

Chapter 27

Zoning

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Part 1**Introduction****§27-101. Short Title.**

This Chapter shall be known and may be cited as the “Baldwin Township Zoning Ordinance”.

(*Ord. 1-1953, 2/9/1953, Art. I, §100*)

§27-102. Map.

The map herein referred to which is identified by the title “Baldwin Township Zoning Map” shall be known as the Zoning Map, and such map, together with all notations, references into this Chapter, and shall be as much a part of this Chapter as if more fully described herein. The Zoning Map shall be kept on file and available for examination as provided in §27-302 of this Chapter. Said Baldwin Township Zoning Map accompanying this Chapter is on file at the office of the Township Secretary, 10 Community Park Drive, Baldwin Township, Allegheny County, Pennsylvania, where the same may be examined.

(*Ord. 1-1953, 2/9/1953, Art. I, §101; as amended by Ord. 427, 4/4/2006*)

§27-103. Purpose and Scope.

1. This Chapter is enacted for the purpose of promoting health, safety, morals or the general welfare of the Township of Baldwin. It is designed to regulate and restrict the height, number and stories and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures and percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose, as well as establishing and maintaining building lines and setback building lines upon any or all public streets and highways.

2. This Chapter shall in all cases be subject to and follow the provisions and requirements of the State Planning Code Act of May 20, 1949, P.L. 1608 as amended. [*Ord. 285*]

(*Ord. 1-1953, 2/9/1953, Art. I, §103; as amended by Ord. 285, 9/2/1980*)

Part 2**Definitions****§27-201. Definitions.**

1. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

2. Words used in the singular number include the plural, and words in the plural include the singular; words used in the masculine gender include the feminine and neuter; and the word “building” includes the word “structure”.

3. *Specific Definitions.*

Accessory building - a building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

Board - all references to the “Board” are to the Zoning Hearing Board created by this Chapter.

Corner lot - a lot abutting upon at least two street which intersect adjacent to the lot, each of which exceeds 32 feet in width.

Double house - dwelling designed for or occupied exclusively by two families with separate entrances for each, but under one roof and with a wall or party wall between, but no interior connection between the two.

Dwelling - any building which is designed for or occupied in whole or in part as the home, residence, or sleeping place of one or more persons, either permanently or temporarily.

Family - any two or more persons related by blood or marriage, living together; or one or more persons maintaining wholly or partly other persons, all living together in one household or housekeeping unit.

Front yard - the required open space in the front of the principal building, extending the full width of the lot along the street line of any street or streets on which the lot abuts.

Half story - a story under a gabled, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the finished floor of such story.

Height - the height of a building shall be measured from the top of the foundation wall to the highest point on the main roof. The height of a structure without a roof shall be measured in the same manner to the highest point on such structure, and the height of a structure without a foundation shall be measured in the same manner from the mean level of the ground surrounding the structure.

House trailer - any vehicle used for living or sleeping purposes to which wheels are or at any time have been attached.

Interior lot - a lot the side and rear lines of which do not abut upon a street.

Lot - the parcel of land on which a principal building, and its accessory building, if any, are placed, together with the required open spaces, having its frontage upon a street. No part of a lot which is also a part of a street, a road, or an

alley shall be included in determining the area of the lot for the purposes of this Chapter.

Multiple dwelling - a dwelling designed for or occupied as a residence for three or more families living independently of one another, and not as a residence for transients.

Parking - for single-family and two-family dwellings, the required space shall be designed as an integral enclosed garage and shall have a permanent paved accessory directly from the street or alley the width of the garage to the parking garage. Off street parking for single and two-family dwellings may only be permitted in that permanent paved accessory leading directly from the street or alley the width of the garage to the parking garage. Any alterations or extensions to said permanent paved accessory which alterations or extensions are contiguous with said accessory leading to the parking garage may be permitted provided that a building permit is approved. [Ord. 318]

Private garage - that integral part of a dwelling which is used or designed for use as storage space for not more than two motor vehicles.

Public garage - a building not a private or storage garage, used for the storage and repair of vehicles.

Rear yard - the required open space extending along the rear lot line in the rear of the principal building throughout the whole width of the lot.

Side yard - the open space extending along the side lot line throughout the entire depth of the lot.

Sign - any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes, and in computing the size of any sign, the entire surface of such structure or part thereof in the same plane as such lettered or pictorial matter shall be included.

Single-family dwelling - a separate dwelling designed for or occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

Special exception - the permission or approval granted by the Board in situations where provision therefor is made by the terms of this Chapter.

Storage garage - a building not a private garage, used for the storage only of vehicles.

Story - that part of any building between any floor and the floor or roof next above, except that the first story of any building is the lowest story for which the outside walls are 75 percent or more above the average level of the ground adjacent to such outside walls.

Street - any public street, any street dedicated to public use and any street in a recorded plan of subdivision.

Structural alteration - any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Telephone central office - a building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company, provided that in a

residential district, a telephone central exchange shall not include public office facilities, storage of materials, trucks, or repair facilities, or housing of repair crews. The plans for the design and construction of said buildings shall be submitted to the Board of Township Commissioners for approval, and shall be in keeping with the general architectural design of other buildings in the neighborhood.

Through lot - a lot, other than a corner lot, abutting in both the front and rear upon streets each of which exceeds 32 feet in width.

Trailer camp - any premises used or designed to be used as a parking space for more than one house trailer.

Two-family dwelling (duplex) - a separate dwelling designed for or occupied exclusively as a residence for only two families, with one family living wholly or partly over the other, and having no party wall in common with an adjacent building.

Zoning Officer - any person, including the Building Inspector, who shall be appointed by the Board of Township Commissioners from time to time.

(Ord. 1-1953, 2/9/1953, Art. II, §200; as amended by Ord. 318, 1/8/1987, §1)

Part 3**Districts****§27-301. Designations.**

For the purpose of this Chapter, the Township is hereby divided into four districts which shall be designated as follows:

- A. R-1 Residence
- B. R-2 Residence
- C. R-3 Residence
- D. C - Commercial and Light Industrial

(*Ord. 1-1953, 2/9/1953, Art. III, §300; as amended by Ord. 276, 3/6/1979, §1*)

§27-302. Boundaries Shown on Map.

The boundaries of said districts shall be as shown upon the Zoning Map, which said map is on file at the office of the Township Secretary, 10 Community Park Drive, Baldwin Township, Allegheny County, Pennsylvania, and at the office of the Township Engineer, 1552 Banksville Road, Pittsburgh, Pennsylvania. The Zoning Map shall be kept on file at the office of the Secretary of Baldwin Township and shall be available for public examination at such office, except that such Zoning Map may be removed from such office for any reasonable purpose upon the order of the Township Commissioners or the Zoning Hearing Board, upon the joint order of the President or Vice-President of the Township Commissioners and the chairman of the Zoning Hearing Board.

(*Ord. 1-1953, 2/9/1953, Art. III, §301*)

§27-303. Boundary Interpretation.

The boundaries between districts are, unless otherwise indicated, on either the center lines of streets, roads, or railroad rights-of-way, or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Map between a street, road, or railroad right-of-way and a district boundary line, they indicate that the district boundary line runs parallel to the street or road line or railroad right-of-way at a distance therefrom equivalent to the number of feet so indicated.

(*Ord. 1-1953, 2/9/1953, Art. III, §302*)

§27-304. Boundary Tolerances.

When a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the regulations as to use, height, and area in the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line; provided, that in the case of a lot other than a corner lot, the regulations as to the use, height, and area in the less restricted district may extend a distance of more than 50 feet beyond the district boundary line when authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. III, §303*)

Part 4**R-1 Residence Districts****§27-401. Applicability.**

In R-1 Residence Districts the following regulations shall apply.
(*Ord. 1-1953, 2/9/1953, Art. IV, §400*)

§27-402. Permitted Uses.

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other.

A. Single-family dwelling.

B. When authorized as a special exception:

(1) educational, religious or philanthropic use, excluding correctional institutions.

C. Telephone central exchange, when authorized by the Board of Township Commissioners and when in keeping with the general architectural design of the neighborhood.

D. *Accessory Use.*

(1) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

(2) *Home Occupation.*

(a) The term “accessory use,” when applied to a dwelling, shall include home occupations, which is defined as an occupation for gain, profit, or support, conducted within a dwelling unit by a resident of the dwelling unit, which is clearly incidental and accessory or secondary to the use of the property for residential purposes.

(b) Home occupations shall include the following:

- 1) Artist (studio only).
- 2) Computer programming/data processing/writing.
- 3) Contractor (no storing of equipment on exterior of premises).
- 4) Dressmaking/sewing/tailoring.
- 5) Garage sales (see clause (d)(11)).
- 6) General office and clerical work, home crafts, excluding classes (crafts could be: monogramming, flower arranging, model making, rug weaving, cabinet making, pottery, quilts).
- 7) Housekeeping/custodial service.
- 8) Interior design.
- 9) Jewelry/watch repair.
- 10) Locksmith.
- 11) Mail order.

12) Manufacturer's sales representative (no storage of retail goods.)

13) Photographer.

14) Professional occupations (bookkeeper, drafting, graphic services, consultant, clergy, counselor, investigators, engineer, architect, and insurance agent.).

15) Television and electrical appliance repairs (excludes major appliances such as refrigerators, etc.).

16) Telemarketing.

17) Travel agent.

18) Tutoring or instruction (arts and education, limited to a single pupil at a time).

19) Word processing, typing, secretarial services.

Any use of the same general character as any of the uses hereinbefore specifically permitted in this subparagraph when authorized as a special exception.

(c) Permitted home occupations shall not in any event be deemed to include the following:

1) Animal grooming.

2) Automotive and mechanized equipment repair.

3) Commercial riding, boarding stable, kennel.

4) Dance studio.

5) Flea markets.

6) Funeral chapel or funeral home.

7) Group home, group dwelling of personal care homes.

8) Junkyards (as defined in subsection .4.j below).

9) Medical, chiropractic, optometric or dental offices; clinics or hospitals (or any similar profession which diagnoses and/or treats physical or mental illnesses, problems, or conditions).

10) Private clubs.

11) Professional day care homes.

12) Restaurants, taverns, or catering.

13) Retail or wholesale stores.

14) Tanning or massage salon.

15) Taxidermy.

16) Any activity which requires a fire prevention permit under the BOCA Fire Code for the use of hazardous or flammable materials.

(d) In addition to the use of limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

1) The occupation or activity shall be carried on wholly within

the principal building an may be open to the public only between the hours of 8 a.m. and 9 p.m.

