

CANONSBURG BOROUGH

Zoning Ordinance

October 2021

KLH

A blue wavy line graphic that starts under the 'K' and ends under the 'H', with a slight upward curve in the middle.

ENGINEERS, INC
5173 CAMPBELLS RUN ROAD
PITTSBURGH, PA 15205-9733

**BOROUGH OF CANONSBURG
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF CANONSBURG CONCERNING
APPROVAL, ADOPTION AND ENACTMENT OF THE CANONSBURG BOROUGH
ZONING ORDINANCE OF 2021 AND ZONING MAP.**

WHEREAS, the Borough of Canonsburg is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and

WHEREAS, the Borough of Canonsburg adopted a zoning ordinance in July of 2016; and

WHEREAS, in accordance with the Pennsylvania Municipalities Planning Code, the Borough of Canonsburg Planning Commission and staff prepared an update to the zoning ordinance; and

WHEREAS, the Borough of Canonsburg Planning Commission held a public meeting on the proposed zoning ordinance on June 24, 2021, and presented the updated zoning ordinance and map to the Borough of Canonsburg Council; and

WHEREAS, Borough of Canonsburg delivered the proposed zoning ordinance and map to the Washington County Planning Commission on July, 26, 2021 and no comments were received; and

WHEREAS, on September 13, 2021, Borough of Canonsburg Council held a public hearing, pursuant to required public notice, concerning the proposed zoning ordinance update and no comments were received; and

WHEREAS, having made no amendments to the zoning ordinance and map proposed by the Planning Commission and staff, the Borough desires to adopt said proposed zoning ordinance and map.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Canonsburg that:

Section 1. Chapter 170 of the Code of Ordinances of the Borough of Canonsburg, entitled “Zoning” is hereby amended by deleting the existing text of such chapter in its entirety and substituting in lieu thereof the text of the Borough of Canonsburg Zoning Ordinance 2021, a copy of which is attached hereto as Exhibit “A” and incorporated herein.

Section 2. The Canonsburg Zoning Ordinance of 2021 and accompanying map are enacted and adopted under the authority of laws of the Commonwealth of Pennsylvania and shall take

effect immediately upon final enactment and remain in effect hereafter until revised, amended or revoked by action of the Borough of Canonsburg Council.

Section 3. Borough officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

Section 4. Any and all zoning ordinance, amendments and/or resolutions, or parts thereof, and zoning maps conflicting herewith are repealed insofar as the matters herein are affected.

Section 5. The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgement or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered illegal, invalid or unconstitutional. It is hereby declared the intent of the Borough of Canonsburg Council that this ordinance would have been adopted if such, illegal, invalid or unconstitutional clause, sentence or section had not been included therein.

Section 6. This ordinance shall be effective immediately upon final enactment.

ORDAINED AND ENACTED into law this _____ day of _____, 2021.

ATTEST:

BOROUGH OF CANONSBURG

Denise, Lesnock, Borough Manager

By: _____
Richard T. Bell, President of Council

David Rhome, Mayor

CANONSBURG BOROUGH

Zoning Ordinance

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CANONSBURG BOROUGH

Zoning Ordinance

Article 1 – General Provisions

§ 170-101. Title.

- A. Long title. The long title of this chapter is "An ordinance to establish zoning regulations for the use of land and structures, area of lots, coverage of lots, bulk of buildings and other structures, the density of population, the provision of off-street parking and loading spaces and similar accessory regulations in and about such structures for the purpose of dividing the Borough into zoning districts, to provide for a Zoning Hearing Board and, further, to provide for administrative enforcement and amendment of this chapter in accordance with the provisions of the Pennsylvania Municipalities Planning Code (Act No. 247)¹ and to repeal all ordinances or portions thereof in conflict herewith.
- B. Short title. This chapter shall be known and may be cited as the "Zoning Ordinance of the Borough of Canonsburg, Washington County, Pennsylvania."

§ 170-102. Community development objectives.

- A. The zoning regulations and districts set forth in this chapter are made in accordance with a Comprehensive Plan Study of the Borough of Canonsburg, for the general welfare of the Borough, and are intended to achieve, among others, the following purposes:
 - (1) To lessen congestion in the streets.
 - (2) To secure safety from fire and other dangers.
 - (3) To provide adequate light and air.
 - (4) To prevent the overcrowding of the land.
 - (5) To avoid undue concentrations of population.
 - (6) To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements, as well as the conservation of the value of land and buildings.
- B. These were made with reasonable consideration, among other things, of the existing character of the various areas and their respective suitability for particular land uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough of Canonsburg.

