas with more than seventy-five (75) boat slips when not located in a Planned Development District;

(4)  Commercial Boat Operations that are Available for Public Admission Charge or Charter

Commercial boat operations that are available for public admission charge or charter when they are not located in a Planned Development District; and

(5)  Public Utility and Mass Transportation Facilities

Public utility and mass transportation facilities.

906.03.F.3 Development Subdistrict

The following uses regulations shall apply within the Development Subdistrict of the RF-O District.

(a)  Uses Permitted By-Right

All uses listed as permitted by-right in the underlying zoning district shall be permitted by-right in the Development Subdistrict. In addition, Parks and Recreation (Limited) uses shall be permitted by-right in the RF-O District regardless of whether such use is permitted by-right in the underlying zoning district.

(b)  Administrator Exceptions

All uses listed as Administrator Exceptions in the underlying zoning district shall be Administrator Exceptions in the Development Subdistrict. In addition, the following uses shall also be Administrator Exceptions in the Development Subdistrict:

(1)  Water Oriented Uses

Water oriented uses, other than launching ramps, marinas with more than seventy-five (75) boat slips and commercial boat operations for public admission charge or charter.

(2)  Parks and Recreation (General)

Parks and Recreation (General) uses shall be Administrator Exceptions in the RF-O District regardless of whether such use is an Administrator Exception in the underlying zoning district.

(3)  Construction or Development in a Development Subdistrict of the Riverfront Overlay District

New construction or development in a Development Subdistrict of the RF-O District for water-oriented facilities or uses such as marinas, docks, boating and fishing facilities, recreational uses and open space uses, including structures, subject to the following standards:

(i)  No new construction or development shall be authorized in a floodway for any use which does not require direct access to a river, other than recreation and open space uses, or for which an alternative location outside of a floodway is possible;

(ii)  To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;

(iii)  If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction;

(iv)  All requirements of the Site Plan Review procedures of Sec. 922.04 have been met; and

(v)  Parking is provided in accord with the regulations of Chapter 914.

(c)  Special Exceptions

All uses listed as Special Exceptions in the underlying zoning district shall be Special Exceptions in the Development Subdistrict.

(d)  Conditional Uses

All uses listed as Conditional Uses in the underlying zoning district shall be allowed as Conditional Uses in the Development Subdistrict. The following uses shall also be Conditional Uses in the Development Subdistrict:

(1)  Water Enhanced Uses

New construction or development in a Development Subdistrict of the RF-O District for water enhanced facilities or uses such as recreation, entertainment or restaurant facilities or uses, open to the public, which achieve greater value or beauty as a result of a location on or near a river; marinas with more than seventy-five (75) boat slips; launching ramps; commercial boat operations for public admission charge or charter; public utility and mass transportation facilities; in accordance with all other provisions of this Zoning Ordinance applicable to the specific use and zoning district and provided:

(i)  No new construction or development shall be authorized in a floodway for any use not open to the public which does not require direct access to a river, other than recreational uses involving no structures and open space uses, or for which an alternative location outside of a floodway is possible;

(ii)  To the maximum extent feasible, any new construction or development on a site which is partially within a floodway shall be located on portions of the site which are not within the floodway;

(iii)  If feasible in relation to the use and in relation to the character of adjacent areas, public access to the riverfront shall be provided in connection with any new development or construction; and

(iv)  Council may impose additional restrictions reasonably necessary to protect the health, safety or welfare; to protect the capacity of the floodplain; to improve or maintain the scenic quality of the rivers and riverfronts.

(2)  Launching Ramps

Launching ramps that are not located in a Planned Development District;

(3)  Marinas

Marinas with more than seventy-five (75) boat slips when not located in a Planned Development District;

(4)  Commercial Boat Operations that are Available for Public Admission Charge or Charter

Commercial boat operations that are available for public admission charge or charter when they are not located in a Planned Development District; and

(5)  Public Utility and Mass Transportation Facilities

Public utility and mass transportation facilities.

(Ord. No. 2-2005, § 1C, eff. 1-25-05)

906.04. - LS-O, Landslide-Prone Overlay District.

906.04.A Purpose

The LS-O, Landslide-Prone Overlay District regulations require subsurface investigations by a registered professional and approval of construction plans by the Chief of the Bureau of Building Inspection prior to issuance of a Certificate of Occupancy for any development in the LS-O District. The purpose of these regulations is to reduce the risk of damage or hazards of life that may occur as a result of construction and land operations on lands susceptible to movement or sliding of earth.