2) No more than one paid assistant not residing at the resident household shall be employed at the location of the home occupation. Said paid assistant may not be involved in the actual manufacturing or production of a product or products. Employees or persons affiliated with said home occupation, other than the one permitted assistant and residents, shall not report to or meet at such residence.

3) There shall be no exterior display or sign in relation to the home occupation.

4) A home occupation shall produce no noise, vibration, smoke, odor, dust, heat, glare, or electrical disturbance which creates any public or private nuisance; nor shall any home occupation interfere with radio or television transmission in the area.

5) The home occupation shall not generate traffic, including truck deliveries, in any greater volume than would normally be expected in a residential neighborhood.

6) Any need for parking generated by the home occupation shall be met by off-street parking accommodations and shall be in accordance with §§27-413 and 27-513. No more than two vehicles of a nonresident at one time are permitted to be parked on-street if associated with a home occupation.

7) No home occupation shall require structural alterations to the interior or exterior of the dwelling unit which changes the residential character thereof.

8) No materials, good, or inventory used in the home occupation may be stored outside the dwelling unit nor in a detached or integral private garage or accessory structure. The Castle Shannon Volunteer Fire Department shall be notified when hazardous materials are stored within the dwelling.

9) Notwithstanding the provisions of Part 11 (relating to whether a building permit is required upon a change of use), a building (occupancy) permit shall be required to lawfully conduct a home occupation.

10) Junkyards, an activity prohibited hereunder, shall be defined as follows: an area of land with or without buildings, used for the storage outside a completely enclosed building, of used and discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery vehicles, or parts thereof, with or without the dismantling, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed or currently uninspected, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard.

11) Garage sales, a permitted home occupation hereunder, shall

be defined as follows: all general sales, open to the public, conducted from a residential lot for the occupant of one or more dwelling units in a neighborhood, for the purpose of disposing of only personal property of the occupant of the lot or dwelling units. Garage sales shall be subject to the following use limitations: said sales shall be conducted only on Saturday and/or Sunday between the hours of 8 a.m. until dark and shall not be held more than twice a year; events for the purpose of selling merchandise or taking orders shall not be held more than four times a year.

(e) Such terms (accessory use) shall also include a private garage, which may be designed or used for storage of more than two motor vehicles when authorized as a special exception.

[*Ord. 369*]

E. Signs, when erected and maintained in accordance with the provisions of Part 10 hereof.

(*Ord. 1-1953, 2/9/1953, Art. IV, §401; as amended by Ord. 369, 2/7/1995, §1*)

§27-403. Minimum Lot Area for Dwelling.

A lot area of not less than 6,000 square feet shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling; provided that in the case of a lot held in single and separate ownership at the effective date of this Chapter, having an area of less than 6,000 square feet, a dwelling may be built thereon when authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. IV, §402*)

§27-404. Minimum Setback Distance.

Every dwelling shall be so erected that the distance from one side line of the lot to the other (or to the street line on the side, in the case of a corner lot) shall be at least 50 feet when measured on a line parallel to the front street line and touching that part of the dwelling which is nearest to the front street line.

(*Ord. 1-1953, 2/9/1953, Art. IV, §403*)

§27-405. Maximum Building Area.

No more than 22 percent of the area of any lot may be occupied by the principal building thereon, and no more than 6 percent of the area of any lot may be occupied by the accessory building or buildings, provided that occupation of a greater percentage by any building of the character specified in §27-402.A and .B, or any building or buildings accessory thereto, may be authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. IV, §404*)

§27-406. Minimum Lot Coverage for Dwellings.

The following minimum areas shall be covered by any dwelling hereafter erected, except that coverage of a lesser area may be authorized as a special exception:

One-story single-family dwelling	840 square feet
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One and one-half story single-family dwelling	720 square feet
Two-story single-family dwelling	550 square feet

In determining the area of any dwelling, the area of the private garage, if any, shall not be included.

(Ord. 1-1953, 2/9/1953, Art. IV, §405)

§27-407. Front Yard Depth.

There shall be a front yard, the depth of which shall be at 35 feet; provided, however, that the depth of the front yard may be reduced to not less than 25 feet when authorized as a special exception. Or, said front yard shall be reduced to not less than 25 feet when a recorded plan of lots indicates a front yard of 25 feet or when 50 percent of all the buildings on one side of a street between two intersecting streets shall have been constructed on the 25-foot line.

(Ord. 1-1953, 2/9/1953, Art. IV, §406; as amended by Ord 21-1954, 11/29/1954, §1)

§27-408. Side Yard Width.

On each 50-foot lot, other than a corner lot, there shall be two side yards, each having a width of not less than 5 feet and together having an aggregate width of not less than 15 feet in the case of all other buildings or structures; on each 60-foot lot, other than a corner lot, there shall be two side yards, each having a width of not less than 10 feet, and together having an aggregate width of not less than 20 feet. In the case of all other buildings or structures, each shall have a width of not less than 20 feet. In the case of a corner lot, there shall be two side yards, with the side yard along the side street line having a width of not less than one-half the distance from the front street line to the nearest part of the building, and with the side yard along the other side line having a width of not less than 5 feet.

(Ord. 1-1953, 2/9/1953, Art. IV, §407)

§27-409. Rear Yard Depth.

On each lot other than a through lot, there shall be a rear yard, the depth of which shall be at least 30 feet; provided, that in the case of such a lot held in single and separate ownership at the effective date of this Chapter of a depth of less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet. In the case of a through lot, there shall be a rear yard, the depth of which shall be equal to the required depth of the front yard on the nearest interior lot fronting on the street from which the depth of the rear yard on through lot is measured. The depth of the rear yard on any corner lot or through lot may be decreased to not less than 15 feet when authorized as a special exception; but, such special exception shall be authorized by the Board only after it has determined that it is essential to the practical utilization of the lot for building purposes and that other property owners will not be unduly prejudiced thereby.

(Ord. 1-1953, 2/9/1953, Art. IV, §408)

§27-410. Maximum Building Height.

No building or structure shall exceed 25 feet or two and one-half stories in height, except that the height of any building used exclusively for educational, religious and/or philanthropic purposes, of any hospital or sanitarium, and of any building on the same lot used exclusively for purposes customarily incidental and accessory thereto, may be increased to not more than 70 feet or six stories if the width of each side yard is increased at the rate of 5 feet for each additional 5 feet of height over 35 feet.

(Ord. 1-1953, 2/9/1953, Art. IV, §409)

§27-411. Minimum Dwelling Height.

No dwelling hereafter erected shall be less than 14 feet in height.

(Ord. 1-1953, 2/9/1953, Art. IV, §410)

§27-412. Depth and Height Exceptions.

Sections 27-410 and 27-411 of this Chapter shall not apply to any use of property of the character referred to in §27-402.B and .C of this Chapter.

(Ord. 1-1953, 2/9/1953, Art. IV, §411)

§27-413. Parking.

1. This Section applies only to single family (R-1) and two-family (R-2) dwellings within Baldwin Township.

2. Each dwelling must maintain a garage and adequate access to the street, either integral or detached in accordance to the building ordinances.¹ Any access wider than 9 feet leading directly from the street to the garage will be considered to be part of the additional parking area described below.

3. Each dwelling can also erect an additional parking area on the property for the purpose of parking a second car. The additional parking area must meet the following:

A. The additional parking area that supports the vehicle must be on the owners property and not on Township right-of-way.¹ When the Township was established, 50-foot or 40-foot wide street rights-of-way were set up for utilities, sidewalks, lampposts, telephone poles, and to maintain adequate visibility and for emergency egress - this area was not intended to be used as a vehicle parking areas.

B. The additional parking area that supports the vehicle, must not be more than 10 feet wide by 20 feet long or less than 7 feet wide by 16 feet long, must be contiguous with the existing garage access to the street, and must have a surface constructed of asphalt, brick, or concrete. This area does not include the egress area through the Township right-of-way which must also be paved with the same material as the parking area.¹

4. No less than 65 percent of the front yard width must be maintained with either grass or other ground cover vegetation.¹

5. A building permit and possibly a landscaping permit (if over 25 cubic yards of

¹Any condition which exist prior to 10/31/1988 is exempt and may remain until time of removal or replacement. (Repairs are not to be interpreted as replacement.)

dirt are moved) must be applied for and approved by the Building Inspector if more than 12 inches deep layer of earth is to be removed, the new parking area disturbs the soil within 5 feet of the neighboring side yard property lines, or a retaining wall situation is created because of the installation.

6. Expansion or construction joints must be installed where the paving crosses a utility right-of-way. This is necessary so the utility company can repair the underlining piping with the least disturbance to the paving.¹

7. Parking or storing of vehicles on lawns or grass is prohibited.

(*Ord. 1-1953*, 2/9/1953, Art. IV, §412; as added by *Ord. 318*, 1/8/1989, §2; as amended by *Ord. 331*, 10/4/1988; and by *Ord. 427*, 4/4/2006)

Part 5

R-2 Residence Districts

§27-501. Applicability.

In R-2 Residence Districts, the following regulations shall apply.
(Ord. 1-1953, 2/9/1953, Art. V, §500)

§27-502. Permitted Uses.

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other.

- A. A use permitted in R-1 Residence Districts.
- B. A two-family dwelling.
- C. A double house.
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, subject to the limitations contained in §27-402.D of this Chapter.

(Ord. 1-1953, 2/9/1953, Art. V, §501)

§27-503. Minimum Lot Area for Dwellings.

A lot area of not less than the following amounts shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling.

For a single or two-family dwelling	5,500 square feet
For a double house	7,200 square feet

(Ord. 1-1953, 2/9/1953, Art. V, §502)

§27-504. Minimum Setback Distance.

Every dwelling shall be so erected that the distance from one side line of the lot to the other (or to the street line on the side, in the case of a corner lot) shall be at least the number of feet specified below when measured on a line parallel to the front street line and touching that part of the dwelling which is nearest to the front street line.

Single-family dwelling	40 feet
Two-family dwelling	50 feet
Double house	60 feet

(Ord. 1-1953, 2/9/1953, Art. V, §500)

§27-505. Maximum Building Area.

The following percentages of the area of any lot shall be the maximum areas thereof that may be occupied by the principal building and the accessory building or buildings

thereon.

Where the principal building is	Maximum Area	
	Principal Building	Accessory Buildings
A single-family dwelling	25%	4%
A double house	25%	5%
A two-family dwelling	20%	7%
Any other building	25%	7%

provided, however, that occupation of a greater percentage by any building of the character specified in §27-402.B and .C, or any building or buildings accessory thereto, may be authorized as a special exception.

(Ord. 1-1953, 2/9/1953, Art. V, §504)

§27-506. Minimum Lot Coverage for Dwellings.

