

Chapter 27

Zoning

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Part 1**Basic Provisions****§27-101. Title.**

The official title of this Chapter is the “Zoning Ordinance of the Borough of Thornburg” or the “Zoning Ordinance.”

(*Ord. 378, 2/14/2005, §100*)

§27-102. Effective Date.

This Chapter shall take effect immediately upon adoption by the Borough Council of Thornburg.

(*Ord. 378, 2/14/2005, §101*)

§27-103. Authority.

This Chapter is adopted by virtue of the authority granted to the Borough by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, 53 P.S. 10101 *et seq.*, as may be amended from time to time.

(*Ord. 378, 2/14/2005, §102*)

§27-104. Interpretation.

1. When the language of this Chapter is clear and there are conflicts between the provisions of this Chapter and any other ordinance or regulation, the more restrictive provision shall apply.

2. The provisions of this Chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public and any applicant can exceed these minimum requirements.

3. When the language of this Chapter is ambiguous, in determining the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Borough Council, in favor of the property owner and against any implied extension of the restriction.

(*Ord. 378, 2/14/2005, §103*)

§27-105. Community Development Objectives.

The goals and objectives of the 1991 CRT Comprehensive Plan, as amended, and the 2004 Thornburg Updated Land Use Element are hereby incorporated by reference. The general community development objectives on which this Chapter is based are:

A. The general objective for the development of the Borough of Thornburg is to provide a pleasant, attractive, healthy, safe and convenient environment for living, working, education, shopping and recreation. This objective shall be pursued by the creation and implementation of land use plans to:

- (1) Preserve and improve the natural environment.
- (2) Provide safe, adequate and attractive housing.
- (3) Increase property values, employment opportunities, and the economic base of the community.
- (4) Provide the necessary infrastructure of utilities and transportation arteries.
- (5) Provide recreational and community facilities.

B. The preservation and improvement of the environment shall be pursued by:

- (1) The elimination of visual and physical blight such as overhead utility lines, concentration of signs of excessive size and proximity, large expanses of uninterrupted pavement, dilapidated structures and trash.
- (2) The preservation of existing trees and green space, natural topography and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, the control of floodplains and water sheds.
- (3) The reclamation of derelict land.
- (4) The municipal acquisition and the promotion of the dedication of natural open space and wooded slopeland to link the existing and proposed park sites and neighborhoods, and to prevent ecological problems resulting from wooded slopeland development.

C. The provision of safe, adequate and attractive housing for the entire population of the community shall be pursued by:

- (1) The provision of a wide range of housing density alternatives; preservation of a mix of housing types; correlation of residential density and housing type with topography, existing conditions and the capacity of and distance from existing and proposed utilities, streets and community facilities.
- (2) The rehabilitation and removal of deteriorating housing, the maintenance of sound housing and the development of new housing.
- (3) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein.

D. The increase of property values, employment opportunities and the economic base of the community shall be pursued by:

- (1) The promotion of industrial growth and employment opportunities.
- (2) The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where conflicts with other uses can be minimized through site design and transitional provisions.
- (3) The implementation of the other objectives set forth herein.

E. The provision of the necessary infrastructure of utilities and transportation arteries shall be pursued by:

- (1) The extension of the municipal improvements of water lines, storm and sanitary sewers and roads and their improvement where economically feasible to guide and promote development.

(2) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein.

(3) Traffic planning and control which will provide safe, rapid and convenient movement of people and goods within and through the municipalities, with a separation of through and local traffic, and minimal disruption of existing and proposed development patterns and community integrity.

(4) Promote safe and convenient circulation for pedestrians and bicycles.

F. The provision of recreational and community facilities shall be pursued by:

(1) The creation of outdoor and indoor recreational facilities to accommodate the existing and future population.

(2) The promotion of schools and parks in close proximity to decrease duplication of services and provide the greatest value for public expenditures.

(3) The promotion of acquisition or dedication of natural open space for park and recreational purposes.

(4) The provision of residential areas with adequate commercial, governmental, recreational and educational facilities.

(5) The preservation of historical landmarks.

G. The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:

(1) Achieve the purpose for which each Zoning District is intended, as stated in the purpose statements for each Part of this Chapter which are to be considered a part of these development objectives, and incorporated herein.

(2) Protect against the detrimental effect of incompatible land uses through planting, open space and natural breaks in topography.

(3) Concentrate development where possible to prevent sprawl, conserve open space and make full use of utilities and services.

(4) Provide site plan control.

(*Ord. 378, 2/14/2005, §104*)

§27-106. Purpose Statements Are Part of this Chapter.

The purpose statements in Part 4 through Part 8, inclusive, are to be considered explanatory and directive, to be used in interpreting the intent of those Parts and to be considered a part of this Chapter in establishing applicable regulations or provisions.

(*Ord. 378, 2/14/2005, §105*)

§27-107. Availability of Ordinance and Map.

This Chapter, including the Zoning District Map, together with all amendments thereto, shall be on file and may be viewed by any interested person in the office of the Borough Secretary.

(*Ord. 378, 2/14/2005, §106*)

§27-108. Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, altered,

converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by Part 15 of this Chapter.

(Ord. 378, 2/14/2005, §107)

§27-109. Exemption for Public Utilities.

The regulations of this Chapter shall not apply to any existing or proposed structure, or use or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Public Utility Commission, after a public hearing, decides that the present or proposed situation of the structure in question is reasonably necessary for the welfare of the public, provided no threat to the health or safety to the public is presented.

(Ord. 378, 2/14/2005, §108)

Part 2**Definitions****§27-201. General Rules of Interpretation.**

All words used in this Chapter shall carry their customary meanings except where specifically defined. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is always mandatory and not permissive; the word “may” is permissive. The words “used” or “occupied,” as applied to any land or structures, shall be construed to include the words “intended, arranged, designed to be used or occupied.” The word “person” shall include an individual, corporation, partnership, incorporated association or any other entity. Words in the masculine gender include the feminine gender.

(Ord. 378, 2/14/2005, §200)

§27-202. Specific Meanings.

The following words and phrases shall have the particular meaning specified for the purpose of this Chapter:

Accessory structure - a building or structure which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building including, but not limited to, minor garages, storage sheds, swimming pools, tennis courts, gazebos, signs, fences and similar structures.

Accessory use - a use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

Adjacent - immediately adjacent; sharing common property lines uninterrupted by any public street, railroad or other right-of-way.

Adult arcade - any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computer generated or reproduced images or other image-producing devices are maintained to show images to 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 adult video store - a commercial establishment which, as one of 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, videocassettes or video 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.”

A commercial establishment may have other principal business purposes that

do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”

Adult cabaret - a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in the state of nudity.
- (2) Live performances which are characterized by the exposure 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.”

Adult motel - a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, computer generated or reproduced images or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult motion picture theater - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, computer generated or reproduced images or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult theater - a 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 anatomical areas” or “specified sexual activities.”

Alley - a public thoroughfare that affords only a secondary means of access to adjacent property and is not intended for general traffic circulation.

Alteration, structural - see “structural alteration.”

Applicant - a landowner or developer who has filed an application for development, including his heirs, successors and assigns, as the case may be.

Area, lot - see “lot area.”

Arterial street - a public street which serves large volumes of high speed and long distance traffic. There are no streets classified as arterial streets in the Borough.

Attic - a space or loft space between the roof and the ceiling of the top floor.

Automotive service station - any structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories including major repair work, such as motor replacement, body and

fender repair, spray painting or welding, storage of automobiles not in operating condition, and which may include retail facilities for merchandise other than automobile related, such as lunches, refreshments, groceries, and printed or electronically recorded material, whether or not automobile fuel and oil receipts exceed that of the other retail merchandise; and/or car wash facilities.

Basement - a story partly below ground having one-half or more of its height below the average level of the adjacent ground.

Basic grade - the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there is no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established the actual existing grade of the traveled roadway shall apply.

Billboard - any off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the sign is located.

Board - see "Zoning Hearing Board."

Borough - the Borough of Thornburg, Allegheny County, Pennsylvania.

Borough Council - Borough Council of the Borough of Thornburg, Allegheny County, Pennsylvania.

Buffer area - a landscaped area of a certain depth specified by this Chapter which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural barrier or constructed natural barrier which duplicates the effect of the required buffer area.

Building - a structure having a roof supported by columns or walls used for the housing or sheltering of persons, animals or tangible personal property.

Building, completely enclosed - see "completely enclosed building."

Building height - see "height of building."

Building permit - a document issued by Borough attesting that a proposal for construction meets all requirements of the Borough Building Code, allowing the approved construction to proceed.

Building, principal - see "principal building."

Building setback line - the line within a property defining the minimum required distance between the front of any building and the adjacent street line. (see also "yard, front")

Business or professional offices - see "offices, business or professional."

Business services - establishments engaged in providing services to business offices on a fee or contract basis including, but not limited to, advertising and public relations; management and consulting services; employment services; building security and maintenance services; equipment servicing, rental/leasing and sales; computer and data processing services; mailing, photocopying, quick printing and fax services; sale of office supplies; and similar business services; but not including the rental, sales or repair of vehicles or heavy equipment.

Cafeteria or employee dining room - an eating establishment located within a

business establishment which is restricted to employees of the business establishment and their invited guests.

Church - see “educational, religious or philanthropic institution.”

Clear sight triangle - the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or right-of-way line and the curb of a driveway), each point being that distance from the intersection, and the two intersecting right-of-way lines (or right-of-way line and a driveway) specified in the illustration in Appendix 27-B.

Collector street - a public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. Streets classified as collector roads in the Borough for the purposes of interpreting this Chapter are: Baldwin Road, Cornell Avenue and Harvard Road.

Commercial school - see “school, commercial.”

Commonwealth - the Commonwealth of Pennsylvania.

Communications antenna - any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas which may be mounted on an existing building, an existing public service corporation storage or transmission structure or an existing communications tower, except for transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

Communications equipment building - a manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of 200 square feet.

Communications equipment cabinet - an unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground of no more than 200 square feet.

Communications tower - any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one or more of the following mounts for antennas: rotatable platform, fixed platform multi-point or side-arm mounts and pipe mounts for microwave dish antennas.

Community club - an organization comprised mainly of residents of the neighborhood in which it is located, the primary purpose of which is the advancement of its members or of the community in recreation, education, cultural or civic pursuits and activities.

Community garden - an area of land owned by the public that is made available to the residents of a community on a seasonal basis for the growing of flowers and vegetables.

Completely enclosed building - a building which has continuous connecting walls and a roof designed so that all the walls are solid from the ground to the roof, containing no openings other than windows and doors.

Conditional use - an authorized use which may be granted only by Borough

Council pursuant to express standards and criteria prescribed in this Chapter, after review and recommendation by the Planning Commission and public hearing by Borough Council.

Construction trailer, temporary - see “temporary construction trailer.”

Council - see “Borough Council.”

County - County of Allegheny, Pennsylvania.

Coverage - see “lot coverage.”

Day care center - a facility licensed by the Commonwealth located in a building which is not used as a dwelling unit for the care during part of a 24-hour day of children under the age of 16 or handicapped or elderly persons.

Day care home - a home occupation involving the care, on a regular basis, during part of a 24-hour day of not more than six children under 16 years of age, excluding care provided to children who are relatives of the operator and which is licensed or registered by the Commonwealth.

Deck - any uncovered outdoor living area, without a roof, in excess of 24 square feet, constructed on or above the surface of the ground.

Density - a measure of the number of dwelling units which occupy, or may occupy, an area of land.

Developer - any landowner or agent of such landowner who makes or causes to be made an application for development.

Domestic pets - animals, fish or fowl customarily found in a dwelling and kept for company or pleasure including, but not limited to, dogs and cats, provided there is not a sufficient number to constitute a kennel, as herein defined; hamsters, parakeets or canaries and similar small animals or birds, but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats or poisonous snakes, alligators, monkeys or other animals normally found in a zoo; nor any horses, pigs or other fowl or livestock customarily found on a farm.

Driveway - a private paved area which provides vehicular access to a parking space, garage, dwelling or other structure.

Dwelling - any building designed or used as permanent living quarters for one or more families, but not including hotels, motels, dormitories, bed and breakfast, assisted living facilities, nursing homes, personal care boarding homes, group care facilities or an educational, religious or philanthropic institution that includes residential facilities.

Dwelling, multi-family - a residential building or portion thereof containing three or more dwelling units, including garden apartments and townhouses, as defined herein.

Dwelling, single-family - a residential building containing one dwelling unit and which is the only principal building on the lot.

Dwelling, two-family - a residential building containing two dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.

Dwelling unit - one or more rooms which are used as living quarters for one family and which have permanent facilities for sleeping, kitchen facilities, as well

as separate sanitary facilities.

Dwelling unit density - the number of dwelling units authorized by this Chapter per acre of land.

Easement - an area of land within which certain rights are granted by the owner for public or private purposes.

Educational, religious, philanthropic institution - any facility operated by a government agency or its authorized agency, a nonprofit organization or any other legal entity chartered for the purpose of providing social services to the general public, or a segment thereof; or regularly conducting worship services and which may also include, as accessory uses, religious education, social and recreational activities and administrative offices; or any school, including a public or private elementary, middle or secondary school or a private nursery school or pre-school having regular sessions, with regularly employed instructors, teaching those subjects that are fundamental and essential in elementary or secondary education under the supervision of the Commonwealth of Pennsylvania; and that may or may not include residential facilities for students or religious leaders.

Erosion - the process by which the surface of the land is worn away by the action of water, wind or chemical action.

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

Escort agency - a 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.

Essential services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead cable TV, gas, electrical, steam or water transmission or distribution systems, collection, communication supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduit cables, transmitters, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including structures.

Family - either an individual, or two or more persons related by blood or marriage or adoption; or a group of not more than four persons not so related (not counting servants), living together and maintaining a common household, or no more than five persons protected by the provisions of the Fair Housing Act (42 U.S.C. §3601 *et seq.*, as now or hereafter amended) living together in a supervised group living arrangement and maintaining a common household. ("Family" shall not include persons living together in any supervised living arrangement who are not maintaining a common household or who are not protected by the provisions of the Federal Fair Housing Amendments Act.)

Fence - a constructed barrier of any natural or man-made material or combination of materials erected to enclose or screen an area of land, but not

including a retaining wall.

Floor area, gross - the sum of the horizontal areas of the several floors of a principal building measured between the exterior faces of walls.

Floor area, net - gross floor area, less the stairways, elevators, halls, utility and bathroom areas and mechanical rooms.

Garage - a building or portion thereof, used for the storage but not repair or service of motor vehicles. A garage is not a service station. (See “automotive service station.”)

Garden apartment - a multi-family residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, balcony or walkway and which dwelling units may have other dwelling units either above or below them.

Gas station - see “automotive service station.”

Grade - see “basic grade.”

Gross floor area - see “floor area, gross.”

Hardship - physical circumstances or condition unique to the particular property involved which preclude development in strict conformity with the provisions of this Chapter.

Height of building - the vertical distance and the number of stories measured from the basic grade to:

- (1) The highest point of the roof adjacent to the front wall for flat roofs.
- (2) The deck line for mansard roofs.
- (3) The mean height between eaves and ridge, for gabled, hipped, or gambrel roofs.

Height of structure - the vertical distance measured from basic grade around the structure to the highest point of a structure, other than a building. (See also “height of building.”)

Home-based business, no-impact - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of a dwelling for residential purposes and which involves no customer, client or patient traffic, whether vehicular or pedestrian, and no pick-up, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

Home gardening - the maintenance of a water garden or the raising of flowers, fruits and vegetables for personal use and enjoyment on a residential lot, not involving any sale or other profit-making activity.

Kennel - any household or establishment where more than four dogs or more than six cats, or any combination of cats and dogs exceeding six animals, who are more than 6 months old are kept, bred, trained and/or boarded at any one time, whether for profit or not.

Land development plan - a plan prepared in accordance with the application requirements of the Borough Subdivision and Land Development Ordinance

[Chapter 22] for approval of a land development, as defined therein.

Landowner - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

Landscape screen - any combination of hedges, trees, shrubs or earth berms arranged so as to create a continuous visual barrier.

Landscaping contractor - a retail business which includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products which aid their growth and care and which may include one or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of small amounts of red dog, slag, sand or gravel to be used in landscaping or preparation of driveways; and/or, shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

Landscaping plan - a plan prepared by a registered landscape architect or registered architect identifying each tree and shrub by size, type and scientific name, the location of each, including a planting diagram and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved.

Licensee - see "permittee or licensee."

Loading space - a portion of a lot used for the standing, loading or unloading of materials or merchandise received or distributed by tractor-trailers.

Lot - a tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

Lot area - that area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

Lot, corner - a lot situated at and abutting the intersection of two streets, having an interior angle of intersection not greater than 135 degrees.

Lot, interior - a lot other than a corner lot.

Lot, through - a lot, the front lot line and rear lot line of which abut streets.

Lot coverage - that percentage of the lot area covered by all principal and accessory structures and impervious surfaces including, but not limited to, decks, patios, walkways, parking pads, driveways and parking areas.

Lot of record - any lot which, individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Allegheny County.

Lot line, front - that line which bounds the lot contiguous with the street right-of-way line. (In the case of a corner lot or through lot, there are two front lot lines.)

Lot line, rear - that line which is generally opposite to the front lot line.

Lot line, side - any lot line which is not a front lot line or a rear lot line.

Lot width - the straight line distance between the points of intersection of the building setback line with the side lot lines.

Maximum extent feasible - no feasible and prudent alternative exists, and all possible planning to minimize potential harm has been undertaken.

Mediation - a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Mini-warehouse - a building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

Motor vehicle - a self-propelled device used for transportation of people or goods over the streets and highways and licensed by the Commonwealth as a motor vehicle.

Multi-family dwelling - see “dwelling, multi-family.”

Municipalities Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.

Net floor area - see “floor area, net.”

No-impact home-based business - see “home-based business, no-impact.”

Nonconforming lot - a lawful lot, legally existing at the time of passage of this Chapter (or subsequent amendment), that does not comply with the applicable lot area and lot width requirements of this Chapter for the Zoning District in which the lot is located by reason of the adoption of this Chapter or its subsequent amendment.

Nonconforming structure - a lawful structure or portion thereof, legally existing at the time of passage of this Chapter (or subsequent amendment), that does not conform to the terms of this Chapter governing area, lot coverage, height, yards, other characteristics of the structure, or its location on the lot by reason of the adoption of this Chapter or its subsequent amendment.

Nonconforming use - a lawful use of a structure or land, legally existing at the time of passage of this Chapter (or subsequent amendment), which does not conform to the current use regulations applicable in the Zoning District in which it is located by reason of the adoption of this Chapter.

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.

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

Occupancy permit - a separate permit required before occupancy of a dwelling or other building is permitted. Occupancy is defined as taking possession of, or using, any structure as an occupant, permanently or temporarily.

Offices, business or professional - any office of recognized professions, such as

doctors, dentists or other licensed medical practitioners, lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions.

Parking area - a paved area, other than a parking pad, street or alley, used exclusively for the parking of motor vehicles, including parking spaces and the aisles and driveways providing access to the parking spaces.

Parking area, private - a parking area which is an accessory use on the same lot owned and used by the tenants or owners of the lot only and their invited guests.

Parking area, public - a parking area which is the principal use on the lot, available for use by the general public for the parking of motor vehicles which may be operated by either a public agency or private entity, whether for profit or not.

Parking garage - a detached accessory building, or portion of a principal building, for the parking or temporary storage of motor vehicles belonging to occupants of the premises.

Parking garage, shared - one garage, or a group of attached garages arranged in a row or surrounding a common means of access, restricted to and used exclusively for the parking of motor vehicles by residents in the immediate vicinity of its location.

Parking pad - a paved area, other than a driveway, on a residential lot intended for the parking of one or more motor vehicles owned by the owners or tenants of the lot, which is accessory to the principal use of the lot.