906.04.A.1 Warning and Disclaimer

The mapped delineations of land that may be subject to sliding or subsidence do not necessarily include all land that is subject to those hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land, neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

906.04.B Effect of District Regulations

Within the LS-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements. The following requirements shall also apply with the LS-O District.

906.04.B.1 Compliance with Hillside Development Standards

Every new or changed use of land and every structure hereafter erected or enlarged within the LS-O District shall comply with the Hillside Development Standards of the Subdivision Regulations.

(a)  An applicant for approval of a Certificate of Occupancy in the LS-O District shall submit a development plan for the site, which shall include a site plan, building plan and such other information as determined by the Zoning Administrator to be necessary to evaluate the proposed development for compliance with the Hillside Development Standards of the Subdivision Regulations.

(b)  The Zoning Administrator shall not approve an application for a Certificate of Occupancy in the LS-O District unless the development plan for the subject property complies with the Hillside Development Standards of the Subdivision Regulations.

906.04.B.2 Review by the Zoning Administrator

No Certificate of Occupancy application shall be approved for zoning for any structure or for any use of land requiring excavation, fill or removal of vegetation until the applicant has submitted evidence, acceptable to the Zoning Administrator, that the proposed construction or development shall not contribute to or create conditions of increased susceptibility to landslides, soil erosion or any other movement of earth. Such evidence shall be based on field investigation performed by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.04.B.3 Review by the Chief of the Bureau of Building Inspection

No building permit or land operations permit application shall be approved for any structure or for any use of land requiring excavation, fill or removal of vegetation in a Landslide-Prone District until construction plans and land operations plans for the site in question have been approved by the Chief of the Bureau of Building Inspection, based on findings and recommendations of the site investigation required under Sec. 906.03.B.2. In the implementation of this requirement, the Chief of the Bureau of Building Inspection may require that construction and land plans be prepared or approved by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.05. - UM-O, Undermined Area Overlay District.

906.05.A Purpose

The UM-O, Undermined Area Overlay District regulations of this section are intended to reduce the risk of damage to property and danger to life that may be caused by subsidence of the land surface over underground mines. This objective is implemented by requiring investigation of subsurface conditions in undermined areas and by restricting development in such areas or by requiring the use of specialized construction techniques in mine hazard areas.

906.05.A.1 Warning and Disclaimer

The mapped delineations of land that may be subject to subsidence do not necessarily include all land that is subject to such hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land, neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

906.05.B Effect of District Regulations

Within the UM-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements. The following requirements shall also apply within the UM-O District.

906.05.B.1 Mines Underlying Property

No Certificate of Occupancy application shall be approved for a use involving new construction or enlargement of an existing structure in an UM-O District until the applicant has submitted all information available from the Pennsylvania Department of Environmental Protection or its successor agencies, Bureau of Mining and Reclamation, Division of Mine Subsidence Insurance and Mine Subsidence Regulations about the location, depth and physical characteristics of any mine that underlies the subject property or adjacent properties and the likelihood of mine subsidence occurring in the pertinent area.

906.05.B.2 Single-Unit Dwellings

A Certificate of Occupancy application may be approved for zoning for construction of a single-unit residential use or for another structure that is comparable in size and construction characteristics to single-unit dwelling, provided that competent evidence is provided to the Zoning Administrator showing that the site has more than one hundred (100) feet of overburden above the mine and that there is no known history of subsidence incidents in the vicinity of the proposed construction site. The permit applicant is advised that it is possible for mine subsidence to occur and affect single-unit dwellings or other structures of comparable size and construction characteristic when such structures are placed in an undermined area even when there is more than one hundred (100) feet overburden. It is strongly recommended that the applicant follow the advice of the Bureau of Mining and Reclamation, and seek the advice of a registered professional as defined in the Land Operations Ordinance of the Pittsburgh Code of Ordinances or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.05.B.3 Other Development Prohibited

Until the applicant has submitted evidence that the site is reasonably safe for the construction of the proposed use, no Certificate of Occupancy application shall be approved for zoning for construction on any site that has less than one hundred (100) feet of overburden or any known history of subsidence incidents in its vicinity; for any structure that is larger or heavier than a typical single-unit dwelling; or for any use that might create a hazard to the public if damaged by subsidence. Such evidence shall be based on a site investigation performed by a registered professional as defined in the Land Operations Ordinance of the Pittsburgh Code of Ordinances Title Ten or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.05.B.4 Review by Chief

If the site investigations required under the UM-O District includes recommendations for any special construction techniques to ensure safe construction on an undermined site, no building permit or land operations permit shall be issued until construction plans have been approved by the Chief of the Bureau of Building Inspection as safe for the site in question, based upon the findings and recommendations of the site investigation. In the implementation of this requirement, the Chief of the Bureau of Building Inspection may require that construction plans be prepared or approved by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

906.06. - VP-O, View Protection Overlay District.