1. The following minimum areas shall be covered by all dwellings hereafter erected, except that coverage of a lesser area may be authorized as a special exception.

One-story single-family dwelling	770 square feet
One and one-half story single-family dwelling	700 square feet
Two-story single-family dwelling	500 square feet
Two-family dwelling	720 square feet
Double house	950 square feet

2. In determining the area of any dwelling, the area of the private garage, if any, shall not be included.

(Ord. 1-1953, 2/9/1953, Art. V, §505)

§27-507. Front Yard Depth.

There shall be a front yard, the depth of which shall be at least 25 feet, unless permitted by special exception by the Board.

(Ord. 1-1953, 2/9/1953, Art. V, §506)

§27-508. Side Yard Width.

On each lot other than a corner lot there shall be two side yards, each having a width of not less than 5 feet in the case of a double house, 10 feet in the case of a two-family dwelling, 5 feet in the case of a single-family dwelling, and 10 in the case of all other buildings or structures. In the case of a corner lot, there shall be two side yards with the side yard along the side street line having a width of not less than one-half the distance from the front street line to the nearest part of the building, and with the side yard along the other side line having a width of not less than 5 feet.

(Ord. 1-1953, 2/9/1953, Art. V, §507)

§27-509. Rear Yard Depth.

The provisions of §27-409 shall apply in R-2 Residence Districts.

(Ord. 1-1953, 2/9/1953, Art. V, §508)

§27-510. Maximum Building Height.

No building or structure shall exceed 25 feet or two and one-half stories in height, except that the height of any building used exclusively for educational, religious and/or philanthropic purposes, of any hospital or sanitarium, and of any building on the same lot used exclusively for purposes customarily incidental and accessory thereto, may be increased to not more than 70 feet or six stories, if the width of each side yard is increased at the rate of 5 feet for each additional 5 feet of height over 35 feet.

(Ord. 1-1953, 2/9/1953, Art. V, §509)

§27-511. Minimum Dwelling Height.

No dwelling hereafter erected shall be less than 12 feet in height.

(Ord. 1-1953, 2/9/1953, Art. V, §510)

§27-512. Width and Depth Exceptions.

The provisions of §§27-508 and 27-509 of this Chapter shall not apply to farm buildings which are not dwellings.

(Ord. 1-1953, 2/9/1953, Art. V, §511)

§27-513. Parking.

1. This Section applies only to single family (R-1) and two-family (R-2) dwellings within Baldwin Township.

2. Each dwelling must maintain a garage and adequate access to the street, either integral or detached in accordance to the building ordinances.² Any access wider than 9 feet leading directly from the street to the garage will be considered to be part of the additional parking area described below.

3. Each dwelling can also erect an additional parking area on the property for the purpose of parking a second car. The additional parking area must meet the following:

A. The additional parking area that supports the vehicle must be on the owners property and not on Township right-of-way.² When the Township was established, 50-foot or 40-foot wide street rights-of-way were set up for utilities, sidewalks, lampposts, telephone poles, and to maintain adequate visibility and for emergency egress - this area was not intended to be used as a vehicle parking areas.

B. The additional parking area that supports the vehicle, must not be more than 10 feet wide by 20 feet long or less than 7 feet wide by 16 feet long, must be

²Any condition which exist prior to 10/31/1988 is exempt and may remain until time of removal or replacement. (Repairs are not to be interpreted as replacement.)

contiguous with the existing garage access to the street, and must have a surface constructed of asphalt, brick, or concrete. This area does not include the egress area through the Township right-of-way which must also be paved with the same material as the parking area.²

4. No less than 65 percent of the front yard width must be maintained with either grass or other ground cover vegetation.²

5. A building permit and possibly a landscaping permit (if over 25 cubic yards of dirt are moved) must be applied for and approved by the Building Inspector if more than 12 inches deep layer of earth is to be removed, the new parking area disturbs the soil within 5 feet of the neighboring side yard property lines, or a retaining wall situation is created because of the installation.

6. Expansion or construction joints must be installed where the paving crosses a utility right-of-way. This is necessary so the utility company can repair the underlining piping with the least disturbance to the paving.²

7. Parking or storing of vehicles on lawns or grass is prohibited.

(*Ord. 1-1953, 2/9/1953, Art. V, §513; as added by Ord. 318, 1/8/1989, §2; amended by Ord. 331, 10/4/1988; and by Ord. 427, 4/4/2006*)

Part 6

R-3 Residence Districts

§27-601. Applicability.

In R-3 Residence Districts, the following regulations shall apply.
(Ord. 1-1953, 2/9/1953, Art. V-A, §550; as added by Ord. 276, 3/6/1979, §2)

§27-602. Permitted Uses.

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other.

- A. A use permitted in R-1 Residence Districts and R-2 Residence Districts.
- B. Two-family dwelling.
- C. Townhouse dwelling.
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, subject to the limitations contained in §27-402.D of this Chapter.

(Ord. 1-1953, 2/9/1953, Art. V-A, §551; as added by Ord. 276, 3/6/1979, §2)

§27-603. Minimum Lot Area for Dwellings.

A lot area of not less than the following amounts shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling.

For a single or two-family dwelling	5,500 square feet
For a double house	7,200 square feet
For townhouse dwellings (row houses)	not less than 2,700 square feet per dwelling

(Ord. 1-1953, 2/9/1953, Art. V-A, §552; as added by Ord. 276, 3/6/1979, §2)

§27-604. Minimum Setback Distance.

1. Every dwelling shall be so erected that the distance from one side line of the lot to the other (or to the street in the case of a corner lot) shall be at least the number of feet specified below when measured on a line parallel to the front street line and touching that part of the dwelling which is nearest to the front street line.

Single-family dwelling	40 feet
Two-family dwelling	50 feet
Double house	60 feet

2. *Townhouse Dwellings (Row Houses).* A width at the building line of not less than 75 feet for a row house containing three or more dwelling units under one ownership. If the dwellings under this description are arranged, designed, or intended

to be sold or owned in separate ownerships between party walls, the minimum width of lot between center lines of party walls shall be 16 feet, and the 75-foot minimum width of total site frontage shall apply for the entire structure. The minimum size of lot for a structure classified as a row or townhouse shall be 12,000 square feet for a single structural unit, or ¼ of an acre when constructed in complexes of more than two structural units.

(Ord. 1-1953, 2/9/1953, Art. V-A, §553; as added by Ord. 276, 3/6/1979, §2)

§27-605. Maximum Building Area.

The following percentages of the area of any lot shall be the maximum areas thereof that may be occupied by the principal building and the accessory building or buildings thereon.

	Maximum Area	
Where the principal building is	Principal Building	Accessory Buildings
A single-family dwelling	25%	4%
A double house	25%	5%
A two-family dwelling	20%	7%
Any other building	25%	7%
Townhouse dwelling (row house)	35%	7%

Provided, however, that occupation of a greater percentage by any building of the character specified in §§27-402.B and .C, or any building or buildings accessory thereto, may be authorized as a special exception.

(Ord. 1-1953, 2/9/1953, Art. V-A, §554; as added by Ord. 276, 3/6/1979, §2)

§27-606. Minimum Lot Coverage for Dwellings.

1. The following minimum areas shall be covered by all dwellings hereafter erected, except that coverage of a lesser area may be authorized as a special exception.

One-story single-family dwelling	770 square feet
One and one-half story single-family dwelling	700 square feet
Two-story single-family dwelling	500 square feet
Two-family dwelling	720 square feet
Double house	950 square feet

2. In determining the area of any dwelling, the area of the private garage, if any shall not be included.

(Ord. 1-1953, 2/9/1953, Art. V-A, §555; as added by Ord. 276, 3/6/1979, §2)

§27-607. Front Yard Depth.

There shall be a front yard the depth of which shall be at least 25 feet, unless permitted as a special exception by the Zoning Hearing Board on appeal.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §556; as added by Ord. 276, 3/6/1979, §2*)

§27-608. Side Yard Width.

On each lot other than a corner lot there shall be two side yards, each having a width of not less than 5 feet in the case of a double house, 10 feet in the case of a two-family dwelling or row or town house structure, 5 feet in the case of a single-family dwelling, and 10 feet in the case of all other buildings or structures. In the case of a corner lot, there shall be two side yards with the side yard along the side street line having a width of not less than one-half the distance from the front street line to the nearest part of the building, and with the side yard along the other side line having a width of not less than 5 feet.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §557; as added by Ord. 276, 3/6/1979, §2*)

§27-609. Rear Yard Depth.

The provisions of §27-410 of this Chapter shall apply in R-3 Residence Districts.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §558; as added by Ord. 276, 3/6/1979, §2*)

§27-610. Maximum Building Height.

No building or structure shall exceed 25 feet or two and one-half stories in height, except that the height of any building used exclusively for educational, religious and/or philanthropic purposes, of any hospital or sanitarium, and of any building on the same lot used exclusively for purposes customarily incidental and accessory thereto, may be increased to not more than 70 feet or six stories, if the width of each side yard is increased at the rate of 5 feet for each additional 5 feet of height over 35 feet.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §559; as added by Ord. 276, 3/6/1979, §2*)

§27-611. Minimum Dwelling Height.

No dwelling hereafter erected shall be less than 12 feet in height.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §560; as added by Ord. 276, 3/6/1979, §2*)

§27-612. Width and Depth Exceptions.

The provisions of §§27-508 and 509 of this Chapter shall not apply to farm buildings which are not dwellings.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §561; as added by Ord. 276, 3/6/1979, §2*)

Part 7**C - Commercial and Light Industrial Districts****§27-701. Applicability.**

In C - Commercial and Light Industrial District, the following regulations shall apply.

(*Ord. 1-1953, 2/9/1953, Art. VI, §600*)

§27-702. Permitted Uses.

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other.

- A. A use permitted in any Residence District.
- B. Store, office, studio, personal service shop, bank, financial institution, telegraph or telephone office, radio or television station, studio or office.
- C. Hotel, rooming house, boarding house.
- D. Theater, movie house, place of amusement, restaurant, tea room, night club, bar, grill room.
- E. Greenhouse, crematory.
- F. Motor vehicle sales agency when authorized as a special exception (a motor vehicle sales agency may include a service and repair shop in the rear of the same building or in a building accessory thereto on the same lot).
- G. Public garage or gasoline service station or motor vehicle service and repair shop, when authorized as a special exception.
- H. Bus or railway passenger station, express agency.
- I. Motor vehicle parking lot, storage garage, private garage.
- J. Bakery, pastry, confectionery, or ice cream shop for the production of articles to be sold at retail on the premises.
- K. Hand laundry, or cleaning and pressing shop.
- L. Plumbing, tinsmith, electrical repair, or pipe fitting shop.
- M. Creamery, butter making, cheese making, milk bottling, or distribution station, when authorized as a special exception.
- N. Repair of jewelry, watches, clocks or optical goods; repair of musical, professional and small scientific instruments; and manufacture thereof when authorized as a special exception.
- O. Newspaper or job printing; bookbinding.
- P. Club, fraternity house, or lodge.
- Q. Educational, religious, or philanthropic use; hospital, sanitarium.
- R. Bowling alley and billiard parlors.
- S. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, subject to the limitations contained in §27-402.D.