Parking space - a portion of a garage or parking area designated for the parking of one motor vehicle designed in accordance with the requirements of this Chapter.

Permittee or licensee - the individual, partnership, corporation, incorporated association or other legal entity to whom a valid permit or license is issued by the Borough in accordance with the terms of this Chapter.

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

Planning Commission - the Planning Commission of the Borough of Thornburg, Allegheny County, Pennsylvania.

Plot plan - a drawing based on a property survey prepared by a registered surveyor in the Commonwealth submitted in connection with an application for approval under this Chapter drawn accurately and legibly on durable material showing compliance with all applicable requirements of this Chapter.

Porch - an accessory structure attached to a dwelling constructed either on or above the ground, with or without an enclosed foundation and which has flooring that is impervious or is covered by a roof or awning.

Principal building - the building or buildings on a lot in which the principal use or uses are conducted.

Principal structure - the structure or structures in which the principal use or

uses are conducted.

Principal use - the primary or predominant use of any lot or structure.

Private - owned, operated or controlled by any person, partnership, corporation, association or entity other than a Federal, State, County or local government agency.

Private parking area - see “parking area, private.”

Private recreation - see “recreation, private.”

Public - owned, operated or controlled by a government agency, Federal, State County or local.

Public building - any structure owned or operated by a public body or agency, which dispenses general services to the public, including municipal buildings, community centers, libraries, road maintenance garages and similar buildings.

Public hearing - a formal meeting held pursuant to public notice, as defined herein, by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

Public meeting - a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the “Sunshine Act,” as amended.

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Public park - a lot or parcel owned by a government agency (Federal, State, County or local) devoted to passive and/or active recreation.

Public parking area - see “parking area, public.”

Public recreation - see “recreation, public.”

Public utility - any company or authority subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

Public utility building or structure - any administrative, maintenance or service building operated by a public utility or any transmission facility of a public utility which does not meet the definition of an essential service.

Recreation, private - an enterprise, the use of which is limited to members and their guests, operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, including, but not limited to, such establishments as country clubs, golf course, sportsmen’s clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

Recreation, public - an enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools, street

hockey, basketball courts and similar facilities.

Recreational vehicle - a single axle or multiple axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation and recreational use, including, but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pick-up campers, horse trailers, snowmobiles and all-terrain vehicles.

Research laboratory - offices used for the investigation and refinement of scientific knowledge, including the engineering and industrial application of such knowledge, but not including the mass production of products thus engineered. Commercial servicing or repair of commercial products is not included nor is external display of any materials or products.

Right-of-way - an area of land reserved or dedicated for public or private purposes to provide access across property of another.

School, commercial - a privately operated, for profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

School - see “educational, religious or philanthropic organization.”

Screening fence - a fence constructed so that the surface area is at least 80 percent opaque to obscure vision from one side of the fence to the other and which may include solid or nearly solid fence members or other opaque screening material inserted through the openings, excluding cyclone fencing with vinyl inserts.

Security illumination - a minimum level of illumination necessary for safety of pedestrians and vehicles in parking areas and around the outside of buildings or structures.

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

Sexual encounter center - a 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 semi-nude.

Sexually oriented business - an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center, as defined herein.

Sexually oriented business permittee and/or licensee - a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Shared parking garage - see “parking garage, shared.”

Sign - any surface, fabric, device or structure bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view.

Sign, surface area of - the smallest rectangle or other regular shape which encompasses all of the letters, symbols and accompanying designs, together with background on which they are displayed, but not including any supporting structures. In computing the area of a double-faced sign, only one side shall be considered. If a sign is comprised of more than two sides, the area of each side shall be considered in calculating sign area.

Single-family dwelling - see “dwelling, single-family.”

Slope - the degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise or descent in elevation by the number of feet or horizontal distance, expressed as a percentage.

Slope, steep - see “steep slope.”

Special exception - see “use by special exception.”

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 - any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- (3) Masturbation, actual or simulated.
- (4) Excretory functions as part of or in connection with any of the activities set forth in subparagraphs (1) through (3) above.

Steep slope - any existing slope that is 25 percent or greater.

Story - that part of any building, inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor, or if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

Street - a public street, public easement, right-of-way, public highway, public alley, public way or public road accepted or maintained by a municipality, or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

Structural alteration - any change in the support members of a building such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation of a structure from one position to another.

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

Structure, accessory - see “accessory structure.”

Structure, height of - see “height of structure.”

Subdivision regulations - the Subdivision and Land Development Ordinance [Chapter 22] of the Borough of Thornburg, Allegheny County.

Substantial enlargement of a sexually oriented business - the increase in floor areas occupied by the business by more than 25 percent, at the time the use is first

established.

Surface area of sign - see “sign, surface area of.”

Swimming pool - a container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Chapter only if it has at least one dimension greater than 15 feet, or is more than 36 inches in depth. As herein defined, the term “swimming pool” shall be deemed to be a structure.

Temporary use or structure - any use or structure, other than a temporary construction trailer, which may be a principal use on a lot or accessory to an existing principal use on a lot intended to be used for 6 consecutive months or less.

Temporary construction trailer - a mobile unit temporarily placed on a construction site to provide temporary offices, storage or construction supervision on the site during the time when a valid building permit or grading permit is in effect.

Townhouse - a multi-family residential building no more than 2½ stories in height which contains at least three but no more than eight dwelling units, each of which are separated from the adjacent unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below it.

Transfer of ownership or control of a sexually oriented business - any of the following:

- (1) The sale, lease or sublease of the business.
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Two-family dwelling - see “dwelling, two-family.”

Use - any activity, business or purpose for which any lot or structure is utilized.

Use by special exception - an authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria specified in this Chapter after public hearing.

Variance - a departure from the strict letter of this Chapter, as it applies to specific properties, as authorized by the Zoning Hearing Board in accordance with the standards specified in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Vehicle rental - the rental of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other vehicle or equipment which is not classified as a “motor vehicle” under the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

Vehicle sales - the sales and servicing of automobiles, motorcycles and trucks under 26,000 pounds GVW, but not including any heavy equipment or any other

vehicle or equipment that is not classified as a “motor vehicle” under the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

Warehousing and distribution - a building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

Wholesale sales - a business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

Yard - a required open space located on a lot which is unobstructed by any portion of a principal structure other than certain projections expressly permitted by this Chapter.

Yard, front - a yard extending across the full lot width and abutting the front lot line. The depth measurement required by this Chapter for the front yard shall be the horizontal distance between the front lot line and a line parallel or concentric thereto known as the building line.

Yard, rear - a yard extending across the width of the lot between the side yards and adjacent to the rear lot line. The minimum depth measurement required by this Chapter shall be the horizontal distance between the rear lot line and a line parallel thereto.

Yard, side - a yard extending between the front yard line and the rear yard line parallel to the side lot line. The minimum width measurement required by this Chapter shall be the horizontal distance between the side lot line and a line parallel thereto.

Zoning District - geographic areas within the Borough in which the uses to which land can legally be utilized are designated and for which the boundaries are described in Part 3 and are shown on the Zoning Map which is part of this Chapter.

Zoning Hearing Board - the Zoning Hearing Board appointed by Borough Council whose jurisdiction is specified in Part 13 of this Chapter.

Zoning Map - the official map delineating the Zoning Districts of the Borough of Thornburg, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Officer - the designated official or an authorized representative appointed by Borough Council whose duty it shall be to administer this Chapter.

Zoning Ordinance - this Chapter adopted by the Borough of Thornburg, including all amendments to this Chapter, now or hereafter enacted.

(Ord. 378, 2/14/2005, §201)

Part 3

District Regulations

§27-301. Zoning District Map.

1. The Borough is hereby divided into Zoning Districts, as shown on the official Zoning District Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

2. The Official Zoning District Map shall be identified by the signature of the Chairman of the Planning Commission, attested by the Borough Secretary and certified by the Borough Engineer, and shall bear the seal of the Borough under the following words: “This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number 378, as amended, of the Borough of Thornburg, Allegheny County, Pennsylvania,” together with the date of adoption of this Chapter.

3. All amendments affecting Zoning District boundaries shall be noted on the Official Zoning District Map by the Borough Engineer, including the date of adoption, and shall be attested to by the Borough Secretary.

4. No changes of any nature shall be made in the Official Zoning District Map or matter shown thereof except in conformity with the procedure set forth in this Chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this Chapter and punishable as provided under Part 15 of this Chapter.

5. The Official Zoning District Map, shall be maintained by the Borough Engineer and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures.

(Ord. 378, 2/14/2005, §300)

§27-302. Zoning Districts.

The Borough is divided into the Zoning Districts set forth by this Chapter and as shown by the Zoning District boundaries on the Official Zoning District Map. The Zoning Districts are:

Class	Type	Full Name
S	S	Conservancy District
P	P-1	Active Public Park District
	P-2	Passive Public Park District
R	R-1	Residential District
	R-H	Residential Historic District
	R-2	Residential District
I	I-1	General Industrial District

The term “P” District shall include every type within the class which has the same initial letter. For example, as used in this Chapter the term “R District” includes the

R-1, R-2 and R-H Districts and the term “P District” includes the P-1 and P-2 Districts. (Ord. 378, 2/14/2005, §301)

§27-303. District Boundaries.

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Official Zoning District Map, the following rules shall apply:

A. Boundaries indicated as following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as following municipal limits shall be construed as following municipal limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following the centerlines of streams, rivers, or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers, and other bodies of water, shall be construed as moving with the actual body of water and following the centerline.

F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(Ord. 378, 2/14/2005, §302)

§27-304. District Regulations.

The following regulations shall apply in all Zoning Districts:

A. In the S, R-1, R-2, R-H, P-1 and P-2 Districts, any use not specifically listed in the authorized uses for the Zoning District shall not be permitted in that Zoning District.

B. In the I-1 District, any use not specifically listed in the authorized uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception. The authority for the Zoning Hearing Board to grant approval of a use which is not specifically listed in the authorized uses for a Zoning District as a use by special exception shall be limited to those uses which meet the applicable express standards and criteria for “comparable uses not specifically listed” specified in §27-1304.F of this Chapter.

C. Accessory uses or structures which are customarily accessory to principal structures or uses which are authorized as conditional uses or uses by special exception shall be permitted as accessory uses by right.

D. In all Residential “R” and Conservancy “S” Zoning Districts, when a single-family dwelling is proposed, only one principal structure shall be permitted on a lot.

E. In the R-2 District, two or more two-family dwellings and/or multi-family dwellings may occupy the same lot.

F. In all Zoning Districts where authorized by this Chapter, two or more nonresidential buildings may occupy the same lot and two or more authorized

nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.

G. In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

H. Where one parcel of property is divided into two or more different Zoning District classifications, each portion of the property shall be used independently in its respective Zoning District classification and, for the purposes of applying the regulations of this Chapter, each portion shall be treated as a separate and distinct parcel.

(Ord. 378, 2/14/2005, §303)

Part 4**S Conservancy District****§27-401. Purpose.**

The purpose of the S Conservancy Zoning District is to encourage the conservation of open space and the preservation of steep slopes and other fragile environmental features such as landslide-prone soils, undermined areas, wetlands, watercourses, natural habitats, trees, woodlands and flood-prone areas.

(Ord. 378, 2/14/2005, §400)

§27-402. Authorized Uses.

In the S Conservancy District only the following uses are authorized:

A. Permitted Uses.**(1) Principal Uses.**

(a) Single-family dwellings.

(b) Reforestation and public open space reservation; private open space preservation.

(c) Essential services.

(2) Accessory Uses.

(a) Signs, subject to Part 12.

(b) Off-street parking areas (public or private) and off-street loading, subject to Part 11.

(c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this Zoning District.

(d) Private residential swimming pools or tennis courts, subject to §27-1404.C.

(e) Private parking garages and accessory storage buildings, subject to §27-1404.C.

(f) Fences, subject to §27-1404.C.

(g) Home gardening.

(h) Keeping of domestic pets.

(i) No-impact home-based business, subject to §27-1412.

B. Conditional Uses.**(1) Principal Uses.**

(a) Private recreation, subject to §27-1304.J.

(b) Public recreation, subject to §27-1304.J.

(c) Public buildings, subject to §27-1304.I.

(d) Educational, philanthropic or religious institution, subject to §27-

1304.E.

(2) *Accessory Uses.*

(a) None.

C. *Uses by Special Exception.*

(1) *Principal Uses.*

(a) Communications antenna mounted on an existing building or public utility storage or transmission structure, subject to §27-1304.B.

(b) Communications tower, subject to §27-1304.C.

(c) Public utility buildings or structures, subject to §27-1304.K.

(d) Greenhouse or horticultural nursery, subject to §27-1304.H.

(e) Expansion of a nonconforming use, subject to §27-1304.G and §27-1602.D.

(Ord. 378, 2/14/2005, §401)

§27-403. Area and Bulk Regulations.

In the S Conservancy District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13.

A. Minimum lot area - 1 acre.

B. Minimum lot width - 150 feet.

C. Maximum lot coverage - 20 percent.

D. Minimum front yard - 30 feet.

E. Minimum rear yard -

(1) Single-family dwelling - 40 feet.

(2) All other principal structures - 40 feet.

(3) Accessory uses - 10 feet.

F. Minimum side yard -

(1) Single-family dwelling - 15 feet.

(2) All other principal structures - 25 feet.

(3) Accessory structures - 15 feet.

G. Dwelling floor area - see §27-1408.

H. Special yard requirements - see §27-1404.

I. Permitted projections into required yards - see §27-1405.

J. Maximum height -

(1) Single-family dwellings - 2½ stories but no more than 30 feet.

(2) All other principal structures - 3 stories but no more than 45 feet.

(3) All accessory structures - 1 story but no more than 15 feet.

K. Height exceptions - see §27-1406.

L. Area exceptions for nonconforming lots - see §27-1604.1.

(*Ord. 378, 2/14/2005, §402*)

§27-404. Engineering Report.

See §27-1411.

(*Ord. 378, 2/14/2005, §403*)

§27-405. Parking and Loading.

See Part 11.

(*Ord. 378, 2/14/2005, §404*)

§27-406. Performance Standards.

See §27-1402.

(*Ord. 378, 2/14/2005, §405*)

§27-407. Signs.

See Part 12.

(*Ord. 378, 2/14/2005, §406*)

§27-408. Screening and Landscaping.

See §27-1403.

(*Ord. 378, 2/14/2005, §407*)

§27-409. Storage.

See §27-1409.

(*Ord. 378, 2/14/2005, §408*)

Part 5**P-1 Active Public Park District****§27-501. Purpose.**

The purpose of the P-1 Active Public Park District is to designate publicly owned lands which are reserved for active recreation in public parks and to establish regulations for the use of land for public park purposes.

(Ord. 378, 2/14/2005, §500)

§27-502. Authorized Uses.1. *Permitted Uses.*A. *Principal Uses.*

- (1) Outdoor swimming pool and bathhouse.
- (2) Community gardens.
- (3) Hiking, walking, biking and exercise trails.
- (4) Outdoor plant and wildlife sanctuary; outdoor nature study area.
- (5) Fishing and boating.
- (6) Grass or other natural playing surfaces.
- (7) Playgrounds, creative play equipment.
- (8) Outdoor courts, fields and other playing facilities for sports activities including, but not limited to, football, baseball, softball, lacrosse, rugby, soccer, basketball, volleyball, shuffleboard, horseshoes, tennis, racquetball, handball, golf, ice and field hockey, skateboarding.
- (9) Outdoor areas devoted to winter sports such as ice skating, skiing, sledding and similar activities.
- (10) Picnic facilities, pavilions and shelters.
- (11) Public buildings.

B. *Accessory Uses.*

- (1) Restrooms.
- (2) Concession stands.
- (3) Bleachers.
- (4) Fences.
- (5) Lighting.
- (6) Park identification signs.
- (7) Public parking areas.
- (8) Borough park maintenance and trash collection facilities.
- (9) Equipment rental.

2. *Conditional Uses.*

A. *Principal Uses.*

(1) Indoor swimming pool and bathhouse, subject to §27-1304.J.

(2) Indoor courts, fields and other playing facilities for sports activities, including, but not limited to, football, baseball, softball, rugby, soccer, basketball, volleyball, shuffleboard, horseshoes, tennis, racquetball, handball, golf, ice and field hockey, and skating, subject to §27-1304.J.

(3) Indoor facilities providing rooms for sports and health or fitness instruction, arts and crafts, recreation administration, day care center, community group meetings, special events, social activities, and nonprofit fundraising activities, subject to §27-1304.J.

B. *Accessory Uses.*

(1) None.

3. *Uses by Special Exception.*

A. *Principal Uses.*

(1) Communications antenna mounted on an existing building or public utility storage or transmission structure, subject to §27-1304.B.

(2) Temporary use or structure, subject to §27-1304.M.

(3) Comparable uses not specifically listed, subject to §27-1304.F.

(4) Expansion of a nonconforming use, subject to §27-1304.G and §27-1602.D.

(Ord. 378, 2/14/2005, §501)

§27-503. Area and Bulk Regulations.

In the P-1 Active Public Park District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13.

A. Minimum lot area -

(1) Community park - 5 acres.

(2) Neighborhood park - 1 acre.

(3) All other parks, parklets and recreation areas - none required.

B. Minimum lot width -

(1) Community park - 100 feet.

(2) Neighborhood park - 50 feet.

(3) All other parks, parklets and recreation areas - 25 feet.

C. Maximum lot coverage - 25 percent.

D. Minimum front yard -

(1) Abutting any "S" or "R" District - 50 feet.

(2) All others - 20 feet.

E. Minimum rear yard -

(1) All principal structures -

- (a) Abutting any “S” or “R” District - 50 feet.
 - (b) All others - 25 feet.
- (2) All accessory structures - 25 feet.
- F. Minimum side yard: -
 - (1) All principal structures -
 - (a) Abutting any “S” or “R” District - 50 feet.
 - (b) All others - 15 feet.
 - (2) All accessory structures -
 - (a) Abutting any “S” or “R” District - 25 feet.
 - (b) All others - 15 feet.
- G. Special yard requirements - see §27-1404.
- H. Permitted projections into required yards - see §27-1405.
- I. Maximum height - 2 stories, but no more than 35 feet.
- J. Height exceptions - see §27-1406.

(Ord. 378, 2/14/2005, §502)

§27-504. Parking and Loading.

See Part 12.

(Ord. 378, 2/14/2005, §503)

§27-505. Performance Standards.

See §27-1402.

(Ord. 378, 2/14/2005, §504)

§27-506. Signs.

See Part 11.

(Ord. 378, 2/14/2005, §505)

§27-507. Screening and Landscaping.

See §27-1403.

(Ord. 378, 2/14/2005, §506)

§27-508. Storage.

See §27-1409.

(Ord. 378, 2/14/2005, §507)

Part 6**P-2 Passive Public Park District****§27-601. Purpose.**

The purpose of the P-2 Passive Public Park District is to designate publicly owned lands which are preserved as open space or reserved for passive public park purposes and to establish regulations for the use of land for these public park purposes.

(Ord. 378, 2/14/2005, §600)

§27-602. Authorized Uses.1. *Permitted Uses.*A. *Principal Uses.*

- (1) Public open space.
- (2) Hiking, walking, biking and exercise trails.
- (3) Outdoor plant and wildlife sanctuary; outdoor nature study area.
- (4) Fishing and boating.
- (5) Picnic facilities.

B. *Accessory Uses.*

- (1) Restrooms.
- (2) Fences.
- (3) Park identification signs.
- (4) Public parking areas.
- (5) Borough park maintenance and trash collection facilities.

2. *Conditional Uses.*A. *Principal uses - none.*B. *Accessory uses - none.*3. *Uses by Special Exception.*A. *Principal Uses.*

- (1) Temporary use or structure, subject to §27-1304.M.
- (2) Comparable uses not specifically listed, subject to §27-1304.F.
- (3) Expansion of a nonconforming use, subject to §27-1304.G and §27-1602.D.