§ 170-103. Comprehensive Plan.

- A. This chapter is adopted to promote an orderly plan of development according to an amended Comprehensive Plan, adopted by Borough Council in December 2005, including data on existing conditions, statements concerning the proposed plan and evaluations of implementation techniques. Such material shall be considered as

legislative history and shall be utilized when necessary to establish policy in the interpretation of this chapter.

§ 170-104. Interpretation.

In interpreting and applying the provisions of this Zoning Ordinance, the provision shall be held to the minimum requirements adopted for the promotion of the public health, safety, and general welfare of the Borough. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling.

§ 170-105. Separability.

It is hereby declared to be the legislative intent that:

- A. If a court of competent jurisdiction declares any provision of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decisions shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

§ 170-106. Application to Regulations.

- A. Minimum and uniform regulations. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- B. For new uses and structures. In all districts, after the effective date of this chapter, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
- C. For existing uses and structures. In all districts after the effective date of this chapter, any existing building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the regulations of Article X – Nonconforming Uses, Structures and Lots.
- D. Type of control. The following minimum and uniform regulations shall apply in the respective districts: use regulations, including uses by right, conditional uses, accessory uses and uses by special exception; area and bulk regulations, including required front, side and rear yards; maximum permitted height and allowable lot coverage, and floor area ratio requirements in those districts in which they apply; off-street parking and loading regulations; sign regulations; and special regulations dealing with landscaping, storage, access and traffic control, lighting and slope areas, where applicable.

- E. Municipal exemption. The Borough of Canonsburg is hereby exempt from the provisions of this chapter.

§ 170-107. Repeal of Conflicting Ordinances.

All existing zoning ordinances for the Borough and amendment thereto, or parts of ordinances which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

Article 2 – Definitions

§ 170-201. General Interpretations.

- A. All words used in this Chapter shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein.
- B. Words used in the present tense shall include the future.
- C. The singular number shall include the plural, and the plural the singular.
- D. The word "shall" is mandatory; the word "may" is permissive.
- E. The words "used" or "occupied," as applied to any land or structures, shall be construed to include the words "intended, arranged or designed to be used or occupied."
- F. The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity.
- G. The word "lot" includes the word "plot" or "parcel."
- H. The word "building" includes "structure" and any part thereof.
- I. Words in the masculine gender shall include the feminine gender.
- J. The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

§ 170-202. Definitions.

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

ABANDONMENT: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

ACCESS: A means of providing vehicular or pedestrian entrance to a property.

ACCESSORY USE OR STRUCTURE: A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

ADULT-ORIENTED ESTABLISHMENT (OR “ADULT USE”) – the definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas,” and “Specified Sexual Activities.”

AISLE: A paved area of a minimum width specified by this Ordinance that provides direct access to one (1) or two (2) rows of parking spaces and connects those parking spaces with the driveways that provide circulation through a parking area.

ALTERATION - As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or conversion of one use to another by virtue of interior change.

AMENDMENT: See ZONING AMENDMENT

ANIMAL DAYCARE: Any premises where domestic animals are dropped off and picked up daily for temporary care on site and which they may be groomed, trained, exercised, and socialized but are not kept overnight, bred, sold or let for hire.

ANIMAL HOSPITAL: An establishment for the medical or surgical treatment of animals, including the boarding of hospitalized animals. An animal hospital shall not include a kennel.

APARTMENT – See DWELLING TYPES.

ARTERIAL STREET: A public street which serves large volumes of high speed and long distance traffic.

ASSISTED LIVING FACILITY - any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

AUTO SERVICE STATION - any building, land or structure used for 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 but not including major repair work, such as motor replacement, body and fender repair or spray painting, commonly known as a gasoline station.

AUTO SALES / RENTAL - the sale or rental of new or used motor vehicles or trailers.

AUTO BODY / REPAIR SHOP – a facility where repairs to the frame or other structural parts of motor vehicles, spray painting, and repair or replacement of fenders and similar external portions of motor vehicles are conducted. Auto repairs to the mechanized parts of a vehicle, including engine, motor, transmission, etc., shall also be included in this definition.

BAR OR TAVERN: A business which sells alcoholic beverages for consumption on the premises as the principal use and which may offer food for consumption on the premises as an accessory use.

BASEMENT: That portion of the foundation of a building between the floor of the foundation and the floor of the first story of the building having a portion of its height below grade, but at least one-half (1/2) of its height above the average grade of the adjoining ground.

BED AND BREAKFAST: A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

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.