T. Any use of the same general character as any of the uses hereinbefore specifically permitted in this section when authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. VI, §601*)

§27-703. Prohibited Uses.

No building may be erected, altered, or used, and no lot or premises may be used, for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, or noise. No internal combustion engine or other machine shall be used unless objectionable noise and vibration be eliminated.

(*Ord. 1-1953, 2/9/1953, Art. VI, §602*)

§27-704. Permitted Residential Uses.

The provisions of §§27-502 and 27-503 of this Chapter, inclusive, shall apply to any use of property in C - Commercial District which would be permitted use in R-2 Residence Districts, or which might be authorized as a special exception in an R-2 Residence District pursuant to this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VI, §603*)

§27-705. Front and Side Yard Requirements.

All buildings in Commercial Districts shall have a 15-foot front yard, the side yard or yards shall be at least 5 feet wide; provided, however, that buildings may be built with either or both side walls attached to or in common with, a wall of another building, in which case no side yard shall be required on such side or sides of the building. Greater front yards may be allowed when authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. VI, §604; as amended by Ord. 1-1956, 3/12/1956, §1*)

§27-706. View Obstruction.

No wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or any other growth shall be established or maintained, which may cause danger to traffic on a street by obscuring the reasonable view of persons using such street.

(*Ord. 1-1953, 2/9/1953, Art. VI, §605*)

§27-707. House Trailer Use Restricted.

No house trailer may be used for living or sleeping purposes within the Township except when located in a trailer camp for which a permit issued by the Township Commissioners is in full force and effect. Such special permits shall be issued only in cases of emergency need, and no such permit shall continue in effect for more than 30 days unless extended by resolution of the Township Commissioners.

(*Ord. 1-1953, 2/9/1953, Art. VI, §606*)

§27-708. Signs.

Signs and signboards are permitted when erected and maintained in accordance with the provisions of Part 10 of this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VI, §607*)

Part 8**General Height and Area Regulations****§27-801. Height Exceptions in C - Districts.**

In C - Commercial and Light Industrial Districts, the height limitations of the District may be exceeded by structures, when permitted therein, which require special design on account of their particular use in industry or commerce (such as chimneys, stacks, grain elevators, detached water or radio towers), provided they otherwise comply with the regulations herein prescribed and provided their additional height is authorized as a special exception by the Board on appeal.

(*Ord. 1-1953, 2/9/1953, Art. VII, §700*)

§27-802. Yards, Courts, and Open Spaces.

No yard, court, or other open space about any building or structure for the purpose of complying with this Chapter shall be considered as a yard, court, or other open space for another building or structure.

(*Ord. 1-1953, 2/9/1953, Art. VII, §701*)

§27-803. Projections into Front Yards.

No building or part of a building shall be erected within or shall project into any required front yard except:

- A. Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.
- B. One-story unroofed porches projecting not more than 10 feet.
- C. Steps.
- D. Balconies and open permanent porch roofs projecting not more than 8 feet.

(*Ord. 1-1953, 2/9/1953, Art. VII, §702; as amended by Ord. 1-1956, 3/12/1956, §2*)

§27-804. Projections into Side Yards.

No building or part of a building shall be erected within or shall project into a side yard except:

- A. Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.
- B. Steps.

(*Ord. 1-1953, 2/9/1953, Art. VII, §703*)

§27-805. Projections into Rear Yards.

No building and no part of a building shall be erected within or shall project into the rear yard except:

- A. Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.
- B. Bay windows not extending through more than one story and not projecting more than 18 inches.
- C. One-story unroofed porches projecting not more than 10 feet.

D. Steps.

E. Balconies and open permanent porch roofs projecting not more than 5 feet.

(Ord. 1-1953, 2/9/1953, Art. VII, §704)

§27-806. Fences, Walls, Retaining Walls and Screening.

1. *Definitions.*

Accessory building - a building subordinate to the main building and used for purposes customarily incidental to those of the main building.

Applicant - a land owner or other person with a proper legal interest in land who files an application to construct a fence within the Township of Baldwin.

Application - application for a building permit to construct, alter, or modify a fence, wall, retaining wall, and/or screening, requiring signature of the Building Official, indicating such application is consistent with this Section.

Board of Commissioners - the Board of Commissioners of the Township of Baldwin.

Building line - a designated line located a fixed distance from a street right-of-way line or front, side, or rear lot lines relevant to a structure or proposed structure.

Building or structure - a man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Building official - an individual authorized by the Board of Commissioners to be the administrator of the day to day application of the provisions contained in this Section.

Effective date - the date on which this Section is duly adopted by the Township.

Erected/erecting - includes “building,” “constructing,” “reconstructing,” “repairing,” “moving,” or any physical operations on the land involving a fence, wall, retaining wall, and/or screening; (excavation, fill, drainage, planting, and the like shall be considered part of the erection).

Fence/wall - an artificially created assembly of material such as masonry, stone, wire, metal, screens, wood, block, and/or decorative block or any other manufactured or natural material (i.e., shrubbery) or combination of said materials erected for any purpose, including but not limited to the enclosure of land and/or dividing one piece of land from another.

Retaining wall - any artificially constructed barrier as defined in the preceding paragraph intended to reinforce, cover, and/or border exposed or elevated earth surface.

Screening - any planting, light fence/wall related material and/or movable material placed for the purpose of enclosing land and/or dividing one piece of land from another.

Street - includes any street, avenue, boulevard, road, highway, freeway, parkway, alley, viaduct, and any other paths used by or intended to be used by vehicular traffic and pedestrians which has been dedicated and accepted by the Township of Baldwin.

Structure - anything constructed, assembled, or erected on or under the ground

or upon another structure or building (this shall include, but not limited to, any object having a stationary on or in land, whether or not affixed to the land).

Yard - an open space on a lot which is unoccupied and unobstructed from the ground upward.

Yard (front) - an area of open space extending along the full length of a lot between the front lot line and the required building line.

Yard (rear) - the required open space existing between the rear building line and the rear lot line (not necessarily a street) throughout the entire width of the lot.

Yard (side) - a required open space extending from between the structural setback line and the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed a sideline.

2. *Procedure / Implementation.*

A. No fence, wall, retaining wall and/or screening shall be installed without the approval of the Building Official.

B. A proper application must be completed prior to engaging in any activity under this Section.

C. Any application for a fence, wall, retaining wall and/or screening retaining wall including shrubbery, shall be accompanied by a drawing showing detailed section and the proposed location on the property, along with a copy of the lot - plan survey.

3. *Performance Standards.*

A. *Generally.* Fences, walls, retaining walls, and/or screenings may be erected on any property subject to the conditions set forth in this Section.

B. *Height Requirements.*

(1) Fences, walls, retaining walls, and/or screenings are not permitted in residential (R-1, R-2, and R-3) front yards, and to the extent permissible in residential side and rear yards shall comply with the following height requirements:

(a) Located in side yard: 6 foot maximum height.

(b) Located in rear yard: 6 foot maximum height.

(2) Fences, walls, retaining walls, and/or screenings in commercial/light industrial districts shall comply with the following height requirements:

(a) No commercial fence shall exceed 10 feet in height.

(b) Any commercial fence exceeding 6 feet in height, (but not to exceed 10 feet in height) shall be a chain-link fence.

(3) Height definitions within this Section shall be defined by the following formula: allowable height = actual height above the immediate natural ground level (if a fence, wall, retaining wall, and/or screening is erected, the height measurement will begin at the true contour - ground level and not any artificially created elevation of same).

C. *Sight Distances.*

(1) *Generally.* Authorized fences, walls, retaining walls, and/or screenings, whether publically or privately owned, shall not obstruct the clear sight distances at street intersections. A “clear sight triangle” is defined as an area of unobstructed vision at an intersection, defined by lines of sight, between points at a given distance from the intersection of street center lines. The line of sight shall be measured at a level of 36 inches above the pavement to approximate the driver’s line of vision.

(2) Sight distances shall be maintained according to the following standards:

(a) *Residential Driveway with a Public Street:* 15 feet from the driveway edge bordering the street, allowing safe stopping distance for the public street, which shall be determined by the Township Engineer.

(b) *Public Street with Public Street:* 150 feet on arterial street and 75 on collector and local streets.

(c) *Commercial, Industrial Driveway with a Public Street:* 150 feet on arterial, and 75 feet on collector or local streets.

Any specified standards may be modified if determined necessary by the Township Engineer.

4. *Special Fences, Trellises and Arbors.*

A. Ornamental open wooden, picket, or stone fences shall have equally spaced open and closed sections of the same dimension. No opening shall be less than 3 inches, and at least 50 percent of the fence shall be opened when viewed perpendicularly to the fence. Open ornamental fences shall be permitted as follows:

(1) On the rear and side lot lines of any lot, provided that such fence is not more than 4 feet high and provided that the side fence shall not extend in front beyond the actual front line of the building erected thereon.

B. A trellis or arbor, as part of landscaping plans, may be installed at any location behind the front building line. If located in the front yard area, approval must be obtained from the Planning Commission after a submission of a landscape plan. No trellis or arbor shall exceed 6 feet in height or 10 feet in length with a minimum of 8 feet between units when viewed perpendicular to the length of the trellis or arbor.

5. *Dangerous Construction Prohibited.*

A. This Section specifically prohibits any construction/alteration which creates a dangerous fence, wall, retaining wall, and/or screening.

B. Regardless of the zoning district, no fence, wall, retaining wall, and/or screening may be constructed or modified to include any sharp or pointed dangerous perimeters including, but not limited to, barbed wire, spikes, and fleur-de-lis.

C. Fences as required by any State or Federal regulation or statute dealing with possession or storage or potentially hazardous material including, but not limited to, liquified petroleum and propane gas, shall be permitted in style and dimension not to exceed the minimum Federal or State regulation or statute, and consistent with this Section.

6. *Miscellaneous.*

A. No fence, wall, retaining wall, and/or screening or planted screen shall be erected in a dedicated street right-of-way.