906.06.A Purpose

The City's hillsides, rivers, entryways, scenic road corridors, and central business district are scenic resources of citywide and regional significance. The VP-O, View Protection Overlay District regulations of this section are intended to preserve the scenic quality of these resources and thereby promote a high quality of life, preserve property values, and promote sustainable economic development by limiting development than would reduce their visual integrity and to insure that development does not block observation of a scenic view from delineated public viewing places.

906.06.B Special Definitions

The following special definitions shall apply throughout the VP-O District regulations of this section.

1.  Scenic view means an outstanding or unique view of a hillside, downtown Pittsburgh, a river valley, or a river and shoreline as seen from a delineated viewing or generalized viewing place.

2.  View corridor means a space between a viewing place and a scenic view defined by a view plane and view framing lines.

3.  View framing line means a line or lines which define the outer edges of a scenic view.

4.  View plane means an imaginary plane extending from a viewing place to a scenic view, which defines the space or view corridor which shall be maintained in order to observe a scenic view from a viewing place.

5.  View Protection Overlay District means an area within which scenic views, viewing places, view corridors, and other scenic values are protected. A View Protection Overlay District may include a scenic view without delineation of a specific viewing place and the associated view corridor, a scenic view, together with a defined viewing place and the associated view corridor, view plan and view framing lines, or any delineated area within which there are scenic values deemed worthy of protection by the City Council.

6.  Viewing place means a public street or other public area or facility from which a scenic view may be observed.

906.06.C Effect of District Regulations

Within the VP-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements.

906.06.D Establishment of View Protection Districts

The following requirements shall apply within the VP-O District.

1.  At the time of establishment of a VP-O District, City Council shall delineate the boundaries or limits of the scenic entryway area, scenic road corridor, or scenic view. With respect to such scenic views, the district regulations shall specify a view place or places, together with the location, elevation, and slope of the view plane and view framing lines. This information shall be incorporated as part of the View Protection Overlay District Zoning Map.

2.  The Planning Commission shall adopt View Protection Guidelines for each VP-O District, which shall specify the degree and character of protection to be required in each district, and which may include one (1) or more of the following:

(a)  Protection of the delineated scenic view by such means as limitations on the height, size or bulk of structure; removal of natural vegetation or disturbance of the land through grading or other development which would disrupt or obstruct the delineated view area.

(b)  Protection of the view corridor by such means as limitations on the height and bulk of structures which shall be allowed to penetrate a view plane delineated within a VP-O District.

(c)  Protection of the viewing place by such means as requirements for maintenance of yards or other open space designed to prevent blocking of a view from a viewing place.

(d)  Protection of scenic entryway or scenic road corridor by the adoption of the following types of regulations, including but not limited to controls on:

(1)  height, bulk, setbacks, materials, and design of structures and parking lots;

(2)  signs and billboards;

(3)  vegetation removal, landscaping, screening, fencing, and buffering;

(4)  protection of sensitive natural and cultural resources, including streams, rivers, wetlands, historic buildings, archeological sites and similar significant features; and

(5)  maintenance of open space.

906.06.E Compliance with View Protection Overlay Regulations

Within any View Protection District, an application for a Certificate of Occupancy for a use involving new construction, enlargement of an existing structure, grading or removal of vegetation shall be approved only in accordance with the View Protection Overlay Guidelines adopted by the Planning Commission for that VP-O District.

906.07. - SM-O, Stormwater Management Overlay District.

906.07.A Purpose

The purpose for stormwater management as required by federal and state laws and regulations are set forth in Chapter 1001 of Title Ten: Building, at section 1001.04.

The purposes set forth in section 1001.04, to the extent that they contradict or conflict with the purposes set forth in this section 906.07.A., supersede the purposes set forth in this section 906.07.A.

The purpose of the SM-O, Stormwater Management Overlay District, is:

1.  To manage stormwater runoff resulting from land alteration and disturbance activities in accordance with the watershed management plans adopted by Allegheny County and approved by the Pennsylvania Department of Environmental Resources as required by the Pennsylvania Storm Water Management Act (Act 167 of 1978);

2.  To assure that development activities do not result in increased stormwater flows which could cause injury or property damage;

3.  To utilize and preserve the desirable existing natural drainage systems; to preserve the flood-carrying capacity of streams; and to maintain and improve the quality of streams; and

4.  To encourage natural infiltration of rainfall to preserve groundwater supplies and streamflow.

906.07.B Definitions

The definitions applicable to stormwater management as required by federal and state laws and regulations are set forth in Chapter 1003 of Title Ten: Building at section 1003.01. The definitions provided in section 1003.01, to the extent they contradict or conflict with the definitions provided herein, supersede the definitions provided in this section 906.07.B.