BOARD - the Zoning Hearing Board for the Borough of Canonsburg.

BOARDER - an individual or individuals, other than a family member of the family occupying the dwelling unit, or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDING OR ROOMING HOUSE - a dwelling in which at least one room is offered for short term rental (less than 30 days), whether or not meals are furnished to lodgers and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses are not deemed a boarding or rooming house.

BODY PIERCING: The process of breaching the skin or mucous membrane for the purpose of insertion of any object, including but not limited to, jewelry for cosmetic purposes. The term does not include ear piercing or nail piercing.

BODY PIERCING SHOP: An establishment which is engaged in any extent in providing body piercing to customers.

BOROUGH COUNCIL or COUNCIL – the Borough Council of Canonsburg.

BOUNDARY - a line, usually a property or street right-of-way line or the centerline of a recognizable physical feature such as a highway, stream or railroad that demarcates the edge of a district or area.

BREWERY/DISTILLERY: A commercial use which brews ales, beers, meads and/or similar beverages on a large-scale brewing more than 15,000 barrels of product per year, which may include a public tasting room but does not offer food or restaurant services.

BREW PUB: See MICRO-BREWERY

BUFFER AREA: A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-round visual screen

at least six (6) feet in height or an existing natural barrier, such as vegetation and/or topography, which duplicates the effect of the required buffer area, provided the natural barrier is maintained with vegetation or landscaping at all times.

BUILDING: A roofed structure, whether or not enclosed by walls to be used for shelter, enclosure or protection of persons, goods, materials, animals, things or an area of land. (See also COMPLETELY ENCLOSED BUILDING)

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE, FRONT: A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Ordinance.

BUILDING SPACING: The minimum distance between two (2) buildings on the same lot, measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters that project beyond the wall of the building no more than two (2) feet.

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, sale or repair of vehicles or heavy equipment.

BUSINESS OR PROFESSIONAL OFFICE: Any office of recognized professions, other than medical, such as 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.

CAR WASH: A facility, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

CARPORT: A structure to house or protect motor vehicles, which is open to the weather for at least forty percent (40%) of the total area of its sides.

CARTWAY: That portion of the street right-of-way that is surfaced for vehicular use, excluding curbs and shoulders.

CELLAR: That portion of the foundation a building between the floor of the foundation and the floor of the first story of the building having one-half (1/2) or more of its height below the average grade of the adjoining ground.

CEMETERY: Property used for interring of dead persons or domestic pets, including mausoleums and columbarium, but not including crematoriums or family plots.

CERTIFICATE OF OCCUPANCY: A document issued by the Zoning Officer indicating that a premises for which a Building Permit and/or a Zoning Certificate has been issued is ready for occupancy and is in compliance with the provisions of this Ordinance and the Building Code, if applicable.

CHILD DAY CARE: a use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the caregiver. See also definition of "day care center" "FAMILY DAY CARE HOME" and "GROUP DAY CARE HOME."

CLEAR SIGHT TRIANGLE: A triangular area of unobstructed vision at the intersection of two (2) streets or of a driveway and a street defined by line of sight a given distance from the intersection of the centerlines of two (2) streets or the centerlines of the driveway and the street. (See Illustration in Appendix A.)

CLINIC: Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

CLUB, PRIVATE: See PRIVATE CLUB.

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 roads. St

COMMERCIAL RECREATION: See RECREATION, COMMERCIAL

COMMERCIAL SCHOOL: See SCHOOL, COMMERCIAL.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of the occupants or residents of a development, not including streets, parking areas or areas set aside for public facilities.

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 utility storage or transmission structure or an existing communications tower, excluding 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 two hundred (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 two hundred (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 (1) 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.

COMPLETELY ENCLOSED BUILDING: A building designed and constructed so that all exterior walls shall be solid from the ground to the roof line, containing no openings except for windows and doors which are designed so that they may be closed and any other small openings required for the ventilation system.

CONDITIONAL USE: A use authorized by this Ordinance which may be granted only by the Borough Council following review by the Planning Commission and a public hearing subject to express standards and criteria contained in this Ordinance.

CONDOMINIUM: a structure where each unit in the structure is individually owned and the owner of each unit has a proportional interest in the common areas and facilities of the structure and the parcel.

CONSTRUCTION TRAILER, TEMPORARY: A structure designed, used or constructed, to provide temporary offices for construction supervision on the site of an approved subdivision or land development during the time that a valid building permit or grading permit is in effect.

CONTRACTING BUSINESS: The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

CONTRACTOR'S YARD: An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business.