B. Fences, walls, retaining wall, and/or screenings having a rough or unfinished side or a side showing supports of bases shall be erected so that said rough or unfinished side faces inward toward the interior of the lot and finished side faces outward toward adjoining properties.

C. Every fence, wall, retaining wall, and/or screening shall be maintained in a safe, sound, properly constructed, and/or properly repaired upright condition and in accordance with the approved plan on file with the Code Enforcement Officer.

D. Any fence, wall, retaining wall, and/or screening in existence under the previous ordinance(s) may continue in existence without compliance with this Section, except that the fence shall be kept painted, where applicable, and in good repair. However, no such fence, destroyed or removed, shall be replaced except in conformity with this Section.

E. All fences, walls, retaining walls, and/or screenings must be entirely on the property of the applicant.

F. Any retaining wall over 4 feet in height must have a hedge, fence, wall, or screening acceptable to the Building Inspector on top of the retaining wall (of at least 36 inches high) to prevent accidental falling.

G. Pool - related fences, walls, and screenings are covered under the latest revision of *Ord. 268* [Chapter 23, Part 1].

H. A screening which shall be required for a refuse container which must be installed in the rear of any commercial building or may be installed in any multi-family and/or townhouse residential district shall not be over 6 feet high and must meet rear and side yard requirements. Where access to the container is difficult because of the location of the driveways or similar structures or because the rear yards is too small to meet the requirements, a plan showing the proposed location, together with all other structures on the property, shall be submitted to the Planning Commission and Building Inspector for approval.

I. Closed or solid wood, brick, ornamental block, or stone fence shall be permitted on the rear dividing line between townhouses, provided that they are straight, not over 6 feet high and do not extend more than 8 feet from the rear of the adjacent townhouse extending furthest into the rear area. The same structure, design, and style of fence shall be used for all townhouse in any unit. It is the intent of this Section that should block be used with exposed facing, that same be of a decorative nature.

7. *Penalties.* Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine not more than \$600.00, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Section continues shall constitute a separate offense.

8. *Owners Severally Responsible.* If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for the violation of this Section.

9. *Remedies Not Mutually Exclusive.* The remedies provided herein for the

enforcement of this Section, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Commissioners.

(*Ord. 1-1953, 2/9/1953, Art. VII, §705; as amended by Ord. 260, 6/7/1977, §1; by Ord. 310, 3/6/1985; by Ord. 332, 10/4/1988; by Ord. 337, 9/5/1989; and by Ord. 403, 4/2/2002*)

§27-807. Height and Area Requirements in C - District.

1. No building or structure shall exceed 25 feet or two and one half stories in height except that the height of any building used exclusively for educational, religious and/or philanthropic purposes of any hospital or sanitarium and of any building on the same lot used exclusively for purposes customarily, incidental and accessory thereto may be increased to not more than 70 feet or six stories if the width of each side yard is increased at the rate of 5 feet for each additional 5 feet of height over 35 feet. No dwelling hereafter erected in the Commercial and Light Industrial District shall be less than 12 feet in height. The provisions of §§27-508 and 27-509 shall not apply to farm buildings in the Commercial and Light Industrial District which are not dwellings.

2. There shall be a front yard the depth of which shall be at least 25 feet unless permitted as a special exception by the Board of Adjustment on appeal. On each lot other than a corner lot there shall be two side yards each having a width not less than 10 feet. In the case of a corner lot there shall be two side yards where the side yard along the side street line having a width of not less than half the distance from the front street line to the nearest part of the building and with side yard along the other side line having a width not less than 10 feet.

3. Any dwelling structure erected in the Commercial and Light Industrial District shall conform to the requirements of Part 5.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 375, 9/3/1996*)

Part 9**Nonconforming Uses****§27-901. Continuation.**

The lawful use of a building or land existing at the effective date of this Chapter may be continued although such use does not conform with this Chapter, but if such nonconforming use is abandoned for a period of 1 year, any future use of said building or land shall be in conformity with this Chapter, except as otherwise provided in this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §800*)

§27-902. Change in Nonconforming Use.

A nonconforming use of a building or part thereof, or of land, may not be changed to another nonconforming use of a different nature, except that a change to a more restricted nonconforming use may be authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §801*)

§27-903. Restoration of Damaged or Razed Buildings.

No building which has been damaged by fire, wind, explosion, or any other cause or causes to the extent of more than 75 percent of its value, and no building or part thereof which has been razed, shall be repaired or rebuilt except in conformity with this Chapter, provided that nothing in this Chapter shall prohibit the use for a single-family dwelling, or for any use accessory thereto, of any portion of any lot held in single and separate ownership on the effective date of this Chapter, which is occupied by a single-family dwelling and/or a private garage on such effective date.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §802*)

§27-904. Effect of District Change.

Whenever a district boundary shall be hereafter changed, and unless otherwise provided by the ordinance affecting such change, any then existing use of a building or land which becomes nonconforming by reason of such change shall, as of the date of such change and thereafter be subject to the same regulations as a nonconforming use existing at the effective date of this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §803*)

Part 10**Signs****§27-1001. Purpose and Scope.**

The purpose of this Part shall be to coordinate the type, placement and dimensions of signs within the different land use zones. This Part shall not regulate building design. This Part does not regulate official traffic or government signs, flags of any nation, the display of street numbers, or any display or construction not defined herein as a sign. After adoption of this amendment it shall be unlawful for any person to erect, place or maintain a sign in the Township except in accordance with the provisions of this Part. For purposes of this Part, the owner of property in which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Township.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §1*)

§27-1002. Prohibited Signs.

The following types of signs are prohibited in all districts.

- A. Abandoned signs.
- B. Animated signs.
- C. Banners, pendants or search lights except as hereinafter provided.
- D. Flashing signs.
- E. Signs imitating or resembling official traffic or government signs or signals.
- F. Signs on vehicles or trailers parked or located for the primary purpose of displaying said sign.
- G. Off-premises signs.
- H. Rotating signs or signs with any type of movement, mechanical or otherwise.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §2*)

§27-1003. Permit Require.

All signs erected after the effective date of this Part shall require a permit and payment of required fees. The Zoning Officer of Baldwin Township is authorized to establish fees for sign permits by resolution and to amend such resolution by resolution.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §3*)

§27-1004. Signs Not Requiring Permits.

The following types of signs do not require permits but must be in conformance with all other requirements of this Part:

- A. Construction signs of 12 square feet or less which are temporary and are erected or otherwise displayed only during the duration of the work performed by

the contractor.

- B. Directional or informational signs of 2 square feet or less.
- C. Name plates of 2 square feet or less.
- D. Signs advocating or imposing the candidacy of any individual or political party or advocating or opposing any question appearing on the municipal ballot.
- E. Real estate signs of 6 square feet or less.
- F. Window signs.
- G. Any sign relating to an emergency during the existence of such emergency.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §4*)

§27-1005. Maintenance.

All signs shall be properly maintained. The Zoning Officer shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated and shall have the authority to issue a citation for violation of this Part for failure to properly maintain the sign.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §5*)

§27-1006. Illumination.

Unless specified by this Part, all signs may be illuminated subject to the following conditions:

- A. No artificial light or reflecting device shall be used as part of a sign where such light or device interferes with or competes for attention with or may be mistaken for a traffic signal.
- B. Flood lighting shall be arranged so that the source of the light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
- C. Flashing, moving or oscillating light are expressly prohibited.
- D. No revolving beacon lights shall be permitted.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §6*)

§27-1007. Changeable Copy.

Any sign herein may use automatic or manual changeable copy to advertise goods or services provided or available on-site only.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §7*)

§27-1008. Signs Permitted in All Zones.

1. All signs not requiring permits.
2. Construction signs which do not exceed 12 square feet.
3. Non-illuminated real estate signs.
4. Name plates which do not exceed 2 square feet.
5. One directional and/or informational sign not to exceed 2 square feet and 2½ feet in height per lot.
6. Special event signs and declarations for special events, grand opening or

holidays may be erected 10 days prior to a special event or holiday and shall be removed on the day following the event or holiday or the grand opening sign which shall be removed after not more than 10 days.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §8*)

§27-1009. Signs Permitted in Residential Zones.

1. All signs as permitted in §27-1008.
2. One identification sign per apartment or condominium complex not to exceed 32 square feet in sign area.
3. For permitted non-residential uses including home occupations one free standing sign not to exceed 4 square feet.
4. All signs shall have a maximum height limit of 2½ feet and a set back minimum of 2 feet from any public right-of-way.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §9*)

§27-1010. Commercial and Industrial.

1. All signs permitted in §27-1008.
2. One free standing sign per premises not to exceed 2 square feet in area for each linear of building frontage up to a maximum of 60 square feet and not exceeding a height of 35 feet.
3. One wall sign per occupancy not to exceed 2 square feet in sign area for each linear foot of that occupancy building frontage up to a maximum of 60 square feet.
4. One roof sign per premise not to exceed 2 square feet in sign area for each linear foot of building frontage up to a maximum of 60 square feet.
5. One awning sign per occupancy not to exceed 25 percent of the service area of an awning or one marque sign not to exceed 1 square foot in sign area for each linear foot of marque front and side.
6. One under canopy sign per occupancy not to exceed 3 square feet in sign area.
7. Incidental sign not to exceed 1 square foot in aggregate sign area per occupancy.
8. One portable sign per lot not to exceed 18 square feet in sign area or 4 feet in height.
9. The aggregate total area of all signs on each premise shall not exceed 2 square feet per linear foot of building frontage.
10. Every part of all free standing projecting awning marque and under canopy signs shall have a minimum set back of 2 feet from any vehicular public right-of-way and a minimum clearance of 13½ feet over any vehicular use area and 7 feet over any pedestrian use area.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §10*)

§27-1011. Compliance with Codes.

All signs shall be constructed and inspected in accordance with the requirements of the Township Building Code and other electrical codes as may be adopted from time

to time by the Board of Commissioners.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §11*)

§27-1012. Zoning Officer.

The Zoning Officer shall process applications for permits and may enforce any and all provisions of this Part and issue citations for violations of this Part.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §12*)

§27-1013. Applications for Permits.

Applications shall be on a form as time to time authorized by the Zoning Officer which application shall include at a minimum the name and address of the owner of the sign, the street address or location of the property and/or premises on which the sign is to be located with the name and address of the property, a site plan or drawing showing the proposed location of the sign including locations and square footage areas of all existing signs on the same premises, specifications and scale drawings showing the materials, designs, dimensions, structural supports, electrical components of any proposed sign and the text of the sign.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §13*)

§27-1014. Issuance and Denial.