B. *Accessory uses - none.*

(Ord. 378, 2/14/2005, §601)

§27-603. Area and Bulk Regulations.

In the P-2 Passive Public Park, District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13.

- A. Minimum lot area - none required.
- B. Minimum lot width - none required.
- C. Maximum lot coverage - 10 percent.
- D. Minimum front yard -
 - (1) Abutting any "S" or "R" District - 50 feet.
 - (2) All others - 20 feet.
- E. Minimum rear yard -
 - (1) All principal structures -
 - (a) Abutting any "S" or "R" District - 50 feet.
 - (b) All others - 25 feet.
 - (2) All accessory structures - 25 feet.
- F. Minimum side yard -
 - (1) All principal structures -
 - (a) Abutting any "S" or "R" District - 50 feet.
 - (b) All others - 15 feet.
 - (2) All accessory structures -
 - (a) Abutting any "S" or "R" District - 25 feet.
 - (b) All others - 15 feet.
- G. Special yard requirements - see §27-1404.
- H. Permitted projections into required yards - see §27-1405.
- I. Maximum height - 1 story, but no more than 20 feet.
- J. Height exceptions - see §27-1406.

(Ord. 378, 2/14/2005, §602)

§27-604. Parking and Loading.

See Part 11.

(Ord. 378, 2/14/2005, §603)

§27-605. Performance Standards.

See §27-1402.

(Ord. 378, 2/14/2005, §604)

§27-606. Signs.

See Part 12.

(Ord. 378, 2/14/2005, §605)

§27-607. Screening and Landscaping.

See §27-1403.

(Ord. 378, 2/14/2005, §606)

§27-608. Storage.

See §27-1409.

(*Ord. 378, 2/14/2005, §607*)

Part 7**R-1 Residential District****§27-701. Purpose.**

The purpose of the R-1 Residential District is to protect the amenities of existing established low density single-family residential neighborhoods in the Borough; and to allow certain additional compatible uses such as schools, parks, churches, and certain public facilities which serve the residents of the Zoning District.

(Ord. 378, 2/14/2005, §700)

§27-702. Authorized Uses.

In the R-1 Residential District only the following uses are authorized:

A. Permitted Uses.**(1) Principal Uses.**

- (a) Single-family dwelling.
- (b) Essential services.

(2) Accessory Uses.

- (a) Signs, subject to Part 12.
- (b) Off-street parking areas (public or private) and off-street loading, subject to Part 11.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this Zoning District.
- (d) Private residential swimming pools or tennis courts, subject to §27-1404.C.
- (e) Private parking garages and accessory storage buildings, subject to §27-1404.C.
- (f) Fences, subject to §27-1404.C.
- (g) Home gardening.
- (h) Keeping of domestic pets.
- (i) No-impact home-based business, subject to §27-1412.

B. Conditional Uses.**(1) Principal Uses.**

- (a) Educational, philanthropic, or religious institution, subject to §27-1304.E.
- (b) Public buildings, subject to §27-1304.I.
- (c) Public recreation, subject to §27-1304.J.

(2) Accessory Uses.

- (a) None.

C. *Uses by Special Exception.*

(1) *Principal Uses.*

(a) Communications antenna mounted on an existing building or public utility storage or transmission structure, subject to §27-1304.B.

(b) Community club, subject to §27-1304.D.

(c) Public utility buildings or structures, subject to §27-1304.K.

(d) Expansion of nonconforming use, subject to §27-1304.G and §27-1602.D.

(Ord. 378, 2/14/2005, §701)

§27-703. Area and Bulk Regulations.

In the R-1 Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13.

A. Minimum lot area -

(1) Single-family dwellings - 15,000 sq. ft.

(2) All other principal uses - 1 acre.

B. Minimum lot width - 100 feet.

C. Maximum lot coverage - 40 percent.

D. Minimum front yard - 25 feet.

E. Minimum rear yard -

(1) Principal structures - 25 feet.

(2) Accessory structures - 5 feet.

F. Minimum side yard -

(1) Principal structures - 10 feet.

(2) Accessory structures - 10 feet.

G. Dwelling floor area - see §27-1408.

H. Special yard requirements - see §27-1404.

I. Permitted projections into required yards - see §27-1405.

J. Maximum height -

(1) Single-family dwellings - 2½ stories, but not more than 35 feet.

(2) All other principal structures - 3 stories, but not more than 45 feet.

(3) All accessory structures - 1 story, but not more than 15 feet.

K. Height exceptions - see §27-1406.

L. Area exceptions for nonconforming lots - see §27-1604.1.

(Ord. 378, 2/14/2005, §702)

§27-704. Engineering Report.

See §27-1411.

(Ord. 378, 2/14/2005, §703)

§27-705. Parking and Loading.

See Part 11.

(*Ord. 378, 2/14/2005, §704*)

§27-706. Performance Standards.

See §27-1402.

(*Ord. 378, 2/14/2005, §705*)

§27-707. Signs.

See Part 12.

(*Ord. 378, 2/14/2005, §706*)

§27-708. Screening and Landscaping,

See §27-1403.

(*Ord. 378, 2/14/2005, §707*)

§27-709. Storage and Parking.

See §27-1409.

(*Ord. 378, 2/14/2005, §708*)

Part 8**R-H Residential Historic District****§27-801. Purpose.**

The purpose of the R-H Residential Historic District is to preserve those areas of the Borough where housing with notable architectural features was built on smaller lots at the beginning of the Twentieth Century; and, to allow certain additional compatible uses such as schools, parks, churches, and certain public facilities which serve the residents of the Zoning District.

(Ord. 378, 2/14/2005, §800)

§27-802. Authorized Uses.

In the R-H Residential District only the following uses are authorized:

A. Permitted Uses.**(1) Principal Uses.**

- (a) Single-family dwelling.
- (b) Essential services.

(2) Accessory Uses.

- (a) Signs, subject to Part 12.
- (b) Off-street parking areas (public or private) and off-street loading, subject to Part 11.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this Zoning District.
- (d) Private residential swimming pools or tennis courts, subject to §27-1404.C.
- (e) Private parking garages and accessory storage buildings, subject to §27-1404.C.
- (f) Fences, subject to §27-1404.C.
- (g) Home gardening.
- (h) Keeping of domestic pets.
- (i) No-impact home-based business, subject to §27-1412.

B. Conditional Uses.**(1) Principal Uses.**

- (a) Educational, philanthropic, or religious institution, subject to §27-1304.E.
- (b) Public buildings, subject to §27-1304.I.
- (c) Public recreation, subject to §27-1304.J.

(2) Accessory Uses.

(a) None.

C. *Uses by Special Exception.*

(1) *Principal Uses.*

(a) Communications antenna mounted on an existing building or public utility storage or transmission structure, subject to §27-1304.B.

(b) Community club, subject to §27-1304.D.

(c) Public utility buildings or structures, subject to §27-1304.K.

(d) Expansion of nonconforming use, subject to §27-1304.G and §27-1602.D.

(Ord. 378, 2/14/2005, §801)

§27-803. Area and Bulk Regulations.

In the R-H Residential Historic District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13.

A. Minimum lot area -

(1) Single-family dwellings 10,000 sq. ft.

(2) All other principal uses - 1 acre.

B. Minimum lot width - 100 feet.

C. Maximum lot coverage - 40 percent.

D. Minimum front yard - 25 feet.

E. Minimum rear yard -

(1) Principal structures - 25 feet.

(2) Accessory structures - 5 feet.

F. Minimum side yard -

(1) Principal structures - 10 feet.

(2) Accessory structures - 10 feet.

G. Dwelling floor area - see §27-1408.

H. Special yard requirements - see §27-1404.

I. Permitted projections into required yards - see §27-1405.

J. Maximum height -

(1) Single-family dwellings - 2½ stories, but not more than 35 feet.

(2) All other principal structures - 3 stories, but not more than 45 feet.

(3) All accessory structures - 1 story, but not more than 15 feet.

K. Height exceptions - see §27-1406.

L. Area exceptions for nonconforming lots - see §27-1604.A.

(Ord. 378, 2/14/2005, §802)

§27-804. Engineering Report.

See §27-1411.

(*Ord. 378, 2/14/2005, §803*)

§27-805. Parking and Loading.

See Part 11.

(*Ord. 378, 2/14/2005, §804*)

§27-806. Performance Standards.

See §27-1402.

(*Ord. 378, 2/14/2005, §805*)

§27-807. Signs.

See Part 12.

(*Ord. 378, 2/14/2005, §806*)

§27-808. Screening and Landscaping.

See §27-1403.

(*Ord. 378, 2/14/2005, §807*)

§27-809. Storage and Parking.

See §27-1409.

(*Ord. 378, 2/14/2005, §808*)

Part 9**R-2 Residential District****§27-901. Purpose.**

The purpose of the R-2 Residential District is to reserve an undeveloped area in the Borough for the development of two-family and multi-family dwellings; and, to allow certain additional compatible supporting uses as conditional uses and uses by special exception.

(Ord. 378, 2/14/2005, §900)

§27-902. Authorized Uses.

In the R-2 Residential District only the following uses are authorized:

A. Permitted Uses.**(1) Principal Uses.**

- (a) Two-family dwellings.
- (b) Townhouses.
- (c) Garden apartments.

(2) Accessory Uses.

- (a) Signs, subject to Part 12.
- (b) Off-street parking areas (public or private) and off-street loading, subject to Part 11.
- (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this Zoning District.
- (d) Private residential swimming pools or tennis courts, subject to §27-1404.C.
- (e) Private parking garages and accessory storage buildings, subject to §27-1404.C.
- (f) Fences, subject to §27-1404.C.
- (g) Home gardening.
- (h) Keeping of domestic pets.
- (i) No-impact home-based business, subject to §27-1412.

B. Conditional Uses.**(1) Principal Uses.**

- (a) Public recreation, subject to §27-1304.J.
- (b) Private recreation, subject to §27-1304.J.

(2) Accessory Uses.

- (a) None.

C. Uses by Special Exception.

(1) *Principal Uses.*

(a) Communications antenna mounted on an existing building or public utility storage or transmission structure, subject to §27-1304.B.

(b) Community club, subject to §27-1304.D.

(c) Public utility buildings or structures, subject to §27-1304.K.

(d) Expansion of nonconforming use, subject to §27-1304.G and §27-1602.D.

(2) *Accessory Uses.*

(a) None.

(Ord. 378, 2/14/2005, §901)

§27-903. Area and Bulk Regulations.

In the R-2 Residential District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13.

A. Minimum lot area -

(1) Two-family dwelling - 14,000 sq. ft.

(7,000 sq. ft. per family)

(2) All other uses - 1 acre.

B. Minimum lot width - 100 feet.

C. Maximum lot coverage - 40 percent.

D. Minimum front yard - 25 feet.

E. Minimum rear yard -

(1) Principal structures - 25 feet.

(2) Accessory structures - 5 feet.

F. Minimum side yard -

(1) Principal structures - 10 feet.

(2) Accessory structures - 10 feet.

G. Dwelling floor area - see §27-1408.

H. Maximum dwelling unit density - 4 units per acre.

I. Minimum distance between buildings - 20 feet

(Where there is more than one building on the same lot).

J. Special yard requirements - see §27-1404.

K. Permitted projections into required yards - see §27-1405.

L. Maximum height -

(1) Single-family dwellings - 2½ stories, but not more than 35 feet.

(2) All other principal structures - 3 stories, but not more than 45 feet.

(3) All accessory structures - 1 story, but not more than 15 feet.

M. Height exceptions - see §27-1406.

N. Area exceptions for nonconforming lots - see §27-1604.1.
(*Ord. 378, 2/14/2005, §902*)

§27-904. Engineering Report.

See §27-1411.
(*Ord. 378, 2/14/2005, §903*)

§27-905. Parking and Loading.

See Part 11.
(*Ord. 378, 2/14/2005, §904*)

§27-906. Performance Standards.

See §27-1402.
(*Ord. 378, 2/14/2005, §905*)

§27-907. Signs.

See Part 12.
(*Ord. 378, 2/14/2005, §906*)

§27-908. Screening and Landscaping.

See §27-1403.
(*Ord. 378, 2/14/2005, §907*)

§27-909. Storage and Parking.

See §27-1409.
(*Ord. 378, 2/14/2005, §908*)

Part 10**I-1 Light Industrial District****§27-1001. Purpose.**

The purpose of the I-1 Light Industrial District is to accommodate existing and future development of general industrial uses in appropriate locations that are separated from residential and commercial areas and are geographically located near transportation and natural resources.

(Ord. 378, 2/14/2005, §1000)

§27-1002. Authorized Uses.

In the I-1 Light Industrial District only the following uses are authorized:

A. Permitted Uses.**(1) Principal Uses.**

(a) Assembly of small electrical appliances and production, including communications equipment; computer components and accessories; electrical parts, accessories and equipment; electronic components, accessories and equipment; search, detection and navigational instruments and equipment; surgical, medical and dental instruments and supplies; laboratory apparatus; photographic equipment and supplies.

(b) Automotive service station.

(c) Battery manufacturer; tire re-capping or re-treading, provided they are located within a completely enclosed building.

(d) Boat building, pleasure craft only.

(e) Building materials sales establishment, in a completely enclosed building.

(f) Business or professional offices.

(g) Business services.

(h) Car wash.

(i) Commercial school.

(j) Contractor's establishment, including storage of equipment.

(k) Distribution plant, including parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishment.

(l) Kennel.

(m) Laboratory-experimental, photo, or motion picture, film or testing.

(n) Landscaping contractor.

(o) Machinery, sales and display, in an enclosed building.

(p) Manufacturing, fabricating, compounding, assembling or treatment (not employing a boiling process) of articles of merchandise from the following previously prepared materials; bone; canvas; cellophane;

clay; cloth; cork; feathers; felt; fiber; fur; glass; hair; horn; leather; paint; paper; rubber; plastics; precious or semiprecious metals or stones; shell; straw; textiles; tobacco; wood (but not including, heavy wood-working shop); and yarns.

(q) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay.

(r) Manufacture, fabrication and maintenance of electric and neon signs, billboards, commercial advertising structures, metal products of a light nature including heating and ventilating ducts and equipment - cornices, eaves, and the like and also including plumbing, heating or electrical contracting business.

(s) Manufacture of musical and small precision instruments, watches and clocks, toys, novelties, rubber and metal hand stamps.

(t) Manufacture, processing, canning, packaging or treatment of such products as beverages, cosmetics, drugs, perfumed toilet soap, perfumes, pharmaceuticals, and food products not including fish smoking, curing, or canning, rendering of fats or oils, or the slaughter of animals.

(u) Mini-warehouse.

(v) Printing, lithographing, type composition, ruling and binding establishment.

(w) Recreation (public, private or commercial).

(x) Research laboratory.

(y) Robotics.

(z) Storage, excluding the following:

1) Celluloid.

2) Coal and coke.

3) Garbage, offal, dead animals or refuse.

4) Gas (in its various forms except propane) in excess of 10,000 cubic feet.

5) Gasoline in excess of an amount necessary for use on the premises or to supply retail trade at service stations.

6) Gun powder, fireworks or other explosives.

7) Junk, scrap, metal, paper, rags or used tires.

8) Petroleum and petroleum by-products in excess of an amount necessary for use on the premises.

9) Raw hides or skins.

10) Terminal warehousing or transfer depot.

11) Unscreened outside storage.

(aa) Vehicle rental; vehicle sales.

(bb) Wholesale business; warehousing and distribution.

(2) *Accessory Uses.*

- (a) Signs, subject to Part 12.
 - (b) Off-street parking areas (public or private) and off-street loading, subject to Part 11.
 - (c) Accessory uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this Zoning District.
 - (d) Cafeteria; employee dining room.
 - (e) Fences, subject to §27-1404.C.
 - (f) Temporary construction trailer, subject to §27-1407.
- B. *Conditional Uses.*
- (1) *Principal Uses.*
 - (a) Communications antenna mounted on an existing building or public utility storage or transmission structure, subject to §27-1304.B.
 - (b) Firehouses, subject to §27-1304.I.
 - (c) Public utility buildings or structures, subject to §27-1304.K.
 - (d) Public buildings, subject to §27-1304.I.
- C. *Uses by Special Exception.*
- (1) *Principal Uses.*
 - (a) Billboard, subject to §27-1304.A.
 - (b) Expansion of a nonconforming use, subject to §27-1304.G and §27-1602.D.
 - (c) Temporary use or structure, other than a construction trailer, subject to §27-1304.M.
 - (d) Comparable uses not specifically listed, subject to §27-1304.F.
 - (e) Sexually oriented businesses, subject to §27-1304.L.

(Ord. 378, 2/14/2005, §1001)

§27-1003. Area and Bulk Regulations.

In the I-1 Light Industrial District all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Part 13:

- A. Minimum lot area - 1 acre.
- B. Minimum lot width - 150 feet.
- C. Maximum lot coverage - 80 percent.
- D. Minimum front yard - 30 feet.
- E. Minimum rear yard -
 - (1) Abutting any “R,” “S” or “C” District - 75 feet.
 - (2) All other principal and accessory structures - 25 feet.
- F. Minimum side yard -
 - (1) Abutting any “S,” “R,” or “C” District - 75 feet.

(2) All other principal and accessory structures - 25 feet.

G. Special yard requirements - see §27-1404.

H. Permitted projections into required yards - see §27-1405.

I. Maximum height -

(1) All principal structures - 45 feet.

(2) All accessory structures - 20 feet.

J. Height exceptions - see §27-1406.

(*Ord. 378, 2/14/2005, §1002*)

§27-1004. Engineering Report.

See §27-1411.

(*Ord. 378, 2/14/2005, §1003*)

§27-1005. Parking and Loading.

See Part 11.

(*Ord. 378, 2/14/2005, §1004*)

§27-1006. Performance Standards.

See §27-1402.

(*Ord. 378, 2/14/2005, §1005*)

§27-1007. Signs.

See Part 12.

(*Ord. 378, 2/14/2005, §1006*)

§27-1008. Screening and Landscaping.

See §27-1403.

(*Ord. 378, 2/14/2005, §1007*)

§27-1009. Storage.

See §27-1409.

(*Ord. 378, 2/14/2005, §1008*)

§27-1010. Land Development Plan Approval.

See §27-1410.

(*Ord. 378, 2/14/2005, §1009*)

Part 11**Off-Street Parking and Loading****§27-1101. Off-Street Parking.**

Off-street parking spaces shall be provided in accordance with the specifications in this Chapter in any Zoning District whenever any new use is established or any existing use is enlarged.

(Ord. 378, 2/14/2005, §1100)

§27-1102. Off-Street Parking Design.

Parking areas in all Zoning Districts shall comply with the following standards:

A. Design.

(1) Each off-street parking space shall have an area of not less than 162 square feet, exclusive of access drives or aisles and shall have minimum dimensions of 9 feet in width and 18 feet in length. Handicapped parking spaces shall have an area of not less than 266 square feet, exclusive of access drives or aisles and shall have minimum dimensions of 14 feet in width and 19 feet in length. Van accessible spaces shall be at least 17 feet in width.

(2) Single lane driveways which provide access to parking areas shall be a minimum of 12 feet wide; two lane driveways shall be a minimum of 24 feet wide. One-way aisles accessing parking spaces shall be a minimum of 18 feet wide. Two-way aisles between parking spaces shall be a minimum of 24 feet wide.

(3) Parking spaces shall be aligned at no less than 60 degrees. If parking spaces are aligned at less than 90 degrees, the aisles accessing the parking spaces shall be restricted to one-way traffic and the parking spaces shall be designed for head-in parking only.

(4) The maximum permissible slope of any parking area, including all aisles and driveways, shall be 7 percent. If parking spaces are provided in areas which exceed 5 percent slope, all parking spaces shall be parallel to the contour lines of the area.