CONVENIENCE STORE: A retail store with a gross floor area of 7,500 square feet or less, offering a limited selection of grocery, household and personal items for quick purchase.

CORNER LOT: A lot at the intersection of, and fronting on, two (2) or more street rights-of-way.

COVERAGE: See LOT COVERAGE

CREMATORIUM: An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection.

CUT-OFF ANGLE: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

DAY CARE CENTER: A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care, on a regular basis, during part of a twenty-four (24) hour day of children under the age of sixteen (16) or disabled or elderly persons.

DAY CARE HOME: See FAMILY DAY CARE HOME AND GROUP DAY CARE HOME.

DECISION: final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DECK OR PATIO: Any uncovered outdoor living area, without a roof, in excess of twenty-four (24) square feet constructed on or above the surface of the ground.

DENSITY, DWELLING UNIT: See DWELLING UNIT DENSITY

DETERMINATION: The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The governing body.
- B. The zoning hearing board.
- C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT: Any man-made change to an improved or unimproved land or water area, including, but not limited to, construction of buildings or structures or additions thereto, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECT VEHICULAR ACCESS: A curb cut on or a private driveway leading directly to a public street right-of-way. In the case of the requirement for direct vehicular access to an arterial or collector street, the point of access shall be onto the arterial or collector street without traversing any other public street right-of-way.

DISTILLERY: See BREWERY.

DISTRICT: See ZONING DISTRICT.

DOMESTIC ANIMALS: Animals that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, birds, hamsters, gerbils and other animals commonly sold in retail pet shops.

DRIVEWAY: A private vehicular way providing access between a street and a parking area or garage located on a lot.

DRIVE-THROUGH FACILITY: Any principal use or accessory use which involves a window, service lane, bay or other facility where customers are provided services either inside or outside their vehicles and where cars may or may not wait in line to access these services, including, but not limited to “drive-in” or “drive-through” windows at fast food restaurants, banks or other businesses, exterior automated teller machines (ATMs), quick oil change facilities, car washes and similar automotive services and other such facilities.

DWELLING: A building designed exclusively as living quarters for one (1) or more families, including single family, two-family, triplex, fourplex, modular and multifamily dwellings, group care facilities, personal care boarding homes and transitional dwellings, but not including hotels, motels or boarding houses.

DWELLING TYPES: The following dwelling types are included in this Chapter:

- A. **SINGLE FAMILY DWELLING:** A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.
- B. **TWO FAMILY DWELLING:** A residential building which is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **TRIPLEX:** A residential building designed exclusively for occupancy by three (3) families living independently of each other, containing three (3) dwelling units, each having independent access directly to the outside and having no other units above or below, which units are attached at right angles to one another with the entrance to each unit facing a different direction.
- D. **FOURPLEX:** A residential building designed exclusively for occupancy by four (4) families living independently of each other, containing four (4) dwelling units, each having independent access directly to the outside and having no other units above or below, which units are attached at right angles to one another with the entrance to each unit facing a different direction.
- E. **TOWNHOUSE:** A multifamily residential building, no more than two and one-half (2 ½) stories in height which contains at least three (3), but no more than five (5) dwelling units, each of which are separated from the adjoining 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.
- F. **MULTIFAMILY DWELLING:** A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

- G. **APARTMENT:** A room or suite of rooms, intended, designed or used as a residence by a single-family, in a building with its own cooking, food storage, bathing and toilet facilities and with access directly or via a common hall to the outside.
- H. **HIGH-RISE APARTMENT:** A multifamily residential building containing at least four (4), but no more than eight (8) stories.
- I. **GARDEN APARTMENT:** A multifamily residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.
- J. **GROUP CARE FACILITY:** A group living arrangement licensed by the Commonwealth that provides room and board and specialized services to permanent residents that exceed the number authorized in the definition of family or that fail to meet the criteria for the group living arrangement established in the definition of family, but not including any short term or transient residents as regulated by the definition of transitional dwelling.
- K. **PERSONAL CARE HOME:** A dwelling licensed by the Commonwealth where room and board is provided to more than three (3), permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services for a period exceeding twenty-four (24) consecutive hours in such matters as bathing, dressing, diet and medication prescribed for self-administration, but who are not in need of hospitalization or skilled nursing or intermediate nursing care.
- L. **TRANSITIONAL DWELLING:** A dwelling unit occupied on a short term basis by persons assigned by a Court of Law, or referred by a public, semi-public or non-profit agency, and managed by a public, semi-public or non-profit agency responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other Court ordered treatment, and other such short-term supervised assignments.