The following special definitions shall apply to the SM-O District:

1.  Act means the Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. 680.1-680.17, as amended by Act of May 24, 1984, P.L. 324, No. 63).

2.  Channel means a natural stream that conveys water; a ditch or open channel excavated for the flow of water.

3.  Conduit means any channel intended for the conveyance of water, whether open or closed.

4.  Confluence means points where watercourses join together.

5.  Conservation District (ACCD) means the Allegheny County Conservation District.

6.  County means the County of Allegheny, Pennsylvania.

7.  Culvert means a pipe, conduit or similar structure including appurtenant works which carries a stream under or through an embankment or fill.

8.  Dam means any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water, or a structure for highway, railroad or other purposes which may impound water.

9.  Design Storm means the amount of precipitation from a storm event measured in probability of frequency of occurrence (e.g., fifty-year storm) and duration (e.g., twenty-four-hour), and used in computing stormwater management control systems.

10.  Detention means slowing, dampening, or attenuating runoff flows entering the storm drainage system by temporarily holding water in areas such as detention basins, reservoirs, on roof tops, in streets, parking lots, or within the drainage system itself, and releasing the water at a desired rate of discharge.

11.  Detention basin means the basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

12.  Developer means any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.

13.  Development means any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics.

14.  Discharge means rate of flow, specifically fluid flow. A volume of fluid flowing from a conduit or channel, or being released from detention storage, per unit of time. Commonly expressed as cubic feet per second (cfs), million gallons per day (mgd), gallons per minute (gpm), or cubic meters per second (cms).

15.  Discharge control point means the point of hydraulic concern, such as a bridge, culvert, or channel section, for which the rate of runoff is computed or measured in the watershed plan.

16.  Drainage means interception and removal of excess surface water or groundwater from land by artificial or natural means.

17.  Drainage Area means the contributing area to a single drainage basin, expressed in acres, square miles, or other units of area; also called a catchment area, watershed, or river basin, the area served by a drainage system or by a watercourse receiving storm and surface water.

18.  Encroachment means any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any watercourse, floodway or body of water.

19.  Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents.

20.  Flood Control Project means any device or structure designed and constructed to protect a designated area from flood flows of a specified magnitude and probability (frequency) of occurrence.

21.  Flood Hazard Area means a normally dry land area that has been and is susceptible to being inundated by surface or subsurface flow in addition to stream overflow.

22.  Groundwater means that part of the subsurface water which is below the zone of saturation.

23.  Hydraulic Characteristics means the features of a watercourse which determine its water conveyance capacity. These include size and configuration of the cross section of the watercourse, alignment of watercourse, gradient of the watercourse, texture of materials along the watercourse, amount and type of vegetation within the watercourse, and size, configuration and other characteristics of structures within the watercourse.

24.  Hydrology means the science dealing with the waters of the earth and their distribution and circulation through the atmosphere. Engineering hydrology deals with the application of hydrologic concepts to the design of projects for use and control of water.

25.  Impervious Material or Surface means material which resists the entrance or passing through of water or other liquids.

26.  Infiltration means the penetration and movement of water through the earth's surface.

27.  Land Disturbance means any activity involving grading, tilling, digging, filling, or stripping of vegetation; or any other activity which causes land to be exposed to the danger of erosion.

28.  Outfall means points or areas at which stormwater runoff leaves a site, which may include streams, storm sewers, swales or other well defined natural or artificial drainage features, as well as areas of dispersed overland flows.

29.  Outlet Structure means a structure designed to control the volume of stormwater runoff that passes through it during a specific length of time.

30.  Peak Rate of Runoff (or Discharge) means the maximum rate of flow of water at a given point and time resulting from a predetermined storm.

31.  Performance Standard means a standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it.

32.  Permeability means the rate at which water will move through a saturated soil.

33.  Pervious Material means material which permits the passage or entrance of water or other liquid.

34.  Point of Interest means a point of hydrological and hydraulic importance used for computing a release rate percentage. These may include points of stream confluences, an existing obstruction or problem area, or other similar points.