B. Handicapped Parking. Handicapped parking spaces shall be provided in accordance with the requirements of the Americans with Disabilities Act (ADA) and the Pennsylvania Department of Labor and Industry.

C. Parking Area Traffic Control. All parking areas which are laid out in more than two rows of parking stalls shall have traffic control structures for the safe and efficient flow of internal vehicular and pedestrian traffic. Such structures shall consist of concrete curbs, sidewalks or parking aisle separators, extending not less than 6 inches above the finished surface of the lot, or planted and landscaped areas, or other equivalent devices as may be approved by the Planning Commission. Any such planted area shall be protected by poured concrete curbing to prevent vehicle encroachment thereon.

D. Access. Access to parking areas shall be provided in accordance with the

following requirements:

(1) Where an existing lot does not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking area.

(2) Access to off-street parking areas shall be limited to defined driveway locations, and in no case shall there be unrestricted access along the length of a street. In any Zoning District, other than a Residential District, the street frontage shall be curbed to restrict access to the lot, except where access drives are proposed.

(3) The number of access drives from a single lot or development to any public street shall not exceed two for every 400 feet of street frontage.

(4) Access drives entering State highways are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering County roads are subject to approval by the Allegheny County Department of Public Works. Access to Borough streets shall be graded to conform to existing topography and shall be designed so that drainage will not adversely impact the street or adjacent properties.

(5) Each parking space shall have access directly to an aisle. Interior circulation of traffic shall be designed so that no aisle providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

E. *Safety Requirements.* Borough Council upon recommendation of the Planning Commission and Borough Engineer, shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings on public streets within and adjacent to the boundaries of the development site.

F. *Marking.* In parking areas which contain five or more spaces, all parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures, walkways, roadways or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee parking spaces by suitable markings. Handicapped parking shall be appropriately marked.

G. *Shared Garages.* Shared garages in joint ownership, having party walls along common property lines, shall be permitted provided each space is separately owned or an easement or other agreement for a shared driveway is recorded with the deed.

H. *Parking Areas Containing Five or More Spaces.*

(1) Parking areas containing five or more spaces shall be paved, striped and curbed and shall be designed in accordance with the requirements of this Chapter. In parking areas containing more than five spaces, all driveways and parking spaces shall be paved with an 8-inch base and an asphalt or concrete

top of 2-inch minimum, or a design of higher strength and shall be graded with positive drainage to dispose of surface water in a manner that shall not affect adjacent properties.

(2) Where five or more parking spaces are required by this Chapter, the parking spaces shall be located on the same lot with the principal use, unless approved by Borough Council upon recommendation of the Planning Commission, provided the off-site parking area is located within 300 feet of the structure or building which it is intended to serve.

(3) No parking area containing more than five parking spaces shall be located closer than 10 feet to any adjacent property line. Parking areas containing five or more spaces shall not be permitted in the required front yard in any "S" Conservancy or "R" Residential Zoning District. Parking shall be permitted in the required front yard in any "I" Zoning District provided the parking shall be located at least 5 feet from the public street right-of-way line.

I. *Screening and Landscaping.*

(1) Parking areas containing more than five parking spaces shall be effectively screened by a compact evergreen hedge at least 6 feet in height along any property line which adjoins any dwelling in an S, R-1 or R-H Zoning District.

(2) In addition, a planting strip at least 5 feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained in grass, ground cover or other landscaping material not in excess of 3 feet in height which shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.

(3) In parking areas containing more than 20 spaces, at least 5 percent of the interior parking area shall be landscaped with plantings and one tree for each 10 parking spaces shall be installed.

J. *Lighting.* Lighting of parking areas shall be permitted only if the parking area contains five or more spaces. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjacent premises and away from any streets or highways. Spillover lighting on adjacent residential properties shall not exceed 0.2 footcandles. The lighting system shall furnish an average minimum of 1.0 foot candle distributed throughout the site during hours of operation and shall be designed with shields and cutoff luminaries that have a cutoff angle of 60 degrees or less. (See Illustration in Appendix 27-C.)

(Ord. 378, 2/14/2005, §1101)

§27-1103. Off-Street Parking Requirements.

Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces:

A. *Calculation of Requirements.* When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.

B. *Multiple Uses on a Lot.* Where more than one use exists on a lot, parking requirements for each use shall be provided.

C. *Parking Requirements.* The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

USE	PARKING SPACES REQUIRED
Dwelling, Single-Family	Two spaces for each dwelling unit.
Dwelling Operated as Part of an Educational, Religious or Philanthropic Institution	One space for each resident plus one space for each employee on peak shift.
Sexually Oriented Businesses	One space for each 30 square feet of net floor area plus one space for each employee, including performers.
Community Club	One space for each 300 sq. ft. of floor area devoted to offices and one space for each 100 square feet of floor area devoted to meeting or social rooms.
Religious Institution	One space for each four seats or 80 lineal inches of pew, or if there are no pews or seats, one per 15 sq. ft. of floor area used for assembly.
Day Care Center	One space for each teacher and/or employee on peak shift plus one space for each six students.
Firehouse	One space for each 300 sq. ft. of floor area devoted to office plus one space for each 100 sq. ft. of floor area used as a meeting room or social hall, excluding any area devoted to kitchen facilities.
Eating and Drinking Establishments	One space for each 75 sq. ft. of seating area plus one space for each employee on peak shift.
Offices, Business and Professional	One space for every 300 sq. ft. of gross floor area.
Business Services	One space for each 250 sq. ft. of net floor area plus one space for each employee on peak shift.
Public Buildings, not otherwise specified	One space for each 150 sq. ft. of gross floor area devoted to office use plus one space for each 100 sq. ft. of floor area devoted to public visitation or assembly.
Public Utility Buildings	One space per employee on peak shift plus one space for each service vehicle stored on lot.
Educational Institutions, Elementary and Junior High	One space for each employee or faculty member or one space for each four seats in an auditorium or gymnasium, whichever is greater.
Educational Institutions, Nursery or Pre-school	One space for each teacher and/or employee on peak shift plus one space for each six students.

USE	PARKING SPACES REQUIRED
Educational Institutions, Secondary	One space for each employee or faculty member plus one space for each 10 students.
Educational Institutions, Post Secondary and Commercial Schools	One space for each employee or faculty member plus one space for each three students.
Automobile Service Stations	Four spaces for each bay plus one space for each employee on peak shift plus one space for each business vehicle.
Indoor Recreational Facilities	One space for each two persons authorized by the Borough Building Code to occupy the premises at maximum permitted occupancy.
Commercial Recreation	One space for each employee on peak shift plus one space for every three spectator seats plus one space for each playing position or team member fielded at any one time.
Swimming Pools, Public or Commercial	One space for each 50 sq. ft. of surface water area.
Tennis, Racquetball and Handball Courts	One space per employee plus four spaces for each court.
Theater, Auditorium, Gymnasium	One space per four seats.
Team Playing Fields, Indoor or Outdoor	Ten spaces for each playing field used for team competition or practice plus one space for each four seats in bleachers or other fixed spectator seating.
Vehicle Sales, Rental and Service; Car Wash	One space for each employee on peak shift plus three spaces for each repair bay plus one space for each 500 sq. ft. of showroom floor area plus one space for each vehicle stored on site.
Mini-Warehouse/Self-Storage	Two spaces for manager's quarters plus one space for each ten storage units equally distributed throughout the storage area plus one space for each 25 storage units located near the manager's quarters to be used by prospective clients.
Warehousing, Wholesaling and Distribution, Motor Freight Terminal	One space per employee on peak shift or one space per 2,500 sq. ft. of floor area of building, whichever is greater, plus a minimum of five visitor spaces.
Manufacturing	One space per employee on peak shift or one space per 1,500 sq. ft. of floor area of building, whichever is greater, plus one visitor space per 25 employees.
Research Laboratory	One space for each 300 sq. ft. of floor area devoted to offices plus one space for each 1,000 sq. ft. devoted to laboratories or pilot manufacturing.

USE

Any Use Not Specifically Listed

PARKING SPACES REQUIRED

One space for each 300 sq. ft. of gross floor area of building or one space for each three persons authorized to occupy the building or site at maximum permitted occupancy, whichever is greater.

(Ord. 378, 2/14/2005, §1102)

§27-1104. Off-Street Loading.

In all Zoning Districts, whenever a new use is established or an existing use is structurally altered, converted or enlarged, and that use requires the receipt or distribution by tractor-trailer of material or merchandise, off-street loading spaces shall be provided in accordance with the requirements of this Section.

A. Off-Street Loading Design.

(1) *Size.* Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements and shall not block any driveway used for circulation through the site.

(2) *Access.* Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction. Under no circumstances shall vehicles waiting to load or unload be parked on or block access to a public right-of-way.

(3) *Location.* All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two streets.

(4) *Screening.* Loading berths shall be screened by a 6-foot hedge, wall or opaque fence on all sides which face residential use or an “S” Conservancy or “R” Residential Zoning District classifications.

(5) *Surfacing.* All loading berths shall have a paved, concrete or bituminous surface, graded with positive drainage to dispose of surface water.

(6) *Lighting.* Any lighting used to illuminate loading berths shall be designed to reflect away from any adjacent residential use or zoning classification and away from any street or highway.

B. Off-street Loading Requirements. In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:

Gross Floor Area	Number of Berths Required
Under 40,000 sq. ft.	None
40,000 to 59,999 sq. ft.	1 berth

Gross Floor Area	Number of Berths Required
60,000 to 79,999 sq. ft.	2 berths
80,000 to 100,000 sq. ft.	3 berths
For each additional 50,000 sq. ft.	1 additional berth

(*Ord. 378, 2/14/2005, §1103*)

Part 12**Signs****§27-1201. Signs.**

The regulations contained in this Chapter shall apply to all signs in all Zoning Districts.

(Ord. 378, 2/14/2005, §1200)

§27-1202. Types and Classes.

Signs in all Zoning Districts shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes described in this Section:

A. *Classes.* Signs are classified by physical attributes into the following categories:

(1) *Freestanding.* A sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

(a) *Pole Sign.* A freestanding sign which is supported by one or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the signs and the adjacent ground level, as specified by this Chapter.

(b) *Ground Sign.* A freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of 18 inches between the bottom edge of the sign and the adjacent ground level.

(2) *Wall.* A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than 12 inches from the wall of the building.

(3) *Bulletin.* A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools or other public or semi-public buildings to announce events.

(4) *Roof Sign.* A sign erected and maintained upon or above the roof of any building which projects no more than 6 feet above the roof.

(5) *Overhanging.* A sign, other than a wall sign or arcade sign, affixed to a building or wall whose leading edge extends beyond such building or wall more than 12 inches, including awnings, marquees or similar structures used for business identification.

(6) *Billboard.* An off-premises sign which advertises an establishment, activity, person, product or service which is unrelated to or unavailable on the premises where the billboard is located.

(7) *Indirectly Illuminated.* A sign which is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is

stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

(8) *Internally Illuminated*. A sign which is lighted by means of lamps or lighting devices internal to the sign, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

B. *Types*. Signs are categorized by use, function or purpose into the following types:

(1) *Residential Identification*. A sign containing only the name and address of the occupant of the premises in the case of a single-family and two-family dwellings or the name of the building and the address in the case of a multi-family residential building.

(2) *Real Estate Sign*. A temporary sign advertising the sale or rental of premises. The signs may also bear the words “sold,” “sale pending,” or “rented” across their face.

(3) *Construction*. A temporary sign announcing the name of financing institutions, design professionals, contractors, mechanics or artisans engaged in performing work on the premises.

(4) *Notification*. Signs bearing legal and/or property notices including, but not limited to, notice of application or public hearing notices, no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a governmental agency for traffic control or the safety of the general public.

(5) *Political Sign*. A temporary sign which indicates the name, cause or affiliation of anyone seeking public office or which refers to an issue concerning which a public election is scheduled to be held.

(6) *Business Identification Sign*. A sign which contains the name, address and goods, services, facilities or events available on the premises.

(7) *Memorial / Historical Plaque*. Commemorative plaques recognized by an agency of the Borough, County, Commonwealth or Federal government or a nonprofit historical or veteran’s organization.

(Ord. 378, 2/14/2005, §1201)

§27-1203. General Regulations.

The following regulations shall apply to signs in all Zoning Districts:

A. *Restricted Signs*. The following signs shall not be permitted in any Zoning District:

- (1) “A-frame” or sandwich board signs.
- (2) Portable or wheeled signs.
- (3) Banners.
- (4) Inflatable display devices of any kind.

(5) Search lights, oscillating, moving or flashing signs, except for that portion of a permitted sign which indicates time or temperature which changes

at intervals no less frequently than every 5 seconds.

(6) Signs on trees, utility poles or official traffic control devices or signs.

(7) Signs which imitate traffic control devices.

(8) Signs painted on walls or chimneys of a building or on fences or walls.

(9) Strings of lights, flashers, flags, pennants or other display paraphernalia, except those displays specifically authorized by this Chapter.

(10) Overhanging signs, as defined herein.

(11) Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

B. *Exempt Signs.* The following signs shall be exempt from these regulations:

(1) Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any other way, become a public safety hazard.

(2) Memorial/historical plaques, as defined herein.

(3) Signs authorized by Borough Council or erected by a governmental agency, including street signs and official traffic signs.

C. *Lots with Multiple Street Frontage.* In all Zoning Districts, lots fronting on more than one street shall be permitted to have any sign authorized on the lot on each street frontage, provided the street frontage does not face residential property.

D. *Temporary Signs.* In all Zoning Districts where authorized by §27-1204, real estate and construction signs shall be considered temporary signs which shall be removed within 30 days of the completion of sales or construction.

E. *Notification Signs.* In all Zoning Districts, the number, location and size of legal notification signs erected by public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification signs posted on private property by property owners such as “no trespassing,” “no hunting” and the like shall be limited to a surface area not exceeding 2 square feet. The placement and maximum number of signs permitted along road frontages shall be one sign for every 100 feet of road frontage.

F. *Visibility.* No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and off-premises directional signs, shall hang over or be erected within the clear sight triangle defined in §27-202 of this Chapter and illustrated in Appendix 27-B.

G. *Illumination.* Illumination, when authorized by this Chapter, may be either indirect or internal as defined in §27-1202.A(7) and (8). Such illumination shall be directed upon the sign face and not towards adjacent properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of

illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

H. *Maintenance and Inspection.* All signs shall be constructed of a durable material and maintained in good condition. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice as provided for in §27-1704.2 to the owner in writing to repair or remove the sign within 10 days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense.

I. *Removal of Signs.* Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within 30 days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense.

J. *Permits Required.* No permit shall be required for signs erected by a governmental agency or for notification, political, construction or real estate signs as defined by §27-1202.B above, except that temporary real estate signs in the I-1 District shall require a permit as set forth in this Section. Permits shall be required for all other signs authorized by §§27-1204 through 27-1206. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Chapter and payment of the required fee established from time to time by resolution of Borough Council. [Ord. 386]

(1) Temporary real estate signs in the I-1 District shall require a permit. Such signs shall be limited to one per lot, shall be non-illuminated and meet all dimensional limits of §27-1204.B. The permit application and the permit itself shall describe the exact property or building or part thereof to be sold or rented. The permit shall authorize the erection of a temporary real estate sign in accordance with this Chapter for a period of 180 days or 30 days after the sale or rental of the property, whichever comes first. A permit may be extended for one additional period, of 180 days or 30 days after the sale or rental of the property, whichever comes first, by application to the Zoning Officer, which includes proof of continuing effort to sell or rent the property and continuing inability to do so.

(a) The proof of continuing effort to sell or rent the property must include, but is not limited to, written, detailed explanations of those efforts taken, in addition to the erection of the sign, to advertise the availability of the property, copies of the advertisements, copies of the actual sign(s) giving the information of the available parcel, and information regarding the real estate listing or company providing a listing for the property. Applications for an initial permit or an extension shall be accompanied by a nonrefundable fee in an amount as established from time to time by resolution of Borough Council, and by 10 copies of the request for an extension and of all proof submitted in support of the request.

(b) After issuance of the first 180-day permit extension, up to two additional extensions of 90 days each may be issued upon proof of continuing effort to sell or rent the property as described above, except that such proof shall relate to the period of the preceding extension.

(c) The maximum duration of a temporary real estate sign, including any extensions, is 1½ years from the date of the issuance of the original permit. After the expiration of such 1½ year period, the sign shall be removed from the premises and no temporary real estate sign shall be permitted for a period of 30 days after removal of the sign. At the end of such 30 day period, an original application for a temporary real estate sign may be submitted and shall be processed and extensions granted, if appropriate, subject to the procedures set forth above in this Section.

(d) Any temporary real estate sign existing as of the date of adoption of this Chapter, and which has been in place continuously for a year or more prior to the adoption of this Chapter, shall be removed unless a new permit for such sign has been applied for and issued, pursuant to §27-1203.J(1) above, within 60 days after the date of adoption.

[Ord. 386]

K. *Expiration of Permits.* Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within 6 months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

L. *Sign Location.* Except for billboards and political signs, as defined herein, where authorized by this Chapter, all signs shall be located on the premises which they are intended to serve.

(Ord. 378, 2/14/2005, §1202; as amended by Ord. 386, 1/12/2009, §1)

§27-1204. Signs Authorized in All Zoning Districts.

The following signs are authorized in all Zoning Districts:

A. *Bulletin Sign.* One bulletin sign which is nonilluminated and which does not exceed 24 square feet in surface area, shall be permitted in connection with any church, school, library or similar public or semi-public building.

B. *Real Estate Sign.* One nonilluminated temporary real estate sign shall be permitted on each lot provided the sign shall not exceed 6 feet in height. The real estate sign shall not exceed 6 square feet in surface area when located in any “S” Conservancy or “R” Residential Zoning District and shall not exceed 12 square feet in any other Zoning District. Such sign shall be removed within 30 days of the sale or rental of the property on which it is located.

C. *Construction Sign.* One nonilluminated temporary construction sign as defined by this Chapter shall be permitted on a lot, provided the sign shall not exceed 12 square feet in area and shall be removed within 30 days of the completion of the work.

D. *Political Signs.* Nonilluminated temporary political signs erected during a political campaign shall be permitted, provided that they are not of a type restricted by §27-1202.A(1) of this Chapter and provided that the surface area of such signs shall not exceed 6 square feet. The signs shall not be erected before 45 days prior to the election and shall be removed within 5 days after the election for which they were erected.

E. *Residential Identification Signs.* One nonilluminated residential

identification sign shall be permitted to be mounted on the wall of a single-family dwelling, provided the dimensions of the sign shall not exceed 1 foot in length by 6 inches in height.

F. *Public Park Identification Signs.* One nonilluminated freestanding ground sign shall be permitted at each entrance to a public park which shall not exceed 12 square feet in area.

(Ord. 378, 2/14/2005, §1203)

§27-1205. Signs Authorized in Industrial Districts.

1. *Business Identification Signs.*

A. *Wall Signs.*

(1) Each business establishment shall be permitted to have wall signs which shall be nonilluminated. The aggregate area of all wall signs shall not exceed 1 square foot for each lineal foot of width of the front wall of the building or portion of the building, occupied by the business or a maximum of 64 square feet for all businesses, whichever is less. The number and location of wall signs shall be further subject to §27-1203.C. Wall signs shall not be permitted on side or rear walls of the building, unless the side or rear wall fronts on a street which does not face residential property as provided in §27-1203.C.

(2) The wall sign shall not be located on the roof nor extend above the height of the building.

B. *Ground Signs.* In addition to the wall signs, one free-standing ground sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

(1) The maximum surface area of the ground sign shall not exceed 16 square feet.

(2) The height and location of the ground sign shall be designed so as to not interfere with the clear sight triangle nor obstruct visibility for vehicular traffic entering or leaving the lot or traveling on any street and in no case shall the total height exceed 6 feet.

(3) Ground signs may be nonilluminated or indirectly illuminated. The maximum illumination of the ground sign shall not exceed 1.5 footcandles on the sign face.