DWELLING UNIT: Two (2) or more rooms designed for or occupied by one (1) family only and containing sleeping facilities, cooking and food storage facilities, and, in a separate room, toilet, and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

DWELLING UNIT DENSITY: The number of dwelling units authorized by this Ordinance per acre of land.

EASEMENT: A right-of-way or other right to use property granted by the property owner to another, such as for access, drainage, utility lines, slope or other purposes.

EDUCATIONAL STUDIO: An establishment that provides training to individuals or groups in specialized recreational activities or avocations, including, but not limited to dance, gymnastics, martial arts, photography, arts and crafts and similar pursuits.

ELECTRONIC NOTICE: A notice given by a municipality through the internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

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 provision of distribution and collection systems by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Canonsburg Borough of underground or overhead gas, electrical, telephone, steam, or water lines, sewers, fire alarm boxes, traffic signals, hydrants, cable TV (not including towers) and accessories in connection therewith, reasonably necessary to furnish adequate services to the general public.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than five (5) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

- A. It provides non-routing support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other "handicap" or "disability" as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;
- B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;
- C. It does not involve the housing of persons on a transient basis;
- D. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

Family shall not include persons living together in a Group Care Facility, Personal Care Home or Transitional Dwelling, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Act or for any persons who constitute a direct threat to others or their physical property.

FAMILY DAY CARE HOME: A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling in which the operator resides, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, who are not relatives of the provider, where such use shall be secondary to the use of the dwelling for living purposes and shall meet all applicable requirements for a home occupation.

FARMER'S MARKET - periodic outdoor sales activities involving the display and sale of fresh produce and locally produced food and beverage items, including baked goods, jams, jellies, and similar food products. The display and sale of hand-crafted artisan items may be considered as an accessory activity, provided the principal activity remains the sale of the food- or produce-related items.

FENCE OR WALL: A structure designed for the purpose of enclosing space or separating parcels of land. The term "fence or wall" shall not include retaining walls which are designed and approved in accordance with the Borough Grading Ordinance.

FINANCIAL INSTITUTION: A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream or watercourse that is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR AREA, GROSS: The sum of all the horizontal floor areas of a building, measured between exterior faces of walls.

FLOOR AREA, NET: The total floor area of a building designed for tenant occupancy or accessible to the customers, clients or general public, excluding storage areas, equipment rooms and common areas such as halls, corridors, stairwells, elevator shafts, restrooms, interior vehicular parking and loading areas and similar common areas, expressed in square feet and measured from the centerline of joint partitions and exteriors of outside walls.

FOURPLEX: See "D" under DWELLING TYPES.

FRONT BUILDING LINE: See BUILDING LINE, FRONT.

FRONT LOT LINE: See LOT LINE, FRONT.

FUNERAL HOME - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. For purposes of this chapter, the term "funeral home" shall not include a "crematorium."

GARAGE: An accessory building or a portion of the principal building, not accessible to the general public and designed or used for shelter or storage of private vehicles and personal property of the occupants of the principal building.

GARDEN APARTMENT: See “H” under DWELLING TYPES.

GARDEN NURSERY: A retail establishment that sells flowers, plants, trees and other natural flora and products which aid their growth and care and which may include a greenhouse or the growing of plant material outside on the lot.

GAS WELL: See “Oil & Gas Well”

GASOLINE STATION: A structure and surrounding land used for the storage and sale of petroleum fuel, natural gas and/or other types of fuel and lubricants primarily to motor vehicles, and which may or may not include a convenience store.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured between exterior faces of walls.

GROUP CARE FACILITY: See “I” under DWELLING TYPES.

GROUP DAY CARE HOME: A facility, licensed or approved by the Commonwealth, as required by the laws of the Commonwealth, located within a dwelling in which the operator resides, for the care on a regular basis during part of a twenty-four (24) hour day of between 7 and 12 children at one time who are not "relatives" of the primary caregiver, under sixteen (16) years of age, where such use shall be secondary to the use of the dwelling for living purposes and shall meet all applicable requirements for a home occupation.

HEALTH CLUB: A commercial recreational enterprise or private club which has as a principal use a gymnasium, swimming pool or other sports facility and which may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as accessory uses to the principal use.

HEAVY MANUFACTURING: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including refineries for oil, gas or similar products, or any manufacturing process not included in the definition of “Light Manufacturing.”

HEIGHT OF BUILDING: See BUILDING HEIGHT.