35.  Rate of Runoff means instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as discharge. Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

36.  Release Rate Percentage means the percentage of predevelopment peak rate of runoff from a watershed subarea (as delineated in the watershed plan), which defines the allowable post-development peak discharge from any development site in that subarea. The release rate percentage is determined by computing the following:

[(Subarea predevelopment rate of runoff contributing to peak at downstream point of interest) / (subarea predevelopment peak)] x 100 = Release Rate Percentage.

37.  Reservoir means any basin, either natural or artificial, which contains or will contain the water impounded by a dam.

38.  Runoff Characteristics means the surface components of any watershed which affect the rate, amount, and direction of stormwater runoff. These may include but are not limited to: vegetation, soils, slopes, and man-made landscape alterations.

39.  SCS means Soil Conservation Service, U.S. Department of Agriculture.

40.  Sediment means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity, or ice and has come to rest on the earth's surface.

41.  Sedimentation means the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity.

42.  Soil-Cover Complex Method means a method of runoff computation developed by the U.S. Soil Conservation Service and found in its publication "Urban Hydrology for Small Watersheds, "Technical Release No. 55, SCS, January 1975 (or most current edition).

43.  Storm Sewer means a sewer that carries intercepted surface runoff, street water, and other washwaters, or drainage, but excludes sewage and industrial wastes.

44.  Storm Sewer Discharge means flow from a storm sewer that is discharged into a receiving stream.

45.  Stormwater Collection System means natural or engineered structures which collect and transport stormwater through or from a drainage area to the point of final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

46.  Stormwater Management Plan means the plan for managing stormwater runoff from a specific development site.

47.  Stormwater Runoff means waters resulting from snow melt or precipitation within a drainage basin, flowing over the surface of the ground, collected in channels and conduits, and carried by receiving streams.

48.  Subarea means a portion of the watershed that has similar hydrological characteristics and drains to a common point.

49.  Time of Concentration means the time period necessary for surface runoff to reach the outlet of a subarea from the hydraulically most remote point in the tributary drainage area.

50.  Volume of Stormwater Runoff means quantity of water normally measured in inches, cubic feet, or acre-feet, measured or determined analytically from (1) runoff coefficients; (2) rainfall/runoff ratios; and (3) areas underneath hydrographs.

51.  Watercourse (Waterway) means any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

52.  Watershed means the entire region or area drained by a river or other body of water whether natural or artificial.

53.  Watershed Storm Water Management Plan (or Watershed Plan) means the plan for management of stormwater runoff throughout a designated watershed as required by the Pennsylvania Storm Water Management Act.

906.07.C Application

Land may be used and structures may be constructed, altered or enlarged for uses which are listed in the underlying zoning districts as permitted uses or as use exceptions in conformance with all other applicable provisions of this Zoning Ordinance and as further limited or prohibited by this section. Any earth disturbance or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff are subject to regulation by this ordinance as supplemented, or unless superseded, by Chapter 1003 of Title Ten: Building.

906.07.D General Provisions

1.  Land alteration and development activities must be in conformance with the applicable watershed stormwater management plan;

2.  If such plan has not yet been developed, adopted by the County Commissioners and approved by the Pennsylvania Department of Environmental Resources then development may proceed in that watershed provided that:

(a)  The maximum rate of stormwater runoff after development is no greater than before development; or

(b)  The quantity, velocity and direction of resulting stormwater runoff is managed in a manner which otherwise adequately protects health and property from possible injury.

3.  Where there is an applicable stormwater management plan all alterations of land and all development must submit a project site stormwater plan meeting the following requirements in order to determine compliance with the applicable plan:

(a)  General Format

1.  The stormwater plan shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet. All sheets shall contain a title block with: name and address of applicant and engineer, scale, north arrow, legend and date of preparation.

2.  The stormwater management plan (including all calculations) must be prepared and sealed by a registered professional engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required.

3.  A brief written description of the proposed development and stormwater management controls shall be included.

4.  Calculations shall be indexed, and all charts, figures, tables or similar information obtained from texts or other materials shall be referenced.

5.  The omission of any of these general items shall cause the plan to be returned immediately to the applicant for corrections.

(b)  Plan Contents

The plan shall show the following:

(1)  Watershed Location

Provide a key map showing development site's location within the watershed(s) and watershed subarea(s). On all site drawings, show the boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify watershed name(s) and subarea number(s).

(2)  Floodplain boundaries

Identify one hundred-year floodplains on the development site (as appropriate) based on the municipal Flood Insurance Study maps or delineated by applicable Federal Emergency Management Agency ("FEMA") maps and studies as being a special flood hazard area.