The Zoning Officer shall issue a permit for the erection, alteration or relocation of a sign within 30 days of the receipt of a valid application provided that the sign complies with all applicable laws and regulations of the Township. If a permit is denied by the Zoning Officer, he shall give written notice to the applicant including a statement of the reasons for denial. A permit issued under this Part may be suspended or revoked if any false statement or misrepresentation of fact was included in the application.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §14*)

§27-1015. Conditions of Permit Issuance.

If a permit is denied, the permit application fee will not be refunded. A permit issued by the Zoning Officer shall be null and void if the sign is not erected or otherwise displayed within 180 days of issuance of the permit.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §15*)

§27-1016. Violations.

The Zoning Office is authorized to issue citations for violations of this Part with a maximum fine as provided in Section ____ of Ordinance ____.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §16*)

Part 11**Administration****§27-1101. Zoning Officer; Appointment.**

There is hereby created the position of Zoning Officer, who shall be appointed by the Township Commissioners.

(Ord. 1-1953, 2/9/1953, Art. X, §1000)

§27-1102. Duties of Zoning Officer.

It shall be the duty of the Zoning Officer, and he is hereby given power and authority to enforce the provisions of this Chapter. The Zoning Officer shall also be responsible for the identification and registration of all nonconforming uses in the Township.

(Ord. 1-1953, 2/9/1953, Art. X, §1001)

§27-1103. Building Permits; When Required.

Except as provided in §27-1104 of this Chapter, it shall be unlawful to commence or to continue, prior to the issuance by the Building Inspector of a building permit, either.

- A. Any excavation for foundation.
- B. The erection, construction, or structural alteration of any structure or part thereof.
- C. The occupation of a street or alley with building materials or a temporary structure or structures for construction purposes.
- D. A change in the use of any structure erected or constructed before or after the effective date of this Chapter.

(Ord. 1-1953, 2/9/1953, Art. X, §1002)

§27-1104. Building Permit Exceptions.

No building permit shall be required for the following:

- A. Structural alteration of, or addition to, an existing completed building or other structure where such alteration or addition is accomplished at a total material cost of not to exceed \$50, (in ascertaining such material cost, there shall be included the actual cost or the fair market value of all materials used, whichever is greater).
- B. Erection, alteration, or maintenance of any signs in accordance with Part 10 of this Chapter.
- C. A change in use of a building or land from one or more of the uses permitted by this Chapter to another use or uses permitted by this Chapter in the district where it is located.

(Ord. 1-1953, 2/9/1953, Art. X, §1003)

§27-1105. Application for Building Permit.

Each application for a building permit shall be filed with the Zoning Officer and shall contain all the information necessary to enable the Zoning Officer to ascertain whether the proposed excavation, erection, construction, structural alteration, occupation, use, and/or change in use will comply with the provisions of this Chapter. In addition to other necessary data, the application shall be accompanied by a plot plan in duplicate, drawn in scale, showing the land involved, the location of all existing and proposed buildings and other structures thereon, the location of all abutting streets, road, and alleys and the location of all existing buildings and abutting land within 120 feet of the side and rear lot lines of the land involved. The application shall also show the name and address of the applicant. An application for a building permit may be filed by the owner, tenant, lessee, general agent, architect, engineer or building contractor of the building or premises involved. Said application must be signed by the owner and the contractor responsible for construction, excavation, erection, alteration, occupation, use, and/or change in use of the building or premises involved. Said contractor shall present the application to the Zoning Officer only after said application has been signed by both parties.

(*Ord. 1-1953, 2/9/1953, Art. X, §1004; as amended by Ord. 183, 7/3/1967, §1*)

§27-1106. Decision on Permit Application; Time Limit.

The Zoning Officer shall, within 2 weeks after the filing of an application in proper form, make and file his written decision as to whether or not the proposed excavation, erection, construction, structural alteration, occupation, use, and/or change in use will comply with the provisions of this Chapter, and shall, within such period, deliver a copy of his decision, together with a copy of the building permit, if any, pursuant to such decision, to the applicant in person or by registered mail directed to the applicant's address as stated in the application.

(*Ord. 1-1953, 2/9/1953, Art. X, §1005*)

§27-1107. Posting of Permit at Work Site.

Whenever a building permit is issued to cover any excavation for and/or any erection, construction and/or structural alteration of any building, it shall be the duty of the person applying for such building permit, and of the person in charge of such work, to post such building permit, or a copy thereof, at the site of the work in such a manner that it will be clearly visible to persons on the street nearest to such work, and to maintain it in such a position throughout the course of the work.

(*Ord. 1-1953, 2/9/1953, Art. X, §1006*)

§27-1108. Conditions for Continuance of Building Permit; Rights Reserved by Township.

If, after the issuance of a building permit, the operations authorized thereunder are not commenced within 6 months after the date of the permit, or if after the commencement of operations the work is discontinued for a period of 3 months, such permit shall be void, and work may not again be commenced until a new permit shall have been issued. After 1 year, any work, construction, or excavation discontinued must be completed to the point where, in the opinion of the Zoning Officer, it is not a public

hazard. The owner is to do this work at his cost, or the Township to do same and bill owner for the costs, and collect the same by lien or suit, as provided by law.

(*Ord. 1-1953, 2/9/1953, Art. X, §1007; as amended by Ord. 1-1956, 3/12/1956, §4*)

§27-1109. Certificate of Occupancy; Inspection of Site.

1. Whenever the application for a building permit shows that there is a proposed erection, construction, or structural alteration of any structure or part thereof, it shall not be granted unless it is accompanied by an application for a certificate of occupancy and compliance, and if the structure is nonexistent or unoccupied at the time such application is or should have been made, it shall not thereafter be occupied until such certificate shall have been issued as hereafter provided. After the erection, construction, or structural alteration is completed and the Zoning Officer has notice of such completion, the Zoning Officer shall inspect the premises, and if he shall determine that such erection, construction, or structural alteration is in accordance with the building permit, he shall issue to the applicant a certificate stating that the structure or part thereof covered by the application and/or the proposed use thereof complies with the provisions of this Chapter. Such certificate shall be delivered to the applicant in the same manner as a building permit. The Zoning Officer shall make his inspection and his determination as to whether or not the certificate shall be issued, within 7 days after he receives notice that the erection, construction, or structural alteration has been completed.

2. In addition to the foregoing paragraph, a certificate of occupancy shall be obtained before any person, partnership, or corporation may occupy or use any existing structure or vacant lot, or occupy or use any structure hereafter erected, constructed, or altered, or change the use of a structure. [*Ord. 382*]

3. Application for a certificate of occupancy shall be on the form as the Board of Commissioners may from time to time prescribe and shall be accompanied by the proper fee as established by the Board of Commissioners. [*Ord. 382*]

4. Certificates of occupancy issued pursuant to this subsection shall be issued in the same manner as certificates of occupancy issued pursuant to the preceding subsection. [*Ord. 382*]

(*Ord. 1-1953, 2/9/1953, Art. X, §1008; as amended by Ord. 382, 8/5/1997*)

§27-1110. Record of Building Permits and Certificates of Occupancy.

A record and a copy of all applications filed with the Zoning Officer, of all his decisions, and of all building permits and certificates of occupancy and compliance issued by him shall be kept on file as a public record within the Township.

(*Ord. 1-1953, 2/9/1953, Art. X, §1009*)

§27-1111. Vacancy in Position of Zoning Officer.

Every vacancy in the position of Zoning Officer shall be filled by appointment of the Township Commissioners, for the unexpired term of office of such Zoning Officer, within 1 month after such vacancy occurs.

(*Ord. 1-1953, 2/9/1953, Art. X, §1010*)

Part 12**Changes and Amendments****§27-1201. Right to Amend or Repeal.**

The Township Commissioners may from time to time amend, supplement, change, modify, or repeal this Chapter, including the Zoning Map, by proceeding in the following manner.

(Ord. 1-1953, 2/9/1953, Art. XI, §1100)

§27-1202. Public Hearing.

The Board of Township Commissioners shall fix the time and place of a public hearing on the proposed amendment, supplement, change, modification, or repeal, and give notice of the time and place of such hearing by publication in an official paper, or a paper of general circulation in the Township as provided by law.

(Ord. 1-1953, 2/9/1953, Art. XI, §1101)

§27-1203. Recommendation from Zoning Hearing Board.

The Board of Township Commissioners, prior to the adoption of any proposed amendment, supplement, change, modification, or repeal, shall request the advice of the Board in writing, before making any such amendments, supplement, change, modification, or repeal. This Section shall not be construed as imposing any obligation on the Board of Township Commissioners to accept or reject any recommendation of the Board.

(Ord. 1-1953, 2/9/1953, Art. XI, §1103)

Part 13**Zoning Hearing Board****§27-1301. Establishment; Terms of Office; Removal; Vacancies.**

A Zoning Hearing Board is hereby established. The word "Board" when used in this Chapter shall be construed to mean the Zoning Hearing Board. The Board shall consist of three members to be appointed by the Township Commissioners, one of whom shall be designated to serve until the first day of January following the adoption of this Chapter; one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed by the Township Commissioners on the expiration of their respective terms, to serve 3 years. The members of the Board may be removed for cause by the Township Commissioners upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term become vacant.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1200*)

§27-1302. Rules and Regulations; Meetings; Record of Proceedings.

The Board shall adopt rules in accordance with the provisions of this Chapter. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the Acting Chairman, may administer oaths, and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of the Board and shall be a public record.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1201*)

§27-1303. Appeals to the Board.

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

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

3. The Board shall fix a reasonable time for the hearing of the appeal, give public

notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent or by attorney.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1202*)

§27-1304. Powers.

1. The Board shall have the following powers.

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter, or of any ordinance adopted under the Pennsylvania Municipalities Planning Code.

B. To hear and decide special exceptions to the terms of the ordinance which such Board is required to pass under this Chapter.

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

2. In exercising the above mentioned powers, the Board may, in conformity with the provisions of the Pennsylvania Municipalities Planning Code, relating thereto, and all other applicable laws of the Commonwealth of Pennsylvania, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. Notice of such decision shall forthwith be given to all parties in interest.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1203*)

§27-1305. Fee Schedule.

1. The Board of Commissioners shall determine and adopt by resolution at a public meeting a schedule of fees, charges, and expenses, as well as a collection procedure for permits and appeals and other matters pertaining to this Section.

2. The Board of Commissioners is empowered to re-evaluate the fee schedule and make necessary revisions thereto. Such revisions shall not be considered amendments to this Section and may be adopted by resolution at any public meeting of the Board.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1204; as amended by Ord. 1-1956, 3/12/1956, §3; and repealed by Ord. 352, 12/1/1992*)

§27-1306. Conditions for Continuance of Special Exception.