HEIGHT OF STRUCTURE: The vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

HELIPAD – PRIVATE USE: A helicopter landing pad, licensed by the Pennsylvania Department of Transportation, Bureau of Aviation, and regulated by the Federal Aviation Administration, that is owned by a private entity and restricted to use by helicopters owned by such entity, including hospitals and medical facilities whether public or privately owned.

HIGH-RISE APARTMENT BUILDING: See “G” under DWELLING TYPES.

HOME OCCUPATION: An accessory use of a service character, conducted entirely within a dwelling, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

HOSPITAL: An establishment licensed by the Commonwealth for the care of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOSPITAL, ANIMAL: See ANIMAL HOSPITAL.

HOTEL: See MOTEL OR HOTEL.

IMPERVIOUS SURFACE: Surfaces with a coefficient of runoff greater than 0.85, including all buildings, roofed areas, parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Borough Engineer to be impervious within the meaning of this definition.

IMPERVIOUS SURFACE COVERAGE: The percentage of the total lot area covered by impervious surfaces, as defined herein.

IMPROVEMENT: See DEVELOPMENT.

INDOOR ENTERTAINMENT: An establishment operated by a profit-making corporation, partnership or other business entity located within a completely enclosed building, as defined by this Ordinance, for the pursuit of cultural performances and entertainment activities, including, but not limited to theaters (live and motion picture), arenas, bowling alleys, pool halls, virtual reality and simulation gaming parlors, video arcades, dance halls and similar facilities, but excluding any adult-oriented establishment, as defined herein.

JUNK YARD: Any premises devoted wholly or in part to the storage, buying or selling, salvaging, recycling or otherwise handling or dealing in scrap metals, building materials, scrapped or used appliances or other household goods, fixtures, vehicles and vehicle parts, machinery and machinery parts or other forms of discarded materials.

KENNEL, PRIVATE OR COMMERCIAL: A facility for the boarding and/or breeding of domesticated animals such as such as dogs and cats, where they are kept overnight.

LAND DEVELOPMENT: The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels for any purpose involving:

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively; or
- B. A single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
- C. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums building groups or other features.
- D. A subdivision of land for the purpose of developing the property.

LAND DEVELOPMENT PLAN: A plan prepared in accordance with the application requirements of the Borough Subdivision and Land Development Ordinance for approval of a land development, as defined herein.

LANDFILL: Any site licensed by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

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 land.

LANDSCAPING PLAN: A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, 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, if any.

LANDSLIDE SUSCEPTIBILITY: Areas of moderate to high susceptibility to landslides produced by the influence of natural and/or man-made activity.

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, water pollution, fire hazard or noxious emissions which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, food products, not including animal slaughtering, curing or rendering of fats, and similar activities.

LOADING SPACE: An area within a principal building or on the same lot with the principal building designed in accordance with the requirements of this Ordinance and used for the standing, loading or unloading of tractor-trailer trucks.

LOCAL STREET: Any street in the Borough not defined by this Ordinance as an arterial street or a collector street.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

LOT, CORNER: See CORNER LOT.

LOT OF RECORD: Any lot which, individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Washington County.

LOT AREA: The total area within the lot lines, excluding the area within any street right-of-way.

LOT FRONTAGE: The minimum straight line distance between the points where each side lot line intersects the Front Lot Line. If the Front Lot Line is curved, frontage shall be measured as the minimum linear distance of the arc that connects the points where the side lot lines intersect the Front Lot Line. In the case of Multiple Family Dwellings, Lot Frontage shall be measured for the entire length of the lot containing the dwelling and not for each Individual Dwelling Unit within the Multi-Family Dwelling.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or other public space.

LOT LINE, FRONT: That lot line which is contiguous with the street centerline or the street right-of-way line. In the case of a lot which has no frontage on a street, the front lot line shall be the lot line through which vehicular access is provided, regardless of which way the dwelling faces.

LOT LINE, REAR: That lot line which is generally opposite the front lot line.

LOT LINE, SIDE: Any lot line which is not a front lot line or rear lot line.

LOT WIDTH: The straight line distance between the point of intersection of the front building line with the side lot lines.

MAILED NOTICE: A notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURED HOME - A single-family dwelling, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. A manufactured home shall not be considered to be any other type of dwelling use or structure under this chapter. For floodplain management purposes, this term also includes park trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK – a lot under single ownership which includes two or more manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "manufactured home park."

MANUFACTURING, HEAVY: See HEAVY MANUFACTURING.

MANUFACTURING, LIGHT: See LIGHT MANUFACTURING.