(4) All free-standing ground signs shall be located at least 10 feet from any property line, except where property abuts on a public right-of-way, the ground sign shall be set back at least 10 feet from the right-of-way or at least 15 feet from the edge of the cartway if the right-of-way is not contiguous with the front lot line.

(Ord. 378, 2/14/2005, §1204)

§27-1206. Billboards.

Billboards shall be permitted only as conditional uses on property located in the I-1 General Industrial District following a public hearing by Borough Council, provided all

of the following requirements are met:

A. *Location.* Billboards shall be authorized as a conditional use only in the I-1 General Industrial District, provided all of the following requirements are met:

(1) Billboards shall not be erected within 100 feet of the boundary line of any “S,” “P” or “R” District or within 100 feet of any public or private school, church or cemetery, said 100 feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.

(2) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structure of 750 feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard which is parallel to the centerline of the roadway to which the billboard is oriented.

(3) No part of any billboard shall be located closer than 10 feet to any public street right-of-way.

(4) No billboard shall be erected over any sidewalk or public right-of-way.

(5) The minimum side and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.

(6) No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or nonresidential structure, or limit or reduce the light and ventilation requirements.

(7) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.

(8) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.

B. *Size and Height.* A billboard shall have a maximum allowable gross surface area of 200 square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

(1) A billboard shall have no more than two sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of 90 degrees or less.

(2) The dimensions of the gross surface area of the billboard’s sign face shall not exceed 10 feet in total height or 20 feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.

(3) A billboard structure shall have a maximum height above the curb of the roadway from which it is intended to be viewed of 20 feet.

C. *Construction Methods.* Billboards shall be constructed in accordance with applicable provisions of the Borough Building Code, and shall meet all of the following additional requirements:

(1) A billboard structure shall have a maximum of one vertical support

being a maximum of 3 feet in diameter or width and without additional bracing or vertical supports.

(2) A billboard sign face shall be independently supported and have vertical supports of metal which are galvanized or constructed of approved corrosive-resistant, noncombustible materials. Structures constructed with galvanized metal shall be painted.

(3) The one vertical support shall be capable of enabling the entire sign face to be able to withstand a minimum 100 mile per hour wind load. Structural design computations shall be made and certified by a registered engineer and shall be submitted to the Borough with the application for the conditional use.

(4) The base shall be installed using a foundation and footings approved by the Borough Engineer for the type of construction proposed.

(5) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or bushes of minimum height of 3 feet placed in such manner as to screen the foundation of the structure.

(6) Landscaping shall be maintained by the sign owner in an attractive and healthy manner in accordance with accepted conservation practices.

(7) No bare cuts shall be permitted on a hillside.

(8) All cuts or fills shall be permanently seeded or planted.

(9) A billboard with display lighting shall be constructed so that it does not glare upon adjacent property and shall not exceed a maximum of 0.5 foot candles upon the adjacent property.

(10) Display lighting shall not operate between 12 midnight and 5 a.m., prevailing local time.

(11) No billboard structure, sign face or display lighting shall move, flash or emit noise. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties.

(12) The use of colored lighting shall not be permitted.

D. *Maintenance.*

(1) A billboard structure shall be entirely painted every 2 years, unless constructed of an approved corrosive-resistant material.

(2) Every year, the owner of the billboard shall have a structural inspection made of the billboard by a qualified Pennsylvania registered engineer and shall provide to the Borough a certificate from the engineer certifying that the billboard is structurally sound.

(3) Annual inspections of the billboard shall be conducted by the Borough to determine compliance with this Chapter.

(4) Billboards found to be in violation of this Chapter shall be brought into compliance or removed within 30 days upon proper notification by the Borough.

(5) Billboards using removable vinyl, paper or other materials shall be

maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All paper and other waste materials shall be removed from the site and disposed of properly whenever any sign face is changed.

E. *Liability Insurance.* The applicant for a sign permit to erect a billboard shall provide a certificate of insurance for public liability and property damage which holds the Borough harmless the amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving 10 days notice to the Borough.

F. *Permits.*

(1) Prior to submission of an application for sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the Allegheny County Department of Aviation or the United States Federal Aviation Administration (FAA), when applicable.

(2) Approval of the conditional use shall be valid for 6 months from the date of action by Borough Council granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the 6-month period, approval of the conditional use shall expire automatically, without written notice to the applicant.

(3) The issuance of a sign permit for a billboard which has been granted approval of a conditional use shall be conditioned upon the approval of the Pennsylvania Department of Transportation ("PennDOT") for billboards along State Highways. If the applicant fails to submit evidence of the required approval by PennDOT within 90 days of the issuance of the conditional sign permit, the sign permit shall be revoked by the Zoning Officer who shall provide written notice to the applicant.

(4) The applicant may reapply for the required sign permit, upon submission of evidence of PennDOT approval, without payment of any additional sign permit fee, provided the application is filed within the 6-month period during which the conditional use approval is valid.

G. *Application Fees.* Said application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of Borough Council.

H. *Nonconforming Billboards.*

(1) Any billboard which does not conform to the requirements of this Section shall not be enlarged or moved unless the billboard complies with all provisions of this Section.

(2) Any billboard which is damaged or destroyed by more than 51 percent of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this Section.

(Ord. 378, 2/14/2005, §1205)

Part 13**Express Standards and Criteria for
Conditional Uses and Uses by Special Exception****§27-1301. Applicability.**

This Part shall apply to all conditional uses and uses by special exception listed as authorized uses in each Zoning District in Parts 4 through 10.

(Ord. 378, 2/14/2005, §1300)

§27-1302. Procedures for Approval.

The following procedures shall apply to all applicants for approval of a conditional use or use by special exception in all Zoning Districts:

A. *Approval of Conditional Uses.* Borough Council shall hear and decide requests for conditional uses; however, Borough Council shall not approve a conditional use application unless and until:

(1) A written application for conditional use approval is submitted to the Zoning Officer no less than 21 calendar days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. A complete and properly filed application shall include the following:

(a) For any proposed conditional use that will require a building permit, a plan drawn on a current property survey sealed by a Pennsylvania registered surveyor. The plan shall indicate all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Chapter.

(b) A written statement showing compliance with the applicable express standards and criteria of this Chapter for the proposed use.

(c) The application fee required by §27-1703.E of this Chapter.

(2) A written recommendation is received from the Planning Commission or 30 days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.

(3) The property is posted at least 7 days prior to Borough Council's public hearing.

(4) A public hearing is conducted by Borough Council pursuant to public notice within 60 days of submission of a complete and properly filed application.

(5) Borough Council shall decide requests for conditional uses within 45 days of the last public hearing on the application.

(6) In considering an application for conditional use approval, Borough Council may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Chapter. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Chapter and shall be subject to the enforcement provisions of §27-1704 of this Chapter.

(7) If land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the Borough Subdivision and Land Development Ordinance [Chapter 22] may be processed concurrently provided all application requirements of both ordinances for a conditional use and a land development plan are met.

B. Expiration of Conditional Use Approval.

(1) Conditional use approval shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit 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 Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

(2) When a grading permit or building permit, issued in accordance with an approved conditional use, expires without the work described in the permit being initiated and/or diligently pursued, the conditional use shall expire automatically without written notice to the applicant.

C. Approval of Uses by Special Exception. The Zoning Hearing Board shall hear and decide requests for uses by special exception. The Zoning Hearing Board shall not approve an application for a use by special exception unless and until:

(1) A written application for approval of a use by special exception is submitted to the Zoning Officer. The application shall indicate the Section of this Chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. A complete and properly filed application shall include the following:

(a) For any proposed use by special exception that will require a building permit, a plan drawn on a current property survey sealed by a Pennsylvania registered surveyor. The plan shall indicate all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Chapter.

(b) A written statement showing compliance with the applicable express standards and criteria of this Chapter for the proposed use.

(c) The application fee required by §27-1703.E of this Chapter.

(2) A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within 60 days of submission of a complete and properly filed

application. Said hearing shall be conducted in accordance with the procedures specified by §27-1506 of this Chapter.

(3) The property is posted at least 7 days prior to the Zoning Hearing Board's public hearing.

(4) In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Chapter. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Chapter and shall be subject to the enforcement provisions of §27-1704 of this Chapter.

(5) If land development approval is required for the use by special exception, the application for approval of the use by special exception and the application for approval of a land development required by the Borough Subdivision and Land Development Ordinance [Chapter 22] may be processed concurrently provided all application requirements of both ordinances for a use by special exception and a land development plan are met.

D. Expiration of Approval of a Use by Special Exception.

(1) Approval of a use by special exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

(2) When a grading permit or building permit issued in accordance with an approved use by special exception expires without the work described in the permit being initiated and/or diligently pursued, the use by special exception shall expire automatically without written notice to the applicant.

(Ord. 378, 2/14/2005, §1301)

§27-1303. General Standards.

In addition to the specific standards and criteria listed for each use in §27-1304, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment of the property where it is proposed.

B. The use shall comply with all applicable requirements of the Zoning District in which it is located.

C. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.

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

E. For all uses which are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

(Ord. 378, 2/14/2005, §1302)

§27-1304. Standards for Specific Uses.

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in §27-1303, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with the following applicable standards and criteria specified for that particular use.

A. *Billboards*, subject to:

(1) All billboards shall be subject to express standards and criteria contained in §27-1206 of this Chapter.

B. *Communications antenna mounted on an existing building or public utility storage or transmission structure*, subject to:

(1) Building mounted antennas shall not be permitted on any single-family or two-family dwelling.

(2) The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

(3) The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable airport zoning regulations.

(4) Building mounted antennas shall be permitted to exceed the height limitations of the Zoning District by no more than 20 feet.

(5) Omni-directional or whip antennas shall not exceed 20 feet in height or 7 inches in diameter.

(6) Directional or panel antennas shall not exceed 5 feet in height or 2 feet in width.

(7) Satellite and microwave dish antennas mounted on the roof of a building shall not exceed 6 feet in diameter.

(8) The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering the wind and other loads associated with the antenna's location.

(9) Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Borough.

(10) The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking

required for other uses in the site and shall not obstruct any right of way or easement without the permission of the owner or grantor of the right of way or easement.

(11) Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a 10-foot high chain link fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjacent residential property, the equipment cabinet or equipment building shall be screened by a minimum 6-foot high compact evergreen hedge.

(12) If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right of way shall be provided which has a minimum width of 14 feet and which shall be improved with a dust-free, all-weather surface for its entire length.

(13) At least one off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

C. *Communications tower*, subject to:

(1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.

(2) The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).

(3) The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable airport zoning regulations.

(4) Any applicant proposing a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, an existing public utility storage or transmission structure or an existing communications tower.

A good faith effort shall require that all owners of potentially suitable structures within a ¼-mile radius of the proposed communications tower shall be contacted and that one or more of the following reasons for not selecting an alternative existing building, existing public utility storage or transmission structure or existing communications tower apply:

(a) The proposed equipment would exceed the structural capacity of the existing building, existing public utility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.

(b) The proposed equipment would cause RF (radio frequency) interference with other existing and proposed equipment for that existing building, existing public utility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.

- (c) Existing buildings, existing public utility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.
- (d) Addition of the proposed equipment would result in NIER (nonionizing electromagnetic radiation) levels which exceed adopted Federal or State emission standards.
- (5) The lease parcel for the communications antenna shall be located on a “host” parcel that has minimum area of 5 acres.
- (6) No tower shall be located within 2,000 feet of any existing or proposed tower.
- (7) The base of the communications tower shall be set back at least 500 feet from any existing dwelling on adjoining property.
- (8) All parts of the communications tower, including guy wires, if any, shall be set back at least 100 feet from all property lines.
- (9) The maximum height of a communications tower shall be 100 feet.
- (10) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- (11) The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum 10-foot high chain link security fence with locking gate.
- (12) The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Borough Building Code and accepted engineering practice.
- (13) The tower shall be equipped with anticleimbing devices as approved by the manufacturer for the type of installation proposed.
- (14) At least one off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one parking space for each employee working on the site.
- (15) Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
- (16) Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of 20 feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- (17) Recording of a plat of subdivision shall not be required for the leased parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Borough.
- (18) Approval of a land development plan, prepared in accordance with the requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22], shall be required for all towers.
- (19) The exterior finish of the tower shall be compatible with the

immediate surroundings. The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained.

(21) If visible from surrounding residential properties, the tower shall be designed to blend into its surroundings, including camouflage techniques such as replicating trees, clouds or sky.

(22) The owner of any communications tower which exceeds 50 feet in height shall submit to the Borough proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Borough by a structural engineer at the owner's expense.

(23) The owner of the communications tower shall notify the Borough immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within 6 months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Borough to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of §27-1704 of this Chapter.

(24) The owner of the communications tower shall be responsible for maintaining the parcel on which the tower is located, as well as the means of access to the tower, including clearing and cutting of vegetation, snow removal and maintenance of the access driveway surface.

(25) There shall be no lighting, signs or other advertising on the tower, other than that required by the FCC or FAA.

(26) Landscaping may be required by Borough Council, upon recommendation by the Planning Commission, which is suitable to the proposed location of the tower in order to provide screening of the base of the tower from adjacent streets or residential properties.

(27) All standards for construction of the communications tower and supporting facilities shall conform to current engineering practice and the edition of the Uniform Construction Code currently in effect in the Borough.

(28) In January of each year, the owner of the communications tower shall submit written verification to the Borough Zoning Officer that there have been no changes in the operating characteristics of the communications tower as approved by the Borough, including, at a minimum:

- (a) Copy of the current FCC license.
- (b) Name, address and emergency telephone number for the operator of the communications tower.
- (c) Copy of certificate of insurance at a level of coverage acceptable to the Borough Solicitor, naming the Borough as an additional insured on the policy.
- (d) Copy of the annual inspection report and updated maintenance program.

(29) At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Borough Zoning Officer.

D. *Community club*, subject to:

(1) Any community club that includes a swimming pool shall meet the parking requirements for a swimming pool specified in Part 11.

(2) Any community club which includes a kitchen and social hall shall meet the parking requirements specified in Part 11 for eating and drinking establishments.

(3) All off-street parking which adjoins single-family use or Residential Zoning District shall be screened by a minimum 6-foot high compact evergreen hedge.

E. *Educational, religious, philanthropic institution*, subject to:

(1) The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Chapter.

(2) The minimum lot area required for a post secondary school shall be 10 acres. The minimum lot area required for all other schools and churches shall be 1 acre.

(3) A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Chapter for single-family dwellings in the R-1 Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.

(4) The use shall be not detrimental to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted and the number of people to be assembled or to use the premises at any one time.

(5) All parking areas adjacent to single-family use or zoning classification shall be screened by a minimum 6-foot high compact evergreen hedge.

(6) If housing is provided, including dormitory facilities for students and teachers, the minimum lot area shall be 10,000 square feet plus 300 square feet for each sleeping room in excess of four; where a sleeping room is occupied by more than two beds, every two beds therein shall be counted as a single sleeping room.

(7) The minimum front, rear and side yards otherwise required in the Zoning District each shall be increased by 10 feet.

(8) All structures shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by firefighting equipment and vehicles.

F. *Comparable use not specifically listed*, subject to:

(1) Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any

use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:

- (a) The number of employees.
 - (b) The floor area of the building or gross area of the lot devoted to the proposed use.
 - (c) For those uses included in the most recent edition of the *Standard Industrial Classification Manual* published by the Office of Management and Budget, whether the proposed use shares the same SIC code or Major Group number as one or more uses that are specifically listed in the Zoning District.
 - (d) The type of products, materials and equipment and/or processes involved in the proposed use.
 - (e) The magnitude of walk-in trade.
 - (f) The traffic and environmental impacts.
- (2) The proposed use shall comply with all applicable area and bulk regulations of the Zoning District.
- (3) The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.
- (4) The proposed use shall be consistent with the purpose statement for the Zoning District in which it is proposed and shall be consistent with the community development objectives of this Chapter.

G. *Expansion of a nonconforming use*, subject to:

- (1) It shall be determined that the expansion of such use will not be detrimental to the neighborhood, taking into consideration the physical relationship of the nonconforming use to the surrounding properties, the probable hours of operation, the activities to be conducted, any affect on parking, traffic access, and other uses authorized in the proximity thereof and all other factors relating to the health, safety and general welfare of the Borough or any portion thereof.
- (2) Such expanded nonconforming use shall be sited, oriented and landscaped to shield effectively such expanded nonconforming use from adjacent properties.
- (3) Expansion of a nonconforming use shall be further subject to the provisions of §27-1602.D of this Chapter.

H. *Greenhouse or horticultural nursery*, subject to:

- (1) The minimum site for a greenhouse or horticultural nursery shall be 2 acres.
- (2) No storage of manure or odor or dust producing substances shall be permitted within 200 feet of any adjacent lot line.
- (3) No greenhouse heating plant shall be operated within 50 feet of any adjacent lot line.

(4) No products shall be outwardly displayed or offered for sale on the premises or from the roadside.

I. *Public buildings; firehouses*, subject to:

(1) Ingress and egress to and from police and fire houses shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.

(2) Fire houses, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.

(3) All outside storage of materials, vehicles or equipment shall be screened from public view from streets and adjacent properties by a 6-foot hedge or opaque fence.

(4) Social halls shall not be permitted in firehouses. Kitchens and social halls in other community buildings shall be subject to the parking requirements specified in Part 11 for eating and drinking establishments.

(5) Where permitted, social halls located in an “S” or “R” District or within 100 feet of an “S” or “R” District shall keep doors and windows closed during any hours when entertainment is presented.

(6) All off-street parking which adjoins residential use or Residential Zoning District shall be screened by Buffer Area C as defined in §27-1403.2 of this Chapter.

J. *Public or private recreation*, subject to:

(1) No lighting shall be permitted other than in parking lots and walkways necessary for pedestrian safety and such lighting shall be shielded away from adjacent streets and properties.

(2) Any outdoor facility located within 200 feet of an existing dwelling shall cease operations at dusk.

(3) Outdoor speakers shall not be permitted.

(4) The location of buildings and structures shall be designed to minimize the impact on adjacent residential properties.

(5) Basketball courts, tennis courts, playing fields and other outdoor active recreation facilities shall be located at least 200 feet from any occupied dwelling.

(6) Buffer Area B, as defined in §27-1403.2 of this Chapter, shall be provided along all property lines adjacent to residential use or Residential Zoning District for any active outdoor recreation facility that is within 100 feet of the property line.

(7) All parking areas shall be screened by Buffer Area C, as defined in §27-1403.2 of this Chapter, along all property lines adjacent to residential use or Residential Zoning District.

(8) Location of buildings and facilities, traffic circulation on the property and parking areas shall be designed to provide adequate access for emergency medical vehicles and firefighting equipment.

(9) Connection to public sewers and public water shall be required and adequate sanitary facilities shall be available to the public during regular hours of operation.

K. *Public utility buildings or structures*, subject to:

(1) Public utility structures, other than buildings, may exceed the height limitations of the Zoning District, provided the minimum required yards are increased by 1 foot for each 1 foot of height in excess of the maximum allowable height.

(2) Maintenance vehicles shall be stored within a completely enclosed building.

(3) Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum 6-foot high opaque fence with locking gate, fencing or by a 6-foot high compact dense evergreen hedge.

(4) Only those buildings or structures essential to the operation and maintenance of the essential services provided by a public utility shall be permitted in a Residential Zoning District. Administrative offices shall not be authorized under this paragraph in any "R" Residential District.

L. *Sexually oriented businesses*, subject to:

(1) Sexually oriented businesses shall not be permitted in any Zoning District other than the I-1 Light Industrial District. A sexually oriented business shall not be located within 1,000 feet of any of the following:

(a) A church.

(b) A public or private pre-elementary, elementary or secondary school.

(c) A public library.

(d) A child care facility or nursery school.

(e) A public park adjacent to any residential Zoning District.

This measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility or nursery school; or to the nearest boundary of an affected public park.

(2) A sexually oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility, nursery school or public park within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(3) No sexually oriented business shall be located within 1,000 feet of

another sexually oriented business. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(4) No more than one sexually oriented business shall be established or enlarged in any building, structure or portion thereof containing another sexually oriented business.

(5) A sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of fewer than 150 square feet of floor space, a film or videocassette or other video or other image production or reproduction which depicts "specified sexual activities" or "specified anatomical areas," shall comply with the following requirements:

(a) The application for a permit to operate a sexually oriented business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station shall not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's drawing shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus 6 inches. The Zoning Officer may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station shall be made without the prior approval of the Zoning Officer or his designee.

(d) It shall be the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises

to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

(f) It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on the premises to ensure that the view as specified in this clause remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to clause (a), above.

(g) No viewing room may be occupied by more than one person at any time. No connections or openings to an adjacent viewing room shall be permitted.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not fewer than 1 foot candle as measured at the floor level.

(i) It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(6) Modeling classes using nude models shall be exempt from these regulations and the requirement to obtain approval as a use by special exception, provided they are operated:

(a) By a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation.

(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

(c) In a structure:

1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.

2) Where, in order to participate in a class, a student must enroll at least 3 days in advance of the classes.

3) Where no more than one nude model is on the premises at any one time.

(7) The application for approval of the use by special exception shall be signed by the applicant. If the applicant is other than an individual, each individual who has a 10 percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of 10 percent or greater in the corporation shall sign the application for a permit as applicant.

(8) If approval of the use by special exception is granted, the certificate of occupancy shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The certificate of occupancy shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(9) As a condition of approval of the use by special exception, the applicant shall agree to permit representatives of the Police Department, Fire Official, Zoning Officer or other Borough departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time that the sexually oriented business is occupied or open for business.

(10) As a condition of approval of the use by special exception, the applicant shall agree to making an application for renewal of the certificate of occupancy on or before December 31 of each year. The applicant shall meet all of the following conditions for issuance and renewal of the certificate of occupancy.

(a) The applicant is 18 years of age or older.

(b) The applicant or applicant's spouse shall not be overdue in his or her payment to the Borough of taxes, fees, fines or penalties assessed against him or her imposed upon him in relation to a sexually oriented business.

(c) The applicant shall provide information reasonably necessary for issuance of the permit and shall not falsely answer a question or request for information on the application form.

(d) The applicant shall not reside with a person who has been denied a permit by the Borough to operate a sexually oriented business within the preceding 12 months, or with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(e) The premises to be used for the sexually oriented business shall have been inspected and shall have been approved by both the Zoning Officer and the Fire Official as being in compliance with the applicable laws and ordinances.

(f) The permit fee required by this Chapter shall have been paid. The applicant shall not be in violation of and shall be in compliance with all of the provisions of this Chapter.

(g) The individual applicant or any individual holding a direct or indirect interest of more than 10 percent of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, shall not have been convicted of an offense involving sexual misconduct within the Commonwealth of Pennsylvania including, but not limited to, prostitution, obscenity and possession of child pornography or convicted of any offense in any jurisdiction other than the Commonwealth of Pennsylvania that would

have constituted an offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subparagraph (10), the person's or persons' conviction or release in connection with the sexual misconduct offense shall have occurred within 2 years of the date of application in the event of a misdemeanor and within 5 years of the date of application in the event of a felony.

(11) As a condition of approval of the use by special exception, the applicant shall agree that if the Zoning Officer denies renewal of the certificate of occupancy, the applicant shall not be eligible for another certificate of occupancy for 1 year from the date of denial, unless the violations cited as the basis for denial have been corrected or abated within 90 days of the date of denial.

(12) As a condition of approval of the use by special exception, the applicant understands that the certificate of occupancy shall be suspended for a period not to exceed 30 days if the Zoning Officer determines that the applicant committed one or more of the following:

(a) Violated or failed to comply with any requirement of this subparagraph (12) or any condition attached to the approval by the Zoning Hearing Board.

(b) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.

(c) Refused to allow an inspection of the sexually oriented business premises as authorized by this Chapter.

(d) Knowingly permitted gambling by any person on the premises of the sexually oriented business.

(e) Failed to man managers' stations and/or maintain viewing rooms as set forth in this Subsection.

(13) As a condition of approval of the use by special exception, the applicant understands that the certificate of occupancy shall be revoked if the Zoning Officer determines that one or more of the following has occurred:

(a) The permittee, or any of the persons specified in subparagraph (10)(g), is or has been convicted of the offenses specified in subparagraph (10)(g).

(b) The permittee gave false or misleading information in the material submitted to the Borough during the application process.

(c) The permittee or an employee of a permittee has knowingly allowed possession, use or sale of controlled substances on the premises.

(d) The permittee or an employee of a permittee has knowingly allowed prostitution on the premises.

(e) The permittee or an employee of a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.

(f) The permittee or an employee of a permittee has knowingly

allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other explicit sexual conduct to occur in or on the permitted premises.

(g) The permittee is delinquent in payment to the Borough or State of any taxes or fees relating to sexually oriented businesses.

(14) Any suspension or revocation of the certificate of occupancy for a period of 6 months or more shall result in the expiration of approval of the use by special exception. Any application to reinstate the lapsed certificate of occupancy shall require a new application for and approval of the use by special exception.

(15) Neither the approval of the use by special exception nor the certificate of occupancy issued thereunder shall be transferred from the applicant to any other person, nor shall it authorize the operation of a sexually oriented business at any place other than the address designated in the application.

M. *Temporary uses or structures*, subject to:

(1) Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining zoning approval from the Zoning Hearing Board, provided the Zoning Officer determines compliance with the standards of this Subsection as a condition of issuing a certificate of occupancy.

(2) If applicable, a transient merchant license shall be obtained from the Borough.

(3) Approval of temporary uses or structures shall be granted for a specific time period not to exceed 6 months. If continued need for the temporary use or structure on an annual basis is demonstrated by the applicant, approval may be granted for annual renewal by the Zoning Officer of the permit for the temporary use or structure, provided all conditions of the original approval are maintained.

(4) All temporary uses or structures shall be removed within 10 days of the expiration of the specific period for which the structure or use is approved.

(5) All temporary uses or structures which are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of §27-1103.C for the specific use proposed.

(6) Vehicular access for all temporary uses or structures which are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.

(7) All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations of the Zoning District in which they are located. All temporary uses or structures which are proposed to be used as accessory uses or structures shall comply with the requirements of the Zoning District for accessory structures. No temporary use or structure shall be located in any public right-of-way.

(8) Temporary uses or structures which are authorized for a particular event shall be removed within 48 hours after the completion of the event.

(9) Temporary uses or structures which are proposed as principal uses or structures and which are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot and are available to the customers or patrons of the temporary use or structure.

(Ord. 378, 2/14/2005, §1303)

Part 14**Supplementary Regulations****§27-1401. General.**

The supplementary regulations in this Chapter supplement the requirements of Parts 4 through 10 governing each Zoning District and shall apply to all uses in all Zoning Districts.

(Ord. 378, 2/14/2005, §1400)

§27-1402. Performance Standards.

The following standards shall apply to all permitted uses, conditional uses and uses by special exception in all Zoning Districts. In order to determine whether a proposed conditional use or use by special exception will conform to the requirements of this Chapter, the Planning Commission, Borough Council or the Zoning Hearing Board may require a qualified consultant whose credentials are acceptable to Council or the Board to testify, whose cost for services shall be borne by the applicant.

A. *Fire Protection.* Fire prevention and fighting equipment which conforms to the requirements of the NFPA and ICC (International Code Council) Fire Prevention Code shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

B. *Electrical Disturbance.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

C. *Noise.* No operation or activity shall cause or create noise in excess of the sound levels prescribed below. The noise shall be measured on an "A-weighted" scale of a sound pressure level meter which conforms to the standards prescribed by the American National Standards Institute (ANSI), New York, New York, in "Specifications for Sound Level Meters," S1.4-1971 or latest revised edition.

(1) *Residential Districts.* At no point beyond the boundary of any lot within these Zoning Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA for more than 4 hours between 7 a.m. and dusk nor shall the exterior noise level exceed 60 dBA for any length of time between dusk and 7 a.m.

(2) *Industrial Districts.* At no point on or beyond the boundary of any lot within these Zoning Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 65 dBA for more than 4 hours during any 24-hour period.

(3) *Boundaries Between Districts.* Where two or more Zoning Districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

(4) *Violations.* Any violation of the above subparagraphs (1), (2) or (3) shall be a violation of this Chapter and shall be subject to the enforcement remedies and penalty provisions of this Chapter; however, other intermittent noises, except those exempted by subparagraph (5) below, may be determined

to be a nuisance by the Zoning Officer and shall be subject to penalties and enforcement remedies for a public nuisance.

(5) *Exemptions.* The following uses or activities shall be exempted from the noise regulations:

(a) Noises emanating from construction or maintenance activities between 8 a.m. and 6 p.m.

(b) Noises caused by safety signals, warning devices and other emergency related activities or uses.

(c) Noises emanating from public or private recreational uses between 7 a.m. and dusk.

(d) Noises emanating from the delivery of public services such as street maintenance or snow removal.

(6) *Other Applicable Standards.* In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

D. *Vibrations.* Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited, except for temporary vibrations associated with construction or maintenance activities between 8 a.m. and 6 p.m.

E. *Odors.* No malodorous gas or matter shall be permitted which is discernable on any adjacent lot or property. There shall be no emission of any malodorous gas or matter which violates the regulations of the Allegheny County Health Department.

F. *Smoke, Ash, Dust, Fumes, Vapors and Gases.* There shall be no emission at any point for longer than 5 minutes in any hour of visible gray or other color smoke with a shade darker than No. 3 on the Standard Ringlemann Chart issued by the U.S. Bureau of Mines; nor shall there be any emission at any point from any source which can cause damage to health, to animals or vegetation or other forms of property or which can cause excessive soiling at any point.

G. *Lighting and Glare.*

(1) No direct or sky-reflected glare, whether from floodlights or from high temperature processes shall be visible from adjacent public streets or adjacent lots when viewed by a person standing on ground level. For the purposes of interpreting this subsection, glare shall be defined as direct or indirect light from any source which exceeds 0.2 foot candle on any adjacent property.

(2) In all Zoning Districts, all lighting devices located within 100 feet of a property line adjacent to residential use or zoning classification shall be designed with shields, reflectors or refractor panels which direct and cut off light at a cutoff angle which is less than 60 degrees. Cutoff angle is defined as the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted. (See Illustration in Appendix 27-C.)

H. *Erosion.* No erosion by wind, water or other source shall be permitted which will carry objectionable substances onto neighboring properties. All activities

shall be subject to the requirements of the Allegheny County Soil Conservation Service and shall be governed by any permits issued by that agency.

I. *Water Pollution.* Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP).

J. *Determination of Compliance with Performance Standards.* During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility or use will comply with the provisions of this Section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this Section shall be a basis for denying approval of the application.

K. *Continuing Enforcement.*

(1) The Zoning Officer shall investigate any purported violation of the performance standards and, subject to the approval of Borough Council, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the performance standards, said costs shall be borne by the Borough.

(2) If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with §27-1704.B of this Chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Chapter and shall result in the revocation of the occupancy permit for the facility or use.

(Ord. 378, 2/14/2005, §1401)

§27-1403. Screening and Landscaping.

1. *Buffer Areas Required.*

A. Buffer areas shall not be required along property lines which adjoin a public street right-of-way.

B. Buffer Area A shall be required for development in the I-1 Zoning District along all property lines adjacent to an "R," "P" or "S" Zoning District when construction of any new building or structure is proposed.

C. Buffer Area B shall be required for development in the R-2 Zoning District along all property lines adjacent to an "R," "P" or "S" Zoning District when the construction of any new building or structure is proposed.

D. Buffer Areas A, B or C shall also be required for any conditional use or use by special exception when the express standards and criteria for the specific use specify a requirement to provide one of these buffer areas.

2. *Buffer Areas Defined.* Buffer areas required by subsection .1 above are defined as follows and are illustrated in Appendix 27-C:

A. Buffer Area A shall be a minimum of 35 feet in depth measured from the property line and shall be comprised of two rows of plantings which are a mixture of 30 percent deciduous and 70 percent evergreen trees spaced within the rows 10 feet apart, measured from the vertical centerlines of adjacent trees. In addition to the above-noted required trees, a continuous row of low-level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the buffer area which shall be a minimum of 3 feet in height to provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

B. Buffer Area B shall be a minimum of 25 feet in depth measured from the property line and shall be comprised of one row of plantings which are a mixture of 30 percent deciduous and 70 percent evergreen trees spaced within the row 10 feet apart, measured from the vertical centerlines of adjacent trees. In addition to the above-noted required trees, a continuous row of low-level evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the buffer area which shall be a minimum of 3 feet in height to provide a year round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars.

C. Buffer Area C shall be a minimum of 10 feet in depth measured from the property line and shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature which are a minimum of 6 feet in height at the time of planting. On lots which cannot reasonably provide the required buffer area, a 6-foot high screening fence, as defined by this Chapter, may be approved by Borough Council, upon recommendation of the Planning Commission, during the review of the land development plan.

3. *Conflict Between Buffer Area and Yard Requirements.* When the width of a required buffer area is in conflict with the minimum yard requirements of Parts 4 through 10, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of what the yard requirement is.

4. *Existing Structures in Buffer Areas.* In instances where an existing structure houses the principal use of the property, and is located within any required buffer area, a buffer area of not less than the minimum distance from the existing structure to the property line shall be required. This reduced buffer area width shall apply only to the yard area which the existing structure encroaches upon. If the existing structure is located within the required buffer area on one side of the building, the required buffer area as determined by subsection .1 shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the buffer area width.

5. *Existing Trees in Buffer Areas.*

A. Where trees already exist within the required buffer area, these trees shall remain undisturbed, except that diseased or dead material may be removed. If it is determined that some healthy trees must be removed in conjunction with development, a written request to remove such trees shall be submitted to the Borough, along with an explanation detailing the rationale for the request. These trees shall not be removed until the Borough has given written authorization permitting their removal. This permission shall not be unreasonably denied; however, those who violate this subsection shall be subject to the maximum

penalties authorized by this Chapter.

B. When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. All such replacement planting shall be in accordance with accepted conservation practices.

C. Where existing trees within the required buffer area are substituted for required plantings, the existing trees shall be protected by a conservation easement to guarantee that they will not be disturbed or removed from the approved buffer area, unless they are replaced by the required plantings.

6. *Size of Trees in Required Buffer Areas.*

A. Any existing trees within the required buffer area which are a minimum of 2 inches in diameter at a point 1 foot above the ground shall be preserved and shall count as a required tree within the buffer area. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required buffer area.

B. All trees required to be planted within the buffer area shall be a minimum of 2 inches in diameter at a point 1 foot above the ground measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of 6 feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

7. *Responsibility for Maintenance.* It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

8. *Stormwater Management Facilities in Buffer Areas.* When required by the Borough, stormwater management facilities and structures may be located within a buffer area; however, the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements in the buffer area.

9. *Landscaping of Open Areas.* All yard areas not utilized for parking facilities, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within 30 days after construction activities are completed, unless those activities are completed between a November 1 through April 1 time period. In such case, the required sodding or seeding must occur by May 1.

10. *Landscaping Specifications.* Landscaping shall be provided in accordance with the following specifications:

A. Planting required in buffer areas as outlined in subsection .2 shall not be substituted for any required planting mandated in this paragraph.

B. A landscaping plan, with detailed drawings, prepared by a registered landscape architect, shall be submitted with the final application for land development plan approval and this landscaping plan shall contain and show the following information:

(1) All required buffer areas with proposed plantings (identifying each proposed tree, bush or shrub by type and size) drawn to scale and identifying

the height and width of any proposed mounds.

(2) All required planting independent of any buffer area requirements (identifying each tree, bush, shrub by type and size, the use of sod or seeding, etc.) drawn to scale.

(3) Any planting in excess of the requirements in subsections .1 and .2 of this Section.

(4) Any existing trees or vegetation which are to be preserved, accurately identifying type, size and their relative location.

(5) Any existing trees or vegetation which will be removed, accurately identifying their type, size and relative location.

C. For multi-family dwellings, at least one deciduous tree shall be planted for each four dwelling units or portion thereof.

D. For nonresidential buildings, at least one deciduous tree shall be planted for each 2,000 square feet of gross floor area of the building.

E. All trees which are required to be planted as per the regulations of this paragraph shall be a minimum of 2 inches in diameter at a point 1 foot above the ground at the time of planting measured along the trunk of the planted tree which tree shall be planted in accordance with accepted conservation practices.

F. Landscaping of open parking areas shall be provided in accordance with subsection .9 of this Section.

G. All areas not utilized for structures, driveways, planting strips or parking facilities must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be given the same interpretation given that phrase as it is used in subsection .9 of this Section.

11. *Posting of Bond for Landscaping.* A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Borough in the amount of 15 percent of the total cost of landscaping shown on the approved landscaping plan or \$15,000, whichever is less, for a period of 2 years from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

(Ord. 378, 2/14/2005, §1402)

§27-1404. Special Yard Requirements.

In addition to the yard requirements specified in each Zoning District, the following yard requirements shall apply in all Zoning Districts to the applicable circumstances described below:

A. *Corner Lots.* Corner lots shall provide front yards on each street frontage. The remaining 2 yards shall constitute side yards.

B. *Nonconforming Lots of Record.* See §27-1604.

C. *Accessory Uses and Structures.* In all Zoning Districts the following regulations shall apply to accessory structures:

(1) *Private Swimming Pools Accessory to a Dwelling.*

(a) Swimming pools accessory to a dwelling and all structures

appurtenant thereto, shall be located at least 10 feet from any property line. Swimming pools shall not be permitted in the front yard. Swimming pools shall not occupy more than 30 percent of the rear yard area, as defined by this Chapter.

(b) All in-ground swimming pools and the equipment necessary for maintaining the pool shall be completely enclosed by a fence which is 4 feet in height and which has a self-closing, self-latching gate. The dwelling may constitute a part of the required enclosure.

(c) Above-ground swimming pools, the top of which is at least 4 feet above the adjacent ground level on the entire perimeter and which have removable or retractable steps, shall not be required to be fenced, if the steps are removed or retracted when the pool is not in use. All other above-ground pools shall be fenced in accordance with the requirements for in-ground swimming pools.

(2) *Private Tennis Courts Accessory to a Dwelling.* Tennis courts accessory to a dwelling shall not be permitted in the front yard and shall be located at least 20 feet from any side or rear property line. Lighting of the tennis courts shall not be permitted. All tennis courts shall be enclosed by a fence which is a minimum of 10 feet in height and a maximum of 12 feet in height and which shall contain openings equal to 50 percent or more of the surface area of the fence. Tennis courts shall not occupy more than 30 percent of the rear yard area as defined by this Chapter.

(3) *Fences.*

(a) In all Zoning Districts, the finished side of the fence shall face the street or adjacent property. All fences shall be constructed at least 1 inch from the property line, provided no two fences are constructed along a common property line.

(b) In “S” Conservancy and “R” Residential Districts, fences no greater than 6 feet in height shall be permitted in the required side or rear yard.

(c) In “S” Conservancy and “R” Residential Districts, fences shall not be permitted in the front yard.

(d) In “I” Industrial Zoning Districts, the maximum height of a fence shall be 10 feet. Fences shall be located in side or rear yards only.

(e) In any Zoning District, fences accessory to schools, parks and playgrounds shall be no more than 10 feet in height and shall contain openings equal to at least 75 percent of the surface area of the fence.

(4) *Satellite Dish Antennas.*

(a) One satellite dish antenna with a diameter of 24 inches or less shall be permitted on a lot in the “S” or “R” Districts.