Unless otherwise specified by the Board, a special exception granted by the Board shall expire if the operations authorized thereunder are not commenced within 2 months after such authorization, or if after the commencement of operations, the work is discontinued for a period of 6 months.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1205*)

Part 14**General****§27-1401. Buildings Exempt from Regulations.**

This Chapter shall not apply to any building of the Township or extension thereof, or to the use of any premises by the Township, if the Township Commissioners shall, after a public hearing, decide that such building or extension thereof, or such use of any premises, is reasonably necessary for the convenience or welfare of the public; provided that any municipal recreational building or use may be established by the Board of Commissioners at any location in the Township without holding such public hearing. (*Ord. 1-1953, 2/9/1953, Art. XIII, §1300*)

§27-1402. Interpretation and Application of Regulations.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. Where this Chapter requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of buildings or less number of stories, or requires a greater percentage of lot to be left unoccupied, or imposes other high standards than are required in any statute, other ordinance, or regulation, the provisions of this Chapter shall govern. Wherever the provisions of any statute, other ordinances, or regulation requires a greater width or size of yards, courts, or other open spaces, or require a lower height of building, or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other high standards than are required by this Chapter, the provisions of such statute, other ordinance, or regulation shall govern. Nothing in this Chapter shall be deemed to modify or invalidate any provisions of easements, covenants, deeds, or agreements which require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards or greater restrictions upon the use of land and/or building or structures, than are required or imposed by this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. XIII, §1301*)

§27-1403. Accessory Buildings.

1. Accessory buildings are buildings that are not attached to the principal dwelling on a lot that are used or designed or intended to be used for storage of garden tools or supplies, snow removal equipment or supplies, maintenance tools or supplies or similar tools, equipment or supplies.

2. No accessory buildings shall be erected on any residential property located in the Township of Baldwin unless;

A. Said accessory building is located in the rear of any lot containing a principal dwelling (the street address of the principal dwelling shall be considered the front of said dwelling); and

B. Said accessory building does not violate any of the building line restrictions as set forth in building codes and ordinances of this Township, enacted at the

time it is erected; and

C. Said accessory building shall be kept in repair and the exterior appearance maintained in a manner equivalent to the principal dwelling house on any lot; and

D. The dimensions of said accessory building shall not exceed the following:

- | | |
|-----------------|-----------------|
| (1) Length | 12 feet |
| (2) Width | 12 feet |
| (3) Height | 8 feet |
| (4) Square feet | 100 square feet |
| (5) Cubic feet | 800 cubic feet |

[*Ord. 289*]

3. No person shall cause or permit any accessory building to be constructed or altered upon any property owned by such person or upon any ground rented by him without first having obtained a permit therefor. Such permit shall be issued by the Building Inspector upon the filing of an application with him, submission of plans and specifications in the case of erection or alteration of any accessory building, if required by the Building Inspector, and payment of a fee of \$5, and furnishing of such evidence of intended compliance with the requirements of the law and of all other ordinances of the Township affecting building construction, as may be prescribed by the application form, or the Building Inspector.

(*Ord. 1-1953, 2/9/1953, Art. XIII; as added by Ord. 261, 6/7/1977, §§1-3; as amended by Ord. 289, 5/5/1981, §1*)

§27-1404. Parabolic Dish Antennas.

The erection, installation, and maintenance of parabolic dish and other antenna devices, the purpose of which is to receive television, radio, microwave or other electrical signals from space satellites shall be governed and controlled by the following conditions:

A. No such antenna or other device shall be installed in the front yard of any parcel of realty and shall not be installed closer to the side property line than any building thereon.

B. No such device shall exceed 5 feet at its maximum height, width or depth including mounting structure.

C. No such device shall be installed on or above any building.

D. Installation of any such antenna or other device exceeding 5 feet at its maximum height, width or depth, including mounting structure, shall be permitted only by permit from the Building Inspector after review by the Planning Commission. The Planning Commission shall designate and approve the exact location of the antenna or device and shall required such planting or screening as it deems necessary.

(*Ord. 1-1953, 2/9/1953, Art. XIII; as added by Ord. 309, 3/9/1985, §1*)

Part 15**Penalties, Remedies, and Severability****§27-1501. Penalties.**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction over proceedings brought under this Section.

(*Ord. 1-1953, 2/9/1953, Art. XIV, §1400; as amended by Ord. 427, 4/4/2006*)

§27-1502. Enforcement Notice.

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 1-1953, 2/9/1953; as added by Ord. 427, 4/4/2006)

§27-1503. Remedies.

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

(Ord. 1-1953, 2/9/1953, Art. XV, §1500)

Part 16**Conditional Uses****§27-1601. Conditional Use.**

A conditional use is an authorized use of real property which may be granted only by approval of the Board of Commissioners pursuant to express standards and criteria after review and recommendation by the Township Planning Commission and public hearing by the Board of Commissioners. Conditional uses shall be hereafter established by ordinance, amending this Part or other appropriate ordinance of the Township.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

§27-1602. Approval of Conditional Uses.

The Board of Commissioners shall hear and decide a request for a conditional use within 90 days from the date of submission of a complete and properly filed application for conditional use.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

§27-1603. Contents and Time for Conditional Use Application.

A written application for conditional use must be submitted to the Township not less than 10 working days prior to the regular meeting of the Planning Commission. The application shall specify the conditional use which the applicant seeks approval for and state the basis upon which such use is requested. The application shall include the following:

- A. Existing conditions on the property from a current survey prepared by registered land surveyor or professional engineer showing where applicable.
- B. The lot size and square feet boundary by bearings and distances.
- C. Abutting streets, including right-of-way width, pavement width, paving materials, curbs, and sidewalks.
- D. Sanitary sewers, storm sewers, water lines to serve the property including line sizes invert and top elevations of manholes, hydrants, and storm drainage controls.
- E. Gas, electric, telephone lines, and other utility lines and all utility easements across the property.
- F. All other easements across the property by width and use.
- G. Existing structures on the property including walls, buildings, and trees over a 12-inch caliper.
- H. The names of owners of record of adjacent properties, the names of owner or owners of property for which the conditional use is sought and the names of developers if different from the same.
- I. The North arrow, date of survey, graphic scale, and seal of engineer or surveyor preparing the survey.
- J. The number of dwelling units or square footage of nonresidential space to

be developed by floor, building, and total.

K. The location of proposed structures with dimensions of each structure and distances between structures and between structures and lot lines.

L. A proposed access to the lots, interior circulation for vehicles and pedestrians, parking and loading areas, walkways, including grade of paved areas, proposed construction width and number of spaces and parking areas.

M. The proposed connection to public sanitary sewer and water lines or systems where the proposed extension of such systems into the property to serve the structure or structures existing or proposed to be constructed.

N. The proposed storm drainage system in compliance with applicable Township ordinances including connection to existing storm sewer systems, pipe sizes and methods of collecting surface roof and paved area runoff.

O. Proposed grading if any.

P. The proposed screening and landscaping as may be required by the Township ordinance.

Q. A written statement showing compliance with the applicable expressed standards and criteria of this Part for the proposed use.

R. Identification of all properties by tax parcel number of all property or properties included in the application.

S. Any application fee as may from time to time be established by the Board of Commissioners.

T. A traffic impact analysis if recommended by the Planning Commission.

(Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998)

§27-1604. Review of Application.

1. The Planning Commission shall review the application and all material accompanying the application. The Planning Commission shall have the authority to require submission of additional data relevant to the application. The Board of Commissioners shall not take any action on the application until the Planning Commission shall have had at least 30 days to review the application after receipt from the applicant. The Board of Commissioners shall conduct a hearing pursuant to public notice within 30 days of receipt of the recommendation of the Planning Commission.

2. In considering an application for conditional use approval, the Board of Commissioners may require appropriate conditions and safeguards and conformity with the ordinances of the Township and the Municipalities Planning Code. A violation of such conditions and safeguards when made part of the terms and conditions under which the conditional use approval is granted shall be deemed a violation of this Part and shall be subject to enforcement as authorized by applicable Township ordinances.

(Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998)

§27-1605. Expiration of Conditional Use Approval.

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a grading permit, building permit, or zoning certificate to undertake the construction or authorize the occupancy described in the application

for conditional use approval is submitted within 12 months of said approval unless the Board of Commissioners, in their sole discretion, extend conditional use approval upon written request of the applicant received prior to the expiration. The maximum extension permitted shall be 12 months.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

§27-1606. Compliance.

All applications for conditional use approval shall demonstrate compliance with all of the following general standards and criteria:

A. The use shall not endanger the public health, safety, or welfare and shall not deteriorate the environment. The proposed use must be in substantial conformity with the Township Comprehensive Plan, if any, and is compatible with surrounding land uses. The proposed use may not have a negative impact on air and water quality, noise, potential hazards, illumination and glare, and restrictions to natural light and air circulation. The proposed use must conform to the scale, character, and exterior appearance of existing structures and uses in the zoning district where it is located.

B. The use shall comply with all applicable performance standards of this Part and all other Township ordinances.

C. Ingress, egress, and traffic circulation on the site shall be designed to insure safety and minimize congestion and impact on local streets.

D. Site lighting if proposed shall be shielded and reflected away from adjacent residential properties and public streets.

E. Any ordinance of the Township which designates a specific or particular land use as a conditional use may establish additional standards for approval of such use in addition to the standards contained in this Part.

F. The proposed use complies with all provisions of this Part, as amended, unless a variance has been granted by the Zoning Hearing Board.

G. The proposed use is suitable in terms of topography and soils condition based on the number and frequency of projected users.

H. The proposed use complies with applicable standards for water supply, sanitary sewage disposal, storm water management, prevention of erosion and sedimentation and toxic waste storage and disposal.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

§27-1607. Notification.

The Board of Commissioners, after a public hearing on a conditional use application, shall make a decision and notify the applicant in writing of the decision and the reasons therefore.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

§27-1608. Establishing Certain Location for Facilities.

1. *Purpose.* It is the desire of the Township by this Section to protect and maintain the health, safety, and general welfare of its citizens and to preserve the

property values and characteristics of surrounding neighborhoods.

2. No drug or alcohol treatment facility shall be located outside the Commercial and Industrial District, in which such use is a conditional use, subject to the requirements of §§27-1601 through 27-1607 of this Part.

3. *Definition.* A drug or alcohol treatment facility is any business, entity or other facility that exclusively or primarily provides treatment of alcohol and/or drug abuse or addiction. This includes medical, psychiatric, or psychological treatment and/or individual or group counseling, either on an in-patient or out-patient basis. This includes facilities operated by for profit businesses, not for profit entities, including taxable or tax exempt entities, private businesses, corporations, partnerships, unincorporated associations or individuals and government agencies.