MANUFACTURING: The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

MEDIATION: A voluntary negotiating process in which parties to 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.

MEDICAL MARIJUANA DISPENSARY: a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.

MEDICAL MARIJUANA GROWING/PROCESSING FACILITY: Any building or structure used to grow and/or process Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.

MEDICAL OFFICE: One (1) or more administrative offices of individual doctors, dentists, chiropractors or other medical practitioners and their supporting staffs where human patients receive diagnosis, treatment and counseling.

MICRO-BREWERY/MICRO-DISTILLERY: A business establishment where ales, beers, meads and/or similar alcoholic beverages are brewed or spirits distilled, typically in conjunction with a bar, tavern, or restaurant use. The maximum brewing/distilling capacity shall not exceed 15,000 barrels per year. The establishment may offer food for consumption on the premises as an accessory use.

MINERAL EXTRACTION - the removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

MIXED USE DEVELOPMENT: A building or buildings where dwellings are located on the floor(s) above the street or ground floor of a building and where one or more nonresidential uses are located on the first floor. The non-residential uses may only include retail, restaurants, and office space. The street or ground floor may not contain any residential use however the non-residential uses may be incorporated on other floors.

MOBILE HOME: Constructed before 1977, a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

MODULAR HOME: A type of single-family detached dwelling, which is produced in sections off site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile/manufactured home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes.

MOTEL OR HOTEL: An establishment which offers transient overnight lodging accommodations, including extended stays, to the general public and which also may provide additional supporting services such as restaurants, meeting rooms, recreation, facilities and living quarters for a resident manager or proprietor.

MULTIFAMILY DWELLING: See “F” under DWELLING TYPES.

MULTI-TENANT LAND USE: Any combination of several multifamily dwellings and/or business establishments in one or more buildings under single ownership or management with common parking facilities, including, but not limited to a shopping mall, an office building, apartment complex or townhouse development with more than one (1) tenant.

MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L.805, No.247 as reenacted and amended, regulating municipal land use control in Pennsylvania.

NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from an Oil or Gas Well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT: A facility used to remove materials such as ethane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment used primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

NET FLOOR AREA: See FLOOR AREA, NET.

NO-IMPACT HOME BASED BUSINESS: a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may 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.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT: Any lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NONCONFORMING SIGN: Any sign which was lawfully erected and maintained prior to the adoption or amendment of this Ordinance, which fails to conform to all applicable regulations and restrictions of this Article.

NONCONFORMING STRUCTURE: A structure or part of a structure which does not comply with the applicable area and bulk provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation. Nonconforming signs are included in this definition.

NONCONFORMING USE: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or an amendment thereto, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NURSING HOME: An institution licensed by the Commonwealth for the care of human patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of drug or alcohol addiction.

OFFICE, BUSINESS OR PROFESSIONAL: See BUSINESS OR PROFESSIONAL OFFICE.

OFFICE, MEDICAL: See MEDICAL OFFICE.

OFFICE OR RESEARCH PARK: A site under single ownership and control which is developed as a unit for two (2) or more buildings containing professional or business offices and/or research and development establishments in a campus environment utilizing common means of access, parking and loading facilities and uniform signage and may include other shared features.

OIL & GAS WELL: The drilling and operation of oil or gas wells. The Oil and Gas Well use shall be deemed to be located at the wellsite. For the purposes of this Ordinance, a "wellsite" shall consist of the graded pad and appurtenant area occupied by the facilities, structures and equipment necessary for or incidental to the drilling, production or operation of an Oil or Gas Well at the site, including well site preparation, well site construction, drilling, hydraulic fracturing, site restoration, water and other fluid storage, impoundment and transportation located at the site and used for such activities and installation of associated equipment, the site preparation, construction and installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities at the site associated with drilling for, production and transportation of oil and gas, but excluding any structure, facility or use constituting a Natural Gas Compressor Station or a Natural Gas Processing Plant or any other facility used primarily to refine or process gas or oil.

OPEN SPACE, COMMON: See COMMON OPEN SPACE

OPERATOR: The applicant for a conditional use approval for mineral removal and also any “well operator” or “operator” as defined in the Oil & Gas Act.

OUTDOOR HYDRONIC HEATER: A fuel-burning device that is located outside of the main structure which it is intended to heat and may be equipped with a heat storage unit, and is designed to burn wood to heat water or a water/antifreeze mixture and distribute the heated fluid via piping to the main structure. Also known as an outdoor wood furnace, outdoor wood-fired boiler or outdoor wood-fired hydronic heater.

OWNER: See LANDOWNER.