(b) Satellite dish antennas in excess of one meter in diameter may be located on the roof of any building located in any “I” Industrial District, provided the maximum diameter shall not exceed 6 feet and the maximum height shall not exceed 10 feet above the roof line when positioned vertically. The height above the roof line shall be measured from the

highest point of the roof for flat roofs, the deck line for mansard roofs and the mean height between eaves and ridge for gable, hip or gambrel roofs.

(5) *Radio or Television Antennas.*

(a) Any radio or television antenna which is licensed by the Federal Communications Commission (FCC) for personal use by private citizens shall be permitted as an accessory use, subject to the following regulations:

1) A radio or television antenna structure may be mounted on a roof or installed in a rear yard only, provided that no such structure shall be located closer than 10 feet to any property line and shall be located a minimum of 30 feet from any principal building on adjacent properties.

2) The maximum height for any such freestanding structure shall not exceed 45 feet. Any roof-mounted antenna shall not exceed 10 feet above the roof line as measured from the highest point on the roof for flat roofs, the deck line for mansard roofs or the mean height between the eaves and ridge for gable, hip and gambrel roofs. Any roof-mounted antenna shall be certified by a structural engineer that the antenna will not exceed the structural capacity of the building and will withstand wind loads of up to 100 mph.

(6) *Air Conditioning Condensers, Heat Exchangers and Heat Pumps.*

(a) In "S" Conservancy and "R" Residential Zoning Districts, air conditioning condensers, heat exchangers and heat pumps shall be located in the rear yard. Such equipment shall not be located in any required front or side yard, unless location of the equipment in the rear yard would be detrimental to the efficient operation of the system and the equipment may be located in a required front or side yard, provided it shall not encroach into the required front yard by more than 10 feet and shall be located at least 3 feet from any side property line and the installation shall be adequately screened from view from the street and adjacent residential properties.

(b) In the "I" Industrial Zoning Districts, roof-top air conditioners and other mechanicals shall be screened from view from the street and adjacent residential properties.

(7) *Private Garages and Carports.*

(a) Detached private garages and carports accessory to a single-family dwelling may be located in the side or rear yard or in the case of property fronting on an alley, in the front yard facing the alley, provided that a detached private garage or enclosed carport or partially enclosed carport shall not be located closer than 3 feet to the side or rear property line or front property line adjacent to an alley. A detached private garage or carport shall not occupy more than 30 percent of the rear yard area, as defined by this Chapter.

(b) Shared garages in joint ownership with party walls along property lines shall be permitted, provided each space is served by a paved

driveway in separate ownership or an easement or other agreement for a shared driveway is recorded with the deed. Shared garages shall be located at least 3 feet from the rear property line and shall not occupy more than 30 percent of the rear yard area, as defined by this Chapter.

(8) *All Other Accessory Structures.* All other accessory structures including, but not limited to, storage sheds, gazebos, playhouses, decks, patios and porches, shall not be permitted in the minimum required front yard or minimum required side yards, except as may be permitted by §27-1405, and shall be located at least 3 feet from the rear lot line.

D. *Visibility at Intersections.* No object, including, but not limited to, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of 3 feet as measured from the lowest elevation of the centerline of any abutting street, shall be temporarily or permanently placed, erected, installed or parked within the clear sight triangle required on a corner lot. The required clear sight triangle on a corner lot shall be determined as follows:

(1) The street lines abutting the corner lot shall form the legs of the clear sight triangle. Each of the legs shall extend a distance of 30 feet from the point of intersection of the street right-of-way lines abutting the corner lot. The hypotenuse of the clear sight triangle shall be formed by drawing a straight line joining the legs at their farthest point from the vortex of the triangle.

(2) An illustration of the Clear Sight Triangle appears in Appendix 27-B.

(Ord. 378, 2/14/2005, §1403)

§27-1405. Permitted Projections into Required Yards.

The following shall be permitted to project into any required yard in any Zoning District as follows:

A. Typical architectural features including, but not limited to, bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than 24 inches.

B. Decks and their stairs and unenclosed porches without enclosed habitable foundation and without a roof shall be permitted to project into the required front yard no more than 3 feet and shall be no closer to the rear property line than 20 feet.

C. Steps and stoops attached to the principal building and open fire escapes shall be permitted to project into required front, side and rear yards no more than 36 inches.

D. Open fire escapes shall be permitted to project into required front, side and rear yards no more than 36 inches.

E. Home gardening may be conducted in any required side, rear or front yard.

(Ord. 378, 2/14/2005, §1404)

§27-1406. Height Exceptions.

The height limitations of this Chapter shall not apply to the following structures: church spires and belfries, chimneys, domes, commercial radio and television towers, elevator bulk heads and other mechanical equipment which is part of the principal

structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures, and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than 20 feet.

(Ord. 378, 2/14/2005, §1405)

§27-1407. Temporary Construction Trailers.

Temporary construction trailers shall be permitted in the I-1 Zoning District subject to the following conditions:

A. Temporary construction trailers shall be permitted only during the period that the construction work is in progress.

B. A permit for the temporary structure or use shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every 6 months.

C. Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within 25 feet of any property line adjacent to residential use.

D. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.

E. No combustible materials shall be stored in temporary construction trailers or sheds.

(Ord. 378, 2/14/2005, §1406)

§27-1408. Minimum Floor Area Per Dwelling Unit.

Each new dwelling unit shall have a minimum gross floor area (excluding the area in a garage, basement or attic) per dwelling unit as indicated below:

A. Single-family dwellings - 1,800 square feet per unit.

B. Two-family dwellings - 1,000 square feet per unit

C. Multi-family dwellings -

(1) One bedroom and efficiency - 600 sq. ft. per unit.

(2) Two bedrooms - 750 sq. ft. per unit.

(3) Three or more bedrooms - 900 sq. ft. per unit.

(Ord. 378, 2/14/2005, §1407)

§27-1409. Storage.

1. *Outdoor Storage in Commercial Districts.*

A. Except for nurseries, garden supply, building supply, automotive service station and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply and similar businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge which is at least 6 feet in height. All other commercial activities shall take place within a completely

enclosed building.

B. Temporary display and sales on the site of an existing commercial business shall be subject to the requirements of §27-1304.M of this Chapter.

C. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least 6 feet in height.

2. *Storage of Recreational Vehicles.*

A. The parking and storage of recreational vehicles shall be prohibited within the right-of-way of any public street or alley and within the front yards of any lot. Recreational vehicles shall be parked in a completely enclosed building or in a location where they are not visible from the public street.

B. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

3. *Storage of Commercial and Construction Equipment.* Commercial and construction equipment or vehicles including, without limitation, trucks with a gross vehicle weight (GVW) of 10,000 pounds or greater, tractors of 40 horsepower or larger, tandems, tractor-trailers, cargo-moving equipment and construction or equipment vehicles, shall not be stored or parked temporarily or permanently in any "S" Conservancy, "P" Public or "R" Residential District, excluding any vehicle or equipment stored on a site for work being performed on the property under a valid building or grading permit or being performed by public works or public utilities crews.

4. *Storage of Refuse.* Outdoor storage of garbage, rubbish, trash, refuse, junk, or discarded articles is prohibited in every Zoning District, except that garbage and rubbish stored in appropriate containers originating from and stored upon lots is permitted, provided, that such garbage and rubbish is stored and removed in conformance with Borough *Ord. 397* and is removed from the premises not less than as often as required by the Borough. All areas of storage shall be screened from public view.

(*Ord. 378, 2/14/2005, §1408*)

§27-1410. Land Development Plan Approval.

If required by the Borough Subdivision and Land Development Ordinance [Chapter 22], approval of a land development plan shall be required for nonresidential uses involving construction of a new principal building or an addition to an existing building or change of use resulting in an increase in the area of the lot covered by the building and/or paving.

(*Ord. 378, 2/14/2005, §1409*)

§27-1411. Engineering Report.

Where evidence exists from available soils maps and reports of slide-prone soils or other hazardous soil conditions, at the time of application for a building permit for a principal building, there shall be submitted a report of a qualified soils engineer analyzing the land to be developed and precautions recommended, if any, to be considered in the design of the development to mitigate landslides, erosion and sedimentation, stormwater runoff and other impacts on adjacent properties, as well as

the stability of finished slopes and special foundation design, if warranted.
(*Ord. 378, 2/14/2005, §1410*)

§27-1412. No-Impact Home-Based Business.

Where authorized by this Chapter, no-impact home-based businesses shall comply with the following:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.

D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.

E. No on-site parking of commercially identified vehicles shall be permitted.

F. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

G. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

H. The business activity shall be conducted only within the dwelling and shall not occupy more than 25 percent of the habitable floor area of the dwelling.

I. The business shall not involve any illegal activity.

(*Ord. 378, 2/14/2005, §1411*)

Part 15**Zoning Hearing Board****§27-1501. Membership.**

The membership of the Zoning Hearing Board shall consist of three residents of the Borough appointed by resolution of Borough Council. Their terms of office shall be 3 years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer.

(Ord. 378, 2/14/2005, §1500)

§27-1502. Alternate Members.

1. *Appointment of Alternate Members.* Borough Council may appoint by resolution at least one, but no more than three, residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provisions of subsection .2, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceedings or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to subsection .2 of this Chapter.

2. *Participation by Alternate Members.* If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

(Ord. 378, 2/14/2005, §1501)

§27-1503. Jurisdiction of the Board.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before Borough Council.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date

of this Chapter.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter, any flood hazard ordinance or such provisions within a land use ordinance pursuant to this Section.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Part 13 and §27-1505.

G. Appeals from the Zoning Officer's determination under §916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.2.

H. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development.

(*Ord. 378, 2/14/2005, §1502*)

§27-1504. Variances.

1. The Board, upon appeal, shall have the power to authorize variances from the requirements of this Chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Chapter. A variance may be granted, if all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or Zoning District in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or Zoning District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and protect the public health, safety and welfare.

(*Ord. 378, 2/14/2005, §1503*)

§27-1505. Uses by Special Exception.

The Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Chapter, in harmony with its general purpose and intent, and in accordance with the standards set forth in Part 13 and the procedure for approval specified in §27-1302.C. The Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Part 13. In granting a use by special exception, the Board may attach such reasonable safeguards, in addition to those expressed in this Chapter, as it may deem necessary to properly implement this Chapter and protect the public health, safety and welfare.

(*Ord. 378, 2/14/2005, §1504*)

§27-1506. Conduct of Hearings.

A public hearing shall be held on any appeal filed under §27-1503 of this Chapter within 60 days of filing of a complete application. The public hearing shall be held pursuant to public notice, as defined by this Chapter. In addition to the public notice, at least 1 week prior to the hearing, the Board shall post at least one copy of the notice on the affected property and shall mail a copy of the notice by regular mail to each adjacent property owner, including those located across a street right-of-way. The Board shall comply with all requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, regarding conduct of the public hearing and rendering a decision.

(*Ord. 378, 2/14/2005, §1505*)

§27-1507. Failure to Render a Decision or Hold the Required Hearing.

1. Where the Board fails to render a decision within 45 days of the date of the last hearing or fails to hold the required hearing within 60 days submission of a complete and properly filed application for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

2. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

(*Ord. 378, 2/14/2005, §1506*)

§27-1508. Mediation Option.

1. Parties to proceedings authorized in this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board,

in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

A. Funding mediation.

B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

C. Completing mediation, including time limits for such completion.

D. Suspending time limits otherwise authorized in this Chapter or in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended, provided there is written consent by the mediating parties, and by an applicant or Borough decision-making body, if either is not a party to the mediation.

E. Identifying all parties and affording them the opportunity to participate.

F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Chapter.

3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

(*Ord. 378, 2/14/2005, §1507*)

§27-1509. Fees and Expenditures.

1. *Fees.* Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

2. *Stenographer's Appearance Fee and Transcripts.* The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and, in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

3. *Expenditures.* Members of the Board may receive compensation for the

performance of their duties as may be fixed by the participating Borough Councils, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the participating Borough Councils. Borough Council shall budget funds for the Board to employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

(*Ord. 378, 2/14/2005, §1508*)

§27-1510. Time Limitations.

1. No person shall file any proceeding before the Zoning Hearing Board later than 30 days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

2. The failure of anyone, other than the landowner, to appeal from an adverse decision by a Zoning Officer on a challenge to the validity of an ordinance or map filed pursuant to §916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.2, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

3. A landowner may file an appeal from determinations adverse to the landowner within 30 days after notice of the determination is issued.

(*Ord. 378, 2/14/2005, §1509*)

§27-1511. Stay of Proceedings.

1. Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

2. All appeals from decisions rendered by the Zoning Hearing Board shall be taken to the Allegheny County Court of Common Pleas and shall be filed within 30 days after the entry of the decision or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as required by §908(9) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908(9), as amended.

(*Ord. 378, 2/14/2005, §1510*)

Part 16**Nonconforming Uses, Structures and Lots****§27-1601. Applicability.**

This Chapter shall apply to all nonconforming uses, structures, and lots as defined by this Chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Chapter or any amendment thereto.

(Ord. 378, 2/14/2005, §1600)

§27-1602. Nonconforming Uses.

These regulations shall apply to any use of a structure or lot in any Zoning District which is a nonconforming use as defined by this Chapter. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another of a different classification, these regulations shall also apply to any uses which thereby become nonconforming.

A. *Continuation by Same Owner.* Where, at the effective date of adoption or amendment of this Chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful in accordance with the provisions of this Chapter and all other applicable regulations.

B. *Transfer and Continuation by New Owner.* Where, at the effective date of adoption or amendment of this Chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be sold or otherwise transferred to a new owner and may be continued by the new owner, as long as it remains otherwise lawful in accordance with the provisions of this Chapter and all other applicable regulations.

C. *Unlawful Use of Land or Buildings.* Where the use of a lot or structure existing at the time of adoption of this Chapter was not legal, the use shall remain illegal and unlawful subject to all of the provisions and penalties of this Chapter even if located in a Zoning District where such use is permitted under the terms of this Chapter, unless such use meets all of the area and bulk regulations, off-street parking regulations and all other regulations applicable to that use for the Zoning District in which it is located.

D. *Enlargement or Expansion.*

(1) In any Zoning District, no nonconforming use of a lot or structure for other than residential purposes shall be enlarged or increased or extended to occupy an area of land more than 25 percent greater than was occupied at the effective date of adoption or amendment of this Chapter which made the use nonconforming, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of

the Zoning District in which it is located.

(2) Any residential use which is a nonconforming use in any Zoning District shall be permitted to be expanded without approval by the Zoning Hearing Board, provided the expansion complies with all applicable area and bulk regulations of the Zoning District in which it is located and the number of dwelling units is not increased.

(3) No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Chapter.

(4) Any nonconforming use may be extended throughout any part of a structure which was designed for such use at the time the use became nonconforming. A nonconforming use shall not be extended to occupy any lot or portion of a lot that was acquired after the use became nonconforming.

E. Change of Use.

(1) A nonconforming use shall not be changed to any use other than a conforming use.

(2) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

(3) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

F. Abandonment. When a nonconforming use of a structure and/or lot is discontinued or abandoned for 12 consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located, unless the owner can provide evidence that there was no intention to abandon the nonconforming use, including, but not limited to, serious illness of the owner which interrupted the continuity of the nonconforming use, failed attempts to diligently market the property for the continuation of the nonconforming use, or inability to transfer the property for the continuation of the nonconforming use for reasons outside the control of the owner such as required permits, licenses or other similar requirements.

G. Damage or Destruction.

(1) In the event that damage or destruction of a structure in which a nonconforming use is conducted involves 50 percent or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is diligently and visibly pursued under a valid building permit within 18 months of the date of such damage or destruction.

(2) In the event that a structure in which a nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than 50 percent of the gross floor area of the structure, repairs or reconstruction may be authorized as a use by special exception by the Zoning Hearing Board in accordance with the following express standards and criteria:

(a) Off-street parking shall be provided in accordance with the requirements of Part 11 of this Chapter for the use.

(b) The repair or reconstruction shall conform to the requirements of the Borough Building Code and Fire Code and to all applicable require-

ments of the Pennsylvania Department of Labor and Industry.

(c) The reconstruction shall comply with all applicable regulations of the Zoning District, other than use, unless the structure is nonconforming and/or a variance is granted to the applicable regulations upon demonstration of physical hardship.

(d) Any proposed change of use shall be further subject to paragraph .E of this Section.

(e) The repair or reconstruction shall comply with all applicable buffer area requirements of §27-1403 of this Chapter.

(f) If the nonconforming use is governed by any express standards and criteria in §27-1304 of this Chapter for conditional uses or uses by special exception, the repair or reconstruction shall comply with all applicable express standards and criteria, unless the Zoning Hearing Board grants a variance to the applicable regulations upon demonstration of physical hardship.

(g) Approval of the repair or reconstruction of the structure housing the nonconforming use shall be conditioned upon the repair or reconstruction being diligently and visibly pursued under a valid building permit within 18 months of the date of the decision by the Zoning Hearing Board or, if the Board's decision is appealed, within 18 months of the final adjudication.

(Ord. 378, 2/14/2005, §1601)

§27-1603. Nonconforming Structures.

These regulations shall apply to all nonconforming structures as defined by this Chapter in all Zoning Districts.

A. *Structural Alteration.* A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard than the existing nonconforming structure does and does not increase any other nonconforming condition such as height or lot coverage, and further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Board may determine undue hardship and may authorize a variance for the reasonable modification of such structure.

B. *Damage or Destruction.* Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction is diligently and visibly pursued under a valid building permit within 18 months of the date that the original structure was damaged or destroyed.

C. *Moving.* Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

D. *Signs.*

(1) Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 50 percent of the area of the structure at the time of destruction shall not be reconstructed except in conformity with the provisions of this Chapter.

(2) Nonconforming signs which are damaged or destroyed to an extent of 50 percent or less of the area of the structure may be repaired or reconstructed, provided that such restoration is completed within 30 days of the damage or destruction.

(3) Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of advertising panels shall be permitted.

E. *Repair and Maintenance.* Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by the Borough Building Inspector or any other official charged with protecting the safety of the public.

(Ord. 378, 2/14/2005, §1602)

§27-1604. Nonconforming Lots.

1. *Lot Area and Lot Width.* In the “S” Conservancy and “R” Residential Zoning Districts, any lot of record existing at the effective date of this Chapter may be used for the erection of a single-family dwelling or an accessory structure to such dwelling, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Chapter; however, such dwelling shall comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

2. *Front Yard Setback.* Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped nonconforming lot of record shall be the average depth of the nonconforming front yards on the immediately adjacent to developed nonconforming lots within 200 feet on either side of the undeveloped lot.

(Ord. 378, 2/14/2005, §1603)

§27-1605. Registration of Nonconformity.

1. The owner of a nonconforming use may make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Chapter or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by Allegheny County Tax Assessor’s block and lot number as a legal nonconforming use.

2. In the course of administering this Chapter and reviewing applications for zoning certificates or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

(*Ord. 378, 2/14/2005, §1604*)

Part 17**Administration and Enforcement****§27-1701. Intent.**

It is the intent of this Chapter to describe the procedures for administration, enforcement and amendment of this Chapter and the duties and responsibilities of the Zoning Officer.

(Ord. 378, 2/14/2005, §1700)

§27-1702. Zoning Officer.

1. The Zoning Officer shall be appointed by Borough Council and shall hold no elective office in the Borough. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.

2. The Zoning Officer shall have all the powers and duties conferred on him by this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* The Zoning Officer shall administer this Chapter for the Borough in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. The Zoning Officer's duties shall include the following:

A. *Enforcement.* The Zoning Officer shall be empowered to institute civil enforcement proceedings in accordance with the provisions of §27-1704 as a means of enforcement when acting within the scope of his/her employment.