4. A drug or alcohol treatment facility is a conditional use in the commercial industrial district and an application for such conditional use shall be as prescribed in §§27-1601 through 27-1607 of this Part. An application for a permit for a drug or alcohol treatment facility may be made only after the Board of Commissioners has approved the drug or alcohol treatment facility as a conditional use.

5. *Location Requirements.*

A. No drug or alcohol treatment facility shall be located outside the Commercial and Industrial District, in which such uses are a conditional use, subject to the requirements of §§27-1601 through 27-1607 of this Part.

B. No drug or alcohol treatment facility shall be located within 200 feet of:

- (1) Churches.
- (2) Schools.
- (3) Libraries.
- (4) Child care facility.
- (5) Nursery school.
- (6) Park.
- (7) Playground.
- (8) Municipal building or community center.
- (9) Any residential district.

C. No drug or alcohol treatment facility shall be located within 1,000 feet of another drug or alcohol treatment facility.

(Ord. 1-1953, 2/9/1953; as added by Ord. 388, 11/4/1998)

§27-1609. Adult Entertainment Establishments.

1. *Purpose.* It is the intent of this Section to minimize and control the effects of adult entertain establishments upon the quality of life of the neighborhood in which such establishment may be located. It is the desire of the Township to protect and maintain the health, safety, and general welfare of its citizens and to preserve the property values and characteristics of surrounding neighborhoods.

2. No adult entertainment establishment shall be located outside the Commercial and Industrial District, in which such uses are a conditional use, subject to the requirements of Part 16 of the Zoning Ordinance of the Township of Baldwin. The

following businesses are included in the "adult entertainment establishment" classification:

- A. Adult arcades.
- B. Adult bookstore and/or video store.
- C. Adult cabaret.
- D. Adult motel.
- E. Adult motion picture theater.
- F. Adult theater.
- G. Escort agency.
- H. Massage establishment.
- I. Nude model studios.
- J. Sexual encounter center.

3. *Definitions.* The specific terms used for the purpose of this Section are defined as follows:

Adult arcade - any place to which the public is permitted, or invited, wherein coin-operated or slug-operated; or electronically or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or video store - any commercial establishment which, as its principal business purposes, offers for sale or rental, for any form of consideration, any one, or more, of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
- (2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

Any commercial establishment which has other principal business purposes, in addition to those in subparagraph (1) or (2) above shall not be exempt from this Section and shall be categorized as an adult bookstore or adult video store.

Adult cabaret - a restaurant, nightclub, bar or similar commercial or non-commercial establishment, private or social club, whether owned and/or operated by an individual, partnership, corporation or other entity, whether or not an admission fee, membership fee or similar fee of any kind is charged to patrons or, whether or not licensed to sell and/or serve alcoholic beverages and which if not licensed to sell and/or serve alcoholic beverages, allows or permits patrons to bring alcoholic beverages into the establishment or which provides alcoholic beverages to patrons with or without charge; which regularly features:

- (1) Performers, employees, independent contractors or other persons who at any time appear nude or semi-nude.
- (2) Live performances which are characterized by the exposure of or

exhibition of "specified anatomical areas" or by "specified sexual activities."

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," which if not licensed to sell and or serve alcoholic beverages, allows or permits patrons to bring alcoholic beverages into the establishment or which provides alcoholic beverages to patrons with or without charge.

[Ord. 393]

Adult motel - any hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons which closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions.

(2) Offers sleeping rooms for rent, four or more times in 1 calendar year, during 5 or more calendar days in any continuous 30 day period.

Adult motion picture theater - any commercial establishment where for any form of consideration, films, motion pictures, video cassettes or other photographic reproductions are shown on a regular continuing basis, which are rated "X" by the Motion Picture Association of America, or its successors, or which are advertised as "X", "XX", or "XXX", or which are predominately characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." Any commercial establishment where for any form of consideration, films, motion pictures, video cassettes or other photographic reproductions are shown on a regular continuing basis, which are rated "R" or "NC-17" by the Motion Picture Association of America, or its successors, shall not be defined as an Adult Motion Picture Theater.

Adult theater - any theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

Escort - a person who, for consideration, agrees or offers to, act as a companion, guide or date for another person, who agrees or offers, to privately model lingerie or to privately perform a "striptease" for another person.

Escort agency - any person or business association, who furnishes offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration. Any person, partnership, corporation or agency that furnishes adult or child day care as its principal business, shall not be defined as an escort agency.

Massage establishment - any establishment or business which provides the services of massage and/or body manipulation, including exercise, heat, light treatment, water treatment of the body and all forms and methods of physiotherapy unless operated or supervised by a medical practitioner, including a medical

doctor, doctor of osteopathy, chiropractor or a physical therapist licensed by the Commonwealth of Pennsylvania.

Nude model studio - any place where a person who appears in a state of nudity, or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Nude/nudity/state of nudity - the appearance of a bare human buttock, anus, male genitals, female genitals, or female breast.

Permitted/licensee - a person in whose name a permit and/or license to operate an adult entertainment establishment, has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person - an individual proprietorship, partnership, corporation, association or other legal entity.

Semi-nude - a state of dress in which clothing covers no more than the genitals of male performers or no more than the genitals, pubic region and areola of female performers, as well as portions of the body covered by supporting straps and devices.

Sexual encounter center - any business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sexually-oriented business - any adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage establishment, nude model studio, or sexual encounter center.

Specified anatomical areas - the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities - means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.

(3) Actual or simulated sexual intercourse, oral copulation, anal intercourse, sodomy or other sexual acts.

(4) Masturbation, actual or simulated.

(5) Human excretion, urination, menstruation, vaginal anal irrigation as part of, or in connection with any of the activities set forth in subparagraphs (1) through (4) above.

Strip tease - the act of removing ones clothing in front of an audience, or a person, usually item by item.

Substantial enlargement - any increase of the floor area occupied by an adult entertainment establishment, or more than 25 percent as the floor area existing on

the date of enactment of this Section.

4. *Permits Required.*

A. No person may operate an adult entertainment establishment without a valid license issued by the Township of Baldwin. Individuals, partnerships, corporations or others who intend to operate an adult business shall obtain a license to operate from the Township and shall pay a \$1,000 fee to the Township for review and investigation of the application to operate an adult business. This fee shall be used to pay fees or expenses the Township incurs in review and investigation of the application. The applicant or applicants shall provide detailed information regarding ownership and financing of the proposed adult business.

Applications shall be submitted to the Township Secretary. Applications shall be on a form as prepared or approved by the Township Secretary and shall include names and addresses of all applicants and all who have any legal or equitable interest in the proposed adult business, shall identify all mortgage holders or other lenders, shall identify any other adult businesses owned or operated by the applicant or applicants or other parties with a legal or equitable interest in the proposed adult business and shall include such other information as the Township Secretary shall require for review and investigation of the application. A license to operate an adult business when issued shall be valid through December 31 of the year in which initially issued. For each year thereafter that the business intends to continue, the owner or operator shall make application for a renewal of the license by November 1 of the year preceding the year for which the license is sought. The lack of a license or the failure to renew such license in a timely manner shall result in the denial of an occupancy permit or the revocation of an occupancy permit previously issued for an adult business. A license to operate an adult business must be obtained before an application for an occupancy permit may be submitted. This license is not transferrable nor assignable and expires upon sale of, sale of a controlling interest or a sale of the assets of an adult business. The license to operate an adult business expires upon the failure of the adult business to file and pay any taxes levied by the Township. Any occupancy permit issued for an adult business expires upon the failure of the adult business to pay any taxes levied by the Township.

B. An application for an occupancy permit to operate an adult entertainment establishment must be made to the Township as provided for in this Section in addition to any other permits required by this Section or any other Ordinances of the Township."

[Ord. 393]

5. *Location Requirements.*

A. No adult entertainment establishment shall be located outside the Commercial and Industrial District, in which such uses are a conditional use.

B. No adult entertainment establishment shall be located within 400 feet of a school bus stop.

C. No adult entertainment establishment shall be located within 400 feet of the following specified land uses:

- (1) Churches.

- (2) Schools.
- (3) Libraries.
- (4) Child care facility.
- (5) Nursery school.
- (6) Park.
- (7) Playground.
- (8) Municipal building or community center.
- (9) Any residential district.

D. No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

E. The distance between any two adult entertainment establishments shall be measured in a straight line, regardless of intervening structures. The distance between an adult entertainment establishment and a use identified in paragraph .C above shall be measured in a straight line from the closest point on the exterior parcel line of the use to the closest exterior lot line of the adult entertainment establishment.

6. *Visibility from Street.* No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or related to "specified sexual activities" and/or "specified anatomical areas," as defined herein, to be viewed from the street, sidewalk or highway.

7. *Signage.* No person shall place, or cause to be placed, or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial or other graphic representation, that depict, in whole or in part, any "specified sexual activity" and/or "specified anatomical area."

8. If any word, phrase, clause, sentence, paragraph or section of this Section shall be invalidated for any reason by any Court, the balance of this Section shall remain in full force and effect, it being the intent of the Board of Commissioners that this Section would have been enacted without the word, phrase, clause, sentence, paragraph or section of this Section found to be invalid by the Court. [Ord. 393]

(Ord. 1-1953, 2/9/1953; as added by Ord. 387, 11/4/1998, §§1-7; as amended by Ord. 393, 9/20/1999, §§I-III)

Zoning Map Amendments

Ord./Res.	Date	Subject
4-1954	4/12/1954	Rezoning and reclassifying tract of ground belonging to C.G. Alberts from R-2 Residence District to C-Commercial District
5-1954	4/12/1954	Rezoning and reclassifying tract of ground belonging to Felice Perri and Sons, from R-2 Residence District to C-Commercial District
8-1955	11/28/1955	Rezoning and reclassifying tract of ground belonging Felice Perri and Sons from R-2 Residence District to C-Commercial District
3-1957	5/13/1957	Rezoning and reclassifying piece or parcel of ground belonging Felice Perri and Sons from C-Commercial District to R-2 Residence District
4-1958	9/8/1958	Rezoning and reclassifying tract of ground belonging to Elwood Homes, Inc. from R-2 Residence District to C-Commercial District
6-1959	9/14/1959	Rezoning and reclassifying northerly line of Grandview Avenue and the dividing line between the Township of Baldwin and 32 nd Ward, City of Pittsburgh from Residence District R-2 to Residence District R-1.
277	3/6/1979	Rezoning a common to the boundaries between the Townships of Baldwin and Mt. Lebanon and the Borough of Castle Shannon from Residential District R-1 to Residential District R-3, Townhouses.