PARKING AREA: A portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this Ordinance.

PARKING SPACE: A portion of a garage or parking area designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PAWN SHOP: An establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the Commonwealth of Pennsylvania.

PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

PERSONAL CARE HOME: See “J” under DWELLING TYPES.

PERSONAL SERVICES: Any enterprise providing services to a person, their apparel or personal effects commonly carried on or about their person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repair, beauty shops, barber shops, massage and spa services and the like.

PET SERVICES: A business establishment that sells pet food and other pet care products to the general public and that may offer pet grooming as accessory uses; or a business establishment that offers services for the bathing and conditioning of domestic pets or the care during part of a twenty-four (24) hour day of domestic pets as a principal use and which may sell food or other pet care products as an accessory use; provided the uses shall not include an animal hospital or kennel, as otherwise regulated by this Ordinance.

PLACE OF WORSHIP - synagogues, churches, mosques, temples and similar buildings used primarily for religious worship on a regular basis and that are operated for nonprofit and noncommercial purposes.

PLANNING COMMISSION: The Planning Commission of Canonsburg Borough, Washington County, Pennsylvania.

PORCH: A roofed or uncovered accessory structure without enclosing walls with an area of more than twenty-four (24) square feet that is attached to or part of the principal building and which has direct access to and from the principal building.

PRE-SCHOOL FACILITY: An establishment which offers private educational services to children who are under the minimum age for education in public schools.

PRINCIPAL BUILDING OR STRUCTURE: The building or structure in which the principal use is conducted.

PRINCIPAL USE: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRINTING ESTABLISHMENT: An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

PRIVATE: Owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB: Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their guests and not to the general public.

PRIVATE GARAGE: See GARAGE, PRIVATE.

PRIVATE RECREATION: See RECREATION, PRIVATE.

PRIVATE STREET: A street, including the entire private right-of-way, which is privately owned and maintained and which is intended for private, rather than public, use.

PROFESSIONAL OFFICES: See BUSINESS OR PROFESSIONAL OFFICES.

PUBLIC: Owned, operated or controlled by a government agency, Federal, State, County or local.

PUBLIC GARAGE: See GARAGE, PUBLIC.

PUBLIC HEARING: a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARKING GARAGE: A parking area which is located in a parking structure or parking garage, which is the principal use on the lot and which may be operated by either a public agency or private entity, whether for profit or not, and which is available for use by the general public, usually for a fee.

PUBLIC PARKING LOT: A parking area on the surface of the ground which is the principal use on the lot, which may be operated by either a public agency or private entity, whether for profit or not, and which is available for use by the general public, usually for a fee.

PUBLIC RECREATION: See RECREATION PUBLIC.

PUBLIC TRANSIT PARK AND RIDE FACILITY: A paved surface area parking lot constituting a principal use on a lot intended for use by transit patrons to park vehicles while using public mass transit.

PUBLIC UTILITY BUILDING OR STRUCTURE: Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential public utility installation, as defined herein, other than the general transmission distribution system provided by public utilities, regulated by the Public Utilities Commission (PUC) or any agency, franchisee or authority of Canonsburg Borough which is reasonably necessary to furnish adequate services to the general public both within Canonsburg Borough and outside the Borough, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

RECREATION, INDOOR COMMERCIAL: An indoor establishment operated by a profit-making corporation, partnership or other business entity that provides recreation within an enclosed facility including but not limited to dance halls, gymnastic facilities, ice or roller rinks, racquet clubs, swimming pools, and similar facilities.

RECREATION, PRIVATE: An enterprise operated by an individual or non-profit association or corporation, other than a public entity, for the pursuit of sports and recreational activities, which may be advertised to the general public, but the use of which is limited to members and their guests including, but not limited to, such establishments as country clubs, golf courses, sportsman's club, golf practice facilities, playing fields, tennis or racquet clubs, swimming pools and similar facilities.

RECREATION, OUTDOOR COMMERCIAL: An enterprise owned and operated by a public entity, available to the general public, whether or not an admission fee is charged, with 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 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, snow mobiles, jet skis, wave runners, motorcycles and all-terrain vehicles.

RENEWABLE ENERGY SYSTEM: An energy system which makes use of recurring natural resources or byproducts to produce energy without consuming non-renewable resources nor causing significant disturbance to natural systems. Renewable energy systems include, but are

not limited to: solar and wind energy systems; as well as outdoor hydronic heaters. Such systems are usually independent of the primary utility supplied energy system but may be connected thereto.

RESEARCH AND DEVELOPMENT