(3)  Natural features

Show all bodies of water (natural and artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site and off-site if they will be affected by runoff from the development.

(4)  Soils

Provide an overlay showing soil types and boundaries within development site (consult SCS, U.S. Geological Survey for information).

(5)  Contours

Show existing and final contours at intervals of two (2) feet; in areas with slopes greater than fifteen (15) percent, five-foot contour intervals may be used.

(6)  Existing stormwater controls

Show any existing stormwater management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc. which are located on the development site, or which are located off-site but will be affected by runoff from the development.

(7)  Runoff calculations

Submit calculations for determining pre- and post-development discharge rates and for designing proposed stormwater control facilities with the stormwater management plan. All calculations shall be prepared using the method and data prescribed by applicable watershed stormwater management plans or the Pennsylvania Stormwater Best Management Practices Manual, PA DEP 363-0300-002, December 30, 2006, as amended. The Rational Method may be utilized for development sites of less than two hundred (200) acres.

(8)  Proposed stormwater controls

Show all proposed stormwater runoff control measures on the plan including methods for collecting, conveying and storing stormwater runoff on-site, which are to be used both during and after construction. Erosion/sedimentation controls shall be shown in accordance with applicable municipal and County Conservation District requirements. The plan shall provide information on the exact type, location, sizing, design and construction of all proposed facilities and relationship to the existing watershed drainage system.

(i)  If the development is to be constructed in stages, the applicant must demonstrate that stormwater facilities will be installed to manage stormwater runoff safely during each stage of development.

(ii)  A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.

(9)  Easements, rights-of-way, deed restrictions

Show all existing and proposed easements and rights-of-way for drainage and/or access to stormwater control facilities and identify the proposed owner. Show any areas subject to special deed restrictions relative to or affecting stormwater management on the development site.

(10)  Other permits/approvals

Include a list of any permits/approvals related to stormwater management that will be required from other governmental agencies (e.g., an obstructions permit from Pa DEP) and the anticipated dates of submission and/or approval. Copies of permit application may be requested.

(11)  Maintenance program

Provide a proposed maintenance plan for all stormwater control facilities constructed as part of the development affected by the development's runoff. The maintenance plan shall:

(i)  Identify the proposed ownership entity (initial, interim and final) and the time period for which each is responsible.

(ii)  Include a maintenance program for all facilities, outlining the type of maintenance activities required, probable frequencies, personnel and equipment requirements and estimated annual maintenance costs.

(iii)  Identify method of financing continuing operation and maintenance if the facility is to be owned by other that the municipality or a governmental agency.

906.07.E Specific Watershed Provisions

906.07.E.1 Girty's Run

(a)  Development which connects its stormwater collection system to the City sewer system, which drains to the East Street Valley and therefore out of the Girty's Run Watershed, is in compliance with the requirements of this section provided sufficient capacity exists in the City sewer system to transmit the increased flows without adversely affecting health, property or the system; and provided any increase in runoff resulting from the development is captured by the collection system; and provided the collection system is designed to collect and convey to the City's system the design flows (volumes and rates) computed in accordance with the Watershed Plan's parameters for design storms and runoff calculations and demonstrated on a stormwater management plan. Development is encouraged to minimize the provision of impervious surface in order to maximize infiltration and reduce runoff.

(b)  Development which results in less than five thousand (5,000) square feet of impervious surface need not submit a stormwater management plan provided no downstream properties or watercourses are adversely affected by increased runoff or sedimentation.

(c)  Predevelopment and post development peak runoff rates and volumes must be calculated for the two-, five-, ten-, fifty-, and one hundred-year storm frequencies. Either the SCS Type II or the PDT region I storm distributions may be used for analyzing stormwater runoff, but the same storm distribution shall be used for analyzing both pre- and post-development conditions.

(d)  For the purposes of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one (1) of the following: SCS publications, Technical Release (TR) 55 or 20, or the Penn State Runoff Model (PSRM). The Rational Method may be utilized for development sites of twenty (20) acres or less and must be utilized for the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities.

(e)  The release rate percentages area:

|  |  |  |
| --- | --- | --- |
| Subarea 26 | 70% | (2, 5, 10 year storms) |
|  | 55% | (50, 100 year storms) |
| Subarea 27 | 55% | (2, 5, 10 year storms) |
|  | 100% | (50, 100 year storms) |

(f)  As an alternative to compliance with the specified release rate percentages a developer may submit an analysis by a registered engineer with expertise in hydrology and hydraulics which demonstrates that reasonable options exist to protect downstream areas from harmful storm runoff impacts. This analysis shall be in accord with the procedure specified in the plan.