B. *Receipt of Applications.* The Zoning Officer shall receive applications for any new use or change of use filed in accordance with §27-1703 prior to the start of construction or establishment or change of the use by any landowner or lessee. Such application shall describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable Borough ordinances. Applications for uses by special exception, conditional uses and variances shall be filed in accordance with §§27-1302.A, 27-1302.C or 27-1504, whichever is applicable, and shall be forwarded by the Zoning Officer to the appropriate decision-making body. In addition, the Zoning Officer shall receive and forward all applications for appeals to the Zoning Hearing Board.

C. *Issuance of Permits.* It shall be unlawful to use or change the use of any structure or lot or erect, structurally alter or enlarge any structure without obtaining a building permit or certificate of occupancy.

(1) *Zoning Certificate.*

(a) If a proposed use is listed as a conditional use or use by special exception in the Zoning District in which the use is proposed to be located, the Zoning Officer shall not issue a zoning certificate until an application for approval of a conditional use or use by special exception has been reviewed and granted by either Borough Council or the Zoning Hearing Board in accordance with the provisions of Part 13.

(b) If the proposed use requires approval of a land development plan under the Borough Subdivision Ordinance [Chapter 22], the Zoning Officer shall not issue a zoning certificate until the land development plan has been reviewed by the Planning Commission and approved by Borough Council.

(c) The zoning certificate shall be prerequisite to issuance of a building permit; and, where no building permit is required, zoning approval shall be prerequisite to issuance of a certificate of use and occupancy. The Zoning Officer shall indicate whether the zoning certificate has been issued on all applications for a building permit and/or certificate of use and occupancy.

(2) *Permit for Temporary Structures.* Permits for temporary structures authorized by §27-1407 of this Chapter may be issued by the Zoning Officer only for the time that construction work is in progress and for a period not to exceed 6 months. The permit may be renewed for an additional 6-month period upon demonstration of continued need for the structure; however, all temporary structures shall be removed upon completion of construction. Permits for all other temporary structures shall be subject to §27-1304.M of this Chapter.

(3) *Certificate of Use and Occupancy.*

(a) A certificate of use and occupancy shall be required prior to the sale of any property.

(b) The certificate of use and occupancy shall state the zoning classification of the property, the approved use of the property (including the number of dwelling units for residential properties), any variances granted for the property and any conditions or outstanding violations affecting the property.

(c) It shall be unlawful to use or occupy any structure or land without a certificate of use and occupancy. Prior to occupancy, the landowner or tenant shall notify the Zoning Officer that the structure or land is ready to be used or occupied.

(d) Upon inspection and determination that all applicable ordinance regulations and any conditions attached to the zoning certificate have been met, the Zoning Officer shall issue a certificate of use and occupancy.

(e) For all uses in all C Commercial Districts, any change in occupancy from one owner or tenant to another or any change from one use to another of any structure or lot shall require the issuance of a certificate of use and occupancy, whether or not a building permit is required. Prior to occupying the building or structure in which the change of use or occupancy is established, the landowner or lessee shall be required to make an application for a certificate of use and occupancy. The Zoning Officer shall determine that all applicable regulations of this Chapter for the proposed change of use or change of occupancy have been met prior to issuing the certificate of use and occupancy.

(f) Issuance of all certificates of use and occupancy shall be subject to payment of the required fee established from time to time by resolution

of Borough Council.

(g) A certificate of use and occupancy may be applied for coincidentally with the application for a building permit. The certificate of use and occupancy shall include certification by the Building Inspector that all applicable requirements of the Borough Building Code have been met, if a building permit was issued to authorize construction, reconstruction or alteration of a structure as described in the zoning certificate.

(h) A certificate of use and occupancy shall be void if the premises are not occupied for the approved use within 6 months of the date of issue or renewal of the certificate.

(i) A certificate of use and occupancy shall be valid only so long as the use and occupancy of such land or structure shall continuously comply with all of the requirements and regulations of this Chapter. The Zoning Officer may revoke a certificate of use and occupancy upon his determination that a failure of compliance of any regulation of this Chapter exists. Upon such invalidity or revocation, any further use or occupancy of such land or structure shall be considered to be in violation of this Chapter and subject to its penalty provisions.

D. *Expiration of Permits.* If, after issuance of a zoning certificate for an approved conditional use or a use by special exception, an application for a building permit to undertake work described in that application has not been submitted within 12 months of the date of granting of approval by the Borough, approval of the conditional use or use by special exception shall expire automatically without written notice to the applicant, unless Borough Council or the Zoning Hearing Board, as the case may be, extends the approval upon written request by the applicant prior to its expiration.

E. *Revocation of Permits.* A zoning certificate or certificate of use and occupancy for any structure or use shall be revoked and withdrawn by the Zoning Officer if the holder of such permit or certificate has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the permit or certificate. Upon revocation of a permit or certificate, the holder may also be subject to the penalties for violation specified in §27-1704 of this Chapter.

F. *Inspections.* The Zoning Officer, or his/her representative duly authorized from time to time by resolution of Borough Council, may examine, or cause to be examined, all structures and/or land for which a zoning certificate or a certificate of use and occupancy has been applied for or issued. Such inspections may be made from time to time during construction, if any, and prior to the issuance of a certificate of use and occupancy.

G. *Registration of Nonconforming Uses, Structures and Lots.* The Zoning Officer shall prepare and keep up to date a register of all nonconforming uses, structures and lots in accordance with the procedures specified in §27-1605 of this Chapter.

(Ord. 378, 2/14/2005, §1701)

§27-1703. Application Procedures.

1. All applications shall be submitted in a form and manner acceptable to the

Borough. All applications shall be accompanied by the required fee established from time to time by resolution of Borough Council and which schedule of fees is available to the public in the Office of the Borough Secretary.

2. All applications shall be filed at least 21 calendar days prior to the regular meeting of the Planning Commission at which the application is to be considered.

A. *Applications for Conditional Uses.* All applications for conditional use approval shall be submitted and shall be processed in accordance with the requirements of §§27-1302.A and 27-1302.B of this Chapter.

B. *Applications for Uses by Special Exception.* All applications for uses by special exception shall be submitted and shall be processed in accordance with the requirements of §§27-1302.C and 27-1302.D of this Chapter.

C. *Applications for Approval of a Land Development.* All applications which require approval of a land development plan shall be submitted and processed in accordance with the requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].

D. *Application for Zoning Certificates, Certificates of Use and Occupancy and Permits for Temporary Structures.* All applications shall be made in writing on forms provided by the Borough in accordance with the requirements of §27-1702.C(1), (2) and (3) and shall be accompanied by the required fee.

E. *Fees.* Borough Council shall establish a schedule of fees by resolution, as well as a collection procedure, for all applications submitted under the provisions of this Chapter.

F. *Responsibilities of the Applicant.* It shall be the responsibility of the applicant to apply for and secure all permits and certificates required by this Chapter. The applicant shall be obligated to contact the Zoning Officer and secure a zoning certificate and certificate of use and occupancy after the completion of development and/or prior to the occupancy of any structure or lot. Failure to secure necessary permits or certificates or failure to apply for same in a timely fashion shall constitute a violation of this Chapter and shall be subject to the penalties for violation specified in §27-1704 of this Chapter.

(Ord. 378, 2/14/2005, §1702)

§27-1704. Enforcement.

1. *Violations.* Failure to comply with any provision of this Chapter, or to secure a zoning certificate and certificate of occupancy, prior to the erection, construction, extension, alteration, or addition to a building, or the use or change of use or occupancy of structures or land, shall be a violation of this Chapter.

2. *Enforcement Notice.* The enforcement notice shall contain the following information:

A. The name of the owner of record and any other person against whom the Borough 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 prescribed period of time in accordance with procedures set forth in this Chapter.

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.

3. *Enforcement Remedies.*

A. 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 Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough 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 District Justice, 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 District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

B. 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.

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

4. *Causes of Action.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or structure or land is used in violation of this Chapter or of any ordinance or other regulation made under authority conferred hereby, Borough Council or, with the approval of Borough Council, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, reconstruction alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use which constitutes a violation.

(Ord. 378, 2/14/2005, §1703)

§27-1705. Procedure for Reasonable Accommodation.

1. Persons with a claim for a reasonable accommodation under the Fair Housing

Amendments Act or the Americans with Disabilities Act shall submit their request in writing to the Zoning Officer on an application form which shall require that the following information, and such other information as may be reasonably needed to process the request, be provided:

A. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.

B. The name and address of the applicants.

C. The specific description of the reasonable accommodation sought and the particulars, including exact dimensions of any proposed structural or locational accommodation.

D. The condition of the applicants for which the reasonable accommodation is sought.

E. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.

F. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.

G. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the property in question.

H. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.

I. A statement of any facts indicating whether or not nonhandicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar to that sought by the applicants.

2. The Zoning Officer may hold any meetings and/or hearings necessary in his discretion to elicit information or argument pertinent to the request for accommodation.

3. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.

4. The Zoning Officer shall issue his written decision to the applicants and to Borough Council within 30 days of filing of the request for accommodation.

5. A request for reasonable accommodation shall be directed, in the first instance, to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning Officer shall, with the advice and counsel of the Borough Solicitor, apply the following criteria:

A. Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.

B. The degree to which the accommodation sought is related to the handicap or disability of the applicants.

C. A description of the hardship, if any, that the applicants will incur absent the provision of the reasonable accommodation requested.

D. The extent to which the requested accommodation is necessary to afford the applicants an opportunity equal to a nonhandicapped or nondisabled person to use and enjoy the property in question.

E. The extent to which the proposed accommodation may impact other property owners in the immediate vicinity.

F. The extent to which the requested accommodation may be consistent with or contrary to the zoning purposes promoted in this Chapter, the comprehensive plan and the community development objectives set forth in this Chapter.

G. The extent to which the requested accommodation would impose financial and administrative burdens on the Borough.

H. The extent to which the requested accommodation would impose an undue hardship on the Borough.

I. The extent to which the requested accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.

J. The extent to which the requested accommodation would result in a subsidy, privilege or benefit not available to non-handicapped or nondisabled persons.

K. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the property in question.

L. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by the applicants.

(Ord. 378, 2/14/2005, §1704)

§27-1706. Procedure for Amendments.

Borough Council may introduce and/or consider amendments to this Chapter and to the Zoning Map, as proposed by a member of Borough Council, the Planning Commission, or a petitioner of a landowner of property within the Borough.

A. *Petitions.* Petitions for amendments shall be filed with the Planning Commission at 21 calendar days prior to the meeting at which the petition is to be heard. The petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule fixed by resolution of Borough Council. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to Borough Council.

B. *Referral.* Any proposed amendment presented to Borough Council without written findings and recommendations from the Planning Commission and the Allegheny County Department of Economic Development, shall be referred to these agencies for review at least 30 days prior to public hearing by Borough Council. Borough Council shall not hold a public hearing upon such amendment until the required reviews are received or the expiration of 30 days from the date of referral.

C. *Posting of Property.* If the proposed amendment involves a Zoning Map change, a minimum of two notices of the public hearing shall be conspicuously

posted on the property at least 7 days prior to the date of the public hearing.

D. *Public Notice and Public Hearing.*

(1) Before acting upon a proposed amendment, Borough Council shall hold a public hearing thereon. Public notice, as defined by this Chapter, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

(2) When the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area proposed to be rezoned, as evidenced by the tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Subsection.

E. *Readvertisement and Rehearing.* If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land previously not affected by the amendment, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

F. *Publication, Advertisement and Availability.*

(1) Proposed amendments shall not be enacted unless Borough Council gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

(2) Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

(a) A copy thereof shall be provided to the newspaper at the time the public notice is published.

(b) An attested copy of the proposed ordinance shall be filed in the County Law Library.

G. *Action.* Within 90 days of the date when the public hearing on the proposed amendment is officially closed, Borough Council shall vote on the proposed amendment. In the event substantial amendments are made in the proposed amendment before voting on enactment of the amendment, Borough Council shall readvertise in one newspaper of general circulation in the Borough a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments at least 10 days prior to enactment.

H. *Filing Amendment with County Planning Commission.* Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Allegheny County Department of Economic Development.

I. *Mediation Option.* Borough Council may offer the mediation option as an aid in completing proceedings authorized by this Section. The Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in §27-1508 of this Chapter.

(Ord. 378, 2/14/2005, §1705)

§27-1707. Landowner Curative Amendments.

A curative amendment may be filed only by a landowner who desires to challenge, on substantive grounds, the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest.

A. *Procedure.* The landowner may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §§609.1 and 1004 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609.1, 11004, as amended. As with other proposed amendments, the curative amendment shall be referred to the Planning Commission and the Allegheny County Planning Commission at least 30 days before the hearing is conducted by the Borough Council. Public notice shall be given in accordance with §§610, 1004 and any other applicable provision of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10610, 11004. The hearings shall be conducted in accordance with the provisions of subsections (4) through (8) of §908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10904(4)–(8), and all references in that Section to the Zoning Hearing Board shall be references to Borough Council.

B. *Evaluation of Merits of Curative Amendment.* If Borough Council determines that a validity challenge has merit, Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

(2) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Map.

(3) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

(4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

(5) The impact of the proposal on the preservation of agriculture and

other land uses which are essential to public health and welfare.

C. *Declaration of Invalidity by Court.* If the Borough does not accept a landowner's curative amendment brought in accordance with this Section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

(Ord. 378, 2/14/2005, §1706)

§27-1708. Planning Commission.

1. *Membership and Organization.*

A. The Planning Commission shall be comprised of three residents of the Borough appointed by Borough Council. Each member shall serve a 4-year term. The terms of the members shall be staggered so that no two terms expire at the same time. Upon expiration of the term of office, members shall continue to serve until a replacement is appointed by Borough Council. Appointments to fill vacancies shall be only for the unexpired portion of the term.

B. The Planning Commission shall elect a chairman whose term shall not exceed 1 year and who shall be eligible for re-election. The Planning Commission may create and fill such other offices as it may determine necessary.

2. *Powers and Duties.*

A. The Planning Commission may, with the consent of Borough Council, accept and utilize any funds, personnel or other assistance made available by the Federal or State governments or any of their agencies, or from individuals or foundations, and for the purposes of receiving and using Federal or State planning grants for provision of planning assistance may enter into agreements or contracts regarding acceptance or utilization of the funds or assistance.

B. The Planning Commission, at the request of and within the funding provided by Borough Council may have such powers and perform such duties as are authorized by §209.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10209.1, including, but not limited to:

(1) Prepare the comprehensive plan for the development of the Borough as set forth in this act, and present it for the consideration of Borough Council.

(2) Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of Borough Council.

(3) Make recommendations to Borough Council concerning the adoption or amendment of an official map.

(4) Prepare and present to Borough Council a zoning ordinance, and make recommendations to the Borough Council on proposed amendments to it.

(5) Prepare, recommend and administer subdivision and land development regulations.

(6) Prepare and present to Borough Council a building code and a housing

code and make recommendations concerning proposed amendments thereto.

(7) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed herein.

(8) Prepare and present to Borough Council an environmental study.

(9) Submit to Borough Council a recommended capital improvements program.

(10) Prepare and present to Borough Council a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.

(11) Promote public interest in, and understanding of, the comprehensive plan and planning.

(12) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(13) Hold public hearings and meetings.

(14) Present testimony before any board.

(15) Require from other departments and agencies of the Borough such available information as relates to the work of the Planning Commission.

(16) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

(17) Prepare and present to Borough Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas with the Borough.

(18) Review this Chapter, Subdivision and Land Development Ordinance [Chapter 22], Official Map, and such other ordinances and regulations governing the development of land no less frequently that it reviews the Comprehensive Plan.

(19) Utilize consultants to advise and assist with any of the foregoing duties.

C. *Rules.* The Planning Commission shall adopt rules governing its activities, including the receipt and review of applications submitted under this Chapter. Roberts Rules of Order shall govern the conduct of business at Planning Commission meetings.

D. *Meetings.* The Planning Commission shall meet regularly at a prescribed time, date and meeting place advertised in accordance with the Sunshine Law, Act 93 of 1988, 65 Pa.C.S.A. §701 *et seq.*, as may be amended. All meetings of the Planning Commission shall be open to the public. Special meetings may be called by the Chairman, as deemed necessary. The Recording Secretary of the Planning Commission shall keep minutes of all meetings.

E. *Records and Annual Report.* The Planning Commission shall maintain public records of its business and shall file a written report of its activities with Borough Council by March 1 of each year. Interim reports may be made, as

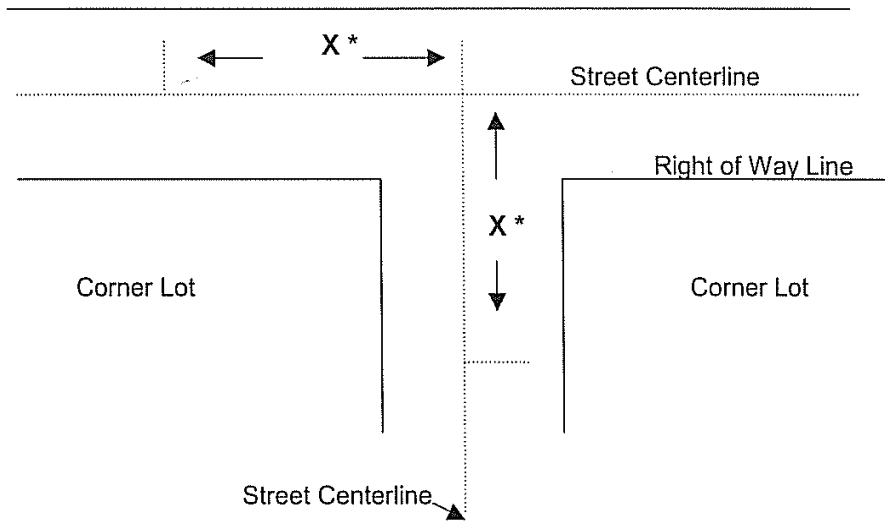
necessary, or at the request of Borough Council.

F. *Expenditures.* Within the funds appropriated by Borough Council, the Planning Commission may employ or contract for secretaries, clerks, legal counsel, consultants and other technical or clerical personnel. Borough Council may enter into agreements or contracts authorizing the Planning Commission to accept or utilize any funds, personnel or other assistance made available by the County, the Commonwealth or the Federal government.

(*Ord. 378, 2/14/2005, §1707*)

Appendix 27-A

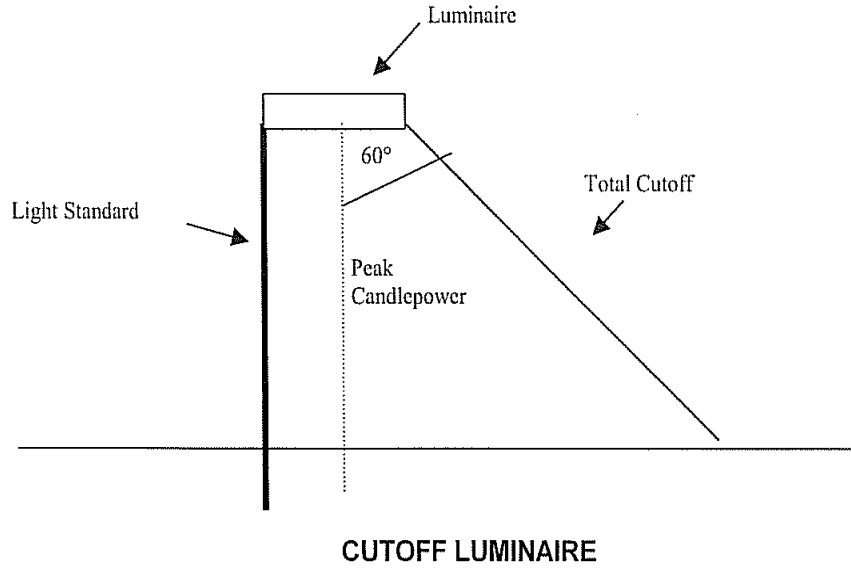
Clear Sight Triangle



* X = The Distance Required By the Ordinance

Appendix 27-B

Lighting Devices Cut-Off Angles



Appendix 27-C

Buffer Areas

