

OFFICIAL
BOROUGH OF WEST HOMESTEAD
ORDINANCE NO. 729

AN ORDINANCE AMENDING BOROUGH OF WEST HOMESTEAD
ORDINANCE 560, CHAPTER 27 ZONING, TO CREATE A PUBLIC
SAFETY OVERLAY ZONE DESIGNED TO CONSIDER SAFETY
ISSUES AROUND ACCESS TO THE BOROUGH BUILDING.

WHEREAS, the Borough of West Homestead enacted Ordinance 560 on June 11, 1996; and,

WHEREAS, the Borough desires to amend said Ordinance to create Part 20, a Public Safety Overlay Zone, that considers safety issues around access to the Borough Building which houses the Borough Police Department and is fronted directly on a public street; and

WHEREAS, the West Homestead Borough Council has decided that the West Homestead Borough Police Department needs to regulate and restrict certain activities within a perimeter of the entrances of the building to maintain security and safety of the Department and the general public.

NOW THEREFORE, BE IT ORDAINED and ENACTED, by the Council of the Borough of West Homestead, Allegheny County, Pennsylvania, and it is ORDAINED and ENACTED by authority of same that Chapter 27 of the West Homestead Borough Code of Ordinances be amended as follows:

SECTION 1: Chapter 27, Part 20, shall be created, and read as follows:

Part 20. PUBLIC SAFETY OVERLAY ZONE

§27-2001 PURPOSE

The purpose of this Part is to create a Public Safety overlay zone that considers safety issues around access to the Borough Building, with special considerations that the Police Department operates from the building and is fronted directly on a public street. The West Homestead Borough Police Department needs to regulate and restrict certain activities within a perimeter of the entrances of the building to maintain the security and safety of the Police Department and the general public.

§27-2002 RELATION TO OTHER ZONE DISTRICTS

The Public Safety Overlay Zone shall not modify the boundaries of any underlying zoning district. Where identified, the Public Safety Overlay Zone shall impose certain additional requirements above and beyond the existing requirements on land use and construction in addition to those contained in the underlying zoning district. If a conflict between the underlying zoning district and the overlay district exists, the requirements of the overlay district will prevail.

§27-2003 DEFINITIONS

The following words and phrases, when used in this Part, shall have the meaning given to them in this section unless the context clearly indicates otherwise:

Authorized Personnel

Anyone who is authorized by the West Homestead Borough Police Department to be on property, including but not limited to Employees of the Borough of West Homestead.

Building Tenant

Direct employees of the owner or building tenant of a building.

General Public

Anyone not a member of the West Homestead Borough Police department, a building Tenant, or an Authorized Personnel.

Department

See Police Department.

Official Business

Any operations conducted by officials or employees of the West Homestead Police Department or West Homestead Borough.

Police Department

The West Homestead Police Department.

Use

Use classification as identified under the code of the Borough of West Homestead.

§27-2004 ESTABLISHMENT OF PUBLIC SAFETY OVERLAY ZONE

1. There are hereby created and established certain zones within this Part, defined in and depicted on Figure 1 and, all hereby adopted as part of this Part, which include:

A. Transitional Access Zone

Shall consist of a zone extending from the Restricted Access Zone 400 feet in diameter centered the eastern most corner of the West Homestead Borough Building.

B. Restricted Access Zone.

Shall consist of a zone 140 feet in diameter centered at the eastern most corner of the West Homestead Borough Building.

§27-2005 PERMIT APPLICATIONS

1. Any person who plans to erect a new structure, add to an existing structure, or occupy a structure, in the vicinity of the West Homestead Police Department shall first notify the Borough by submitting a zoning use application to the Borough who will forward said application through the Zoning officer to the West Homestead Police Department for review and comment at least 30 days prior to occupancy.

2. Conditional Determination. The West Homestead Police Department shall issue a determination within 30 days of receipt of application, identifying any further access restrictions to the portions of the structures abutting the unnamed alley at the rear of the Borough Building and/or Shady Lane, than those outlined below to use as proposed.

§27-2006 USE RESTRICTIONS

A. Transitional Access Zone

No use or activity shall be performed in this zone that would require the general public to traverse this zone through the unnamed alley at the rear of the West Homestead Borough Building. Access to properties by owners/tenants of any property with property adjoining the opened section of Shady Lane or unnamed alley will be maintained on public streets by owners/tenants in this zone.

B. Restricted Access Zone.

No new use or activity shall be performed within this perimeter that allows for the access of the building for the general public directly into this zone. Accesses to and from

the subject building by the building tenant would be permitted. Emergency egress from structures into this zone would be permitted. Incidental periodic deliveries (less than once daily) would also be permitted. No loitering of the general Public or building tenants is permitted in this zone.

§27-2007 PRE-EXISTING NONCONFORMING USES

The regulations prescribed by this Part shall not be construed to require the removal, or other change or alteration of any structure or use not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be altered or permitted to grow, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.

§27-2008 VIOLATIONS AND PENALTIES

The enforcement and penalties regarding violations of this Part shall be the same as those set forth in §27-1508.

§27-2009 APPEALS

All appeals from actions taken pursuant to this Part shall be the same as those set forth in §27-1611.

SECTION 2: Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Part and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

SECTION 3: Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.

SECTION 4: Severability. It is intended that the provisions in this Ordinance are severable and if any provisions are held or declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the decisions shall not affect or impair any of the remaining sections.

SECTION 5: Effective Date. That all other provisions of Ordinance 560 shall remain in full force and effect and this amended Ordinance shall take effect immediately.

ORDAINED AND ENACTED INTO LAW, this 12th day of September 2023.

ATTEST:

BOROUGH OF WEST HOMESTEAD

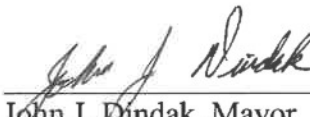


Donna M. McMichael
Borough Secretary

By: 

Joseph M. Baran
President of Council

Examined and approved this 12th day of September 2023.



John J. Dindak, Mayor

ATTEST:



Donna M. McMichael



FIGURE 1

Project Number: 10-415-86
 Drawing Scale: N.T.S.
 Date Issued: 06/27/2023
 Drawn By: JAH
 Checked By: WAR
 Project Manager: MRB

PUBLIC SAFETY OVERLAY ZONE
 BOROUGH OF WEST HOMESTEAD
 ALLEGHENY COUNTY, PENNSYLVANIA

PREPARED FOR:
BOROUGH OF WEST HOMESTEAD
 456 WEST EIGHTH AVENUE
 WEST HOMESTEAD, PA 15120