906.07.F Monongahela River Watershed

906.07.F.1 Applicability

The stormwater performance standards contained in this section are intended to implement the standards and criteria contained in the Monongahela River Stormwater Management Plan, adopted and approved in accordance with the Pennsylvania Storm Water Management Act. If there is any discrepancy between the provisions of this section and the standards and criteria of the plan, or if the watershed plan is subsequently amended, then the standards/criteria of the current watershed plans shall govern. Development which results in less than five thousand (5,000) square feet of impervious surface need not submit a stormwater management plan provided no downstream properties or watercourses are adversely affected by increased runoff or sedimentation.

906.07.F.2 Storm Frequencies

Stormwater management facilities on all development sites shall control the peak stormwater discharge for the two-, ten-, twenty-five-, and one hundred-year storm frequencies. The SCS twenty-four-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre and post development conditions. The twenty-four-hour total rainfall for these storm frequencies in the watershed are:

|  |  |
| --- | --- |
| 2 year | 2.50 inches |
| 10 year | 3.61 inches |
| 25 year | 4.31 inches |
| 100 year | 5.71 inches |

906.07.F.3 Calculation Methods

(a)  Development Sites

For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one (1) of the following: SCS publications, Technical Release (TR) 55 or 20, HEC I. Penn State Runoff Model (PSRM) or Modified Rational Method.

(b)  Stormwater Collection/ Conveyance Facilities

For purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the Rational Method shall be applied. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.

(c)  Detention/Retention Facilities

Routing of hydrographs through detention/ retention facilities for the purpose of designing those facilities shall be accomplished using the Modified-Puls Method of other recognized reservoir routing method subject to the approval of the City.

(d)  Predevelopment Conditions

Predevelopment Conditions shall be assumed to be those which exist on any site at the time of adoption of the Monongahela River Stormwater Management Plan. Hydrologic conditions for all areas with pervious cover shall be assumed to be in good condition and the lowest recommended SCS runoff curve number shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.

(e)  Release Rate Percentages

Release Rate Percentages are:

|  |  |
| --- | --- |
| Subarea 1 | 100% |
| Subarea 2 | 100% |
| Subarea 4 | 60% |
| Subarea 6 | 60% |
| Subarea 7 | 50% |
| Subarea 8 | 80% |
| Subarea 9 | 90% |
| Subarea 11 | 60% |
| Subarea 12 | 50% |
| Subarea 13 | 100% |
| Subarea 15 | 70% |
| Subarea 19 | 70% |
| Subarea 22 | 60% |
| Subarea 23 | 80% |
| Subarea 24 | 70% |
| Subarea 29 | 50% |

(f)  No-Harm Evaluation

(1)  An applicant may seek to exceed the otherwise applicable subarea release rate percentage by performing the "No Harm Evaluation". This evaluation requires an independent engineering analysis to demonstrate that other reasonable options exist to prevent the occurrence of increased stormwater runoff discharge rates and/or velocities or those measures can be provided to prevent increased stormwater discharge rates or velocities from increasing flood elevations and accelerating erosion at all downstream points in the watershed.

(2)  A "No-Harm Evaluation" will be considered only where the discharge to a stream channel from the development site occurs directly to:

(i)  The Monongahela River;

(ii)  An adequately sized storm or combined sewer which discharges directly into the Monongahela River; or

(iii)  Through a properly sized regional stormwater detention facility.

(3)  The No-Harm Evaluation shall be prepared by a registered engineer who is experienced in hydrology and hydraulics who shall utilize the procedure specified in the Monongahela Stormwater Management Plan.

(Ord. 18-2007, § 1, eff. 11-19-07; Ord. No. 5-2008, § 1, eff. 5-21-08)

906.08. - SS-O, Steep Slope Overlay District.

906.08.A Purpose

1.  Create a Steep Slope Overlay District (SS-O) that includes any land comprising a steep slope (i.e. a natural slope of twenty-five (25) percent or greater).

2.  Recognize the importance of the City's steep slopes in defining the character of Pittsburgh.

3.  Assure that the steep slope site is appropriate for development considering natural site limitations, associated hazards, public safety, and the need to provide public services and infrastructure.

4.  Assure that the design of the proposed development responds to the site's limitations and attributes.

906.08.B Special Definitions

1.  Slope: inclination of land expressed as a percentage and derived by dividing the vertical elevation change by the horizontal distance.

2.  Ridgeline: that portion of a hillside that forms the horizon where a steep slope of twenty-five (25) percent or greater interfaces with less steeply sloped land above and beyond the SS-O, Steep Slope Overlay boundary.

3.  Base: transitional point between the valley floor and the hillside where a steep slope of twenty-five (25) percent or greater interfaces with less steeply sloped land below and beyond the SS-O, Steep Slope Overlay boundary.

4.  High Visibility Area: area defined and mapped by An Ecological and Physical Investigation of Pittsburgh Hillsides as City hillside areas that are visible by a large number of people on a daily basis due to the ability of the slope to be viewed from long distances, many vantage points, or numerous significant public viewing areas.

5.  Transition Area: buffer area located adjacent to the top and bottom of a slope (ridgeline or base of the steep slope area) where both the land and the associated land use regulations change form.

6.  Native Vegetation: species of plants that exist in this area prior to European settlement; plants within their pre European settlement range or zone of potential dispersal.

7.  Invasives: plants which aggressively spread and displace beneficial vegetation.

8.  Disturbed area: area of the site where vegetation is removed, structures or paving is removed, or excavation occurs.

906.08.C Development on Slopes in the SS-O district

906.08.C.1 Applicability

To ensure that development occurs in a manner that protects the natural and topographic character of slopes twenty-five (25) percent or greater, all uses and structures permitted in the base underlying district shall be reviewed and approved by the Planning Commission per the procedures of this Section.

906.08.C.2 Application

All applicants for review in the SS-O District shall first file an application with the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing applications. No application shall be processed until the Zoning Administrator has established that the application is complete and the required fee has been paid.

906.08.C.3 Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule public hearing dates before the Planning Commission, notify the applicant of the hearing dates and give at least twenty-one (21) days notice of the Planning Commission hearing by mail and by posting, in accordance with the notice requirements of Sections 922.01.C.1 and 922.01.C.2 and with notice to all owners of record of property within the affected area and within one hundred fifty (150) feet thereof, or to such extended distance to ensure that no less than twenty-five (25) nearest owners of record are so notified in writing.

906.08.C.4 Hearing and Action by the Planning Commission

The Planning Commission shall hold a public hearing on the application for development in the SS-O District. After the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application base on the Review Standards of Section 908.06.C.5 within forty-five (45) days of the Planning Commission hearing. When the Planning Commission fails to render its decision within that period, or fails to hold the required public hearing within sixty (60) days from the date of the completed application being received by the Zoning Administrator, the decision shall be deemed to be rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the failure of the Planning Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Section 906.08.C.3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

906.08.C.5 Review Standards

In addition to meeting the Environmental Performance Standards of Section 915.02 and the Residential Compatibility Standards of Section 916, the following additional standards shall apply to all development within the SS-O, Steep Slope Overlay District.

1.  Natural landforms shall be maintained to the maximum extent possible.

2.  The scale of the structure shall be contextual with proximate structures of the same use.

3.  Attached single family residential units shall employ architectural, materials, or color variations to allow the units to read as individual units.

4.  The proposed development shall minimize impervious surfaces.

5.  The proposed development shall employ foundations that include ground contours, embankments, vegetation or other such measures.

6.  Development shall be set back fifty (50) feet in both directions from the edge of the SS-O boundary when it occurs at either the Ridgeline or Base.

7.  Parking areas shall be internal to the primary structure or screened from view through vegetation or architectural features.

8.  Utilities and mechanical equipment (including but not limited to HVAC equipment) and storage areas (refuse or otherwise) shall be screened from view.

9.  All on-site lighting shall be shielded to prevent light spillover onto adjacent properties.

10.  Vegetation removal solely to create views is prohibited; views to the site shall be considered to be as important as views from the site.

11.  The proposed structure shall minimize the need for vegetation removal with the exception of invasive species.

12.  Vegetation with similar appearance and growing requirements as existing proximate vegetation (excepting invasive species) or native species shall be employed in revegetating the site.

13.  Natural drainage patterns shall be maintained to the extent physically possible.

14.  Stormwater runoff from impervious surfaces shall be collected and transported from the site rather than directed or allowed to flow onto adjacent properties or rights-of-way.

The Planning Commission may waive any of the above standards if finds that other mitigating measures are taken to preserve the environmental integrity of the site.

906.08.C.6 Amendments

The process for amending an approved development within the SS-O, Steep Slope Overlay District shall be the same as required for the approval of an original application.

906.08.C.7 Lapse of Approval

If the development has not been substantially initiated within one (1) year of the date of approval by the Planning Commission, the approval shall lapse. The approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Section 922.06.I.3. The Planning Commission may renew its approval for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval.

(Ord. 40-2005, § 1G, eff. 12-30-05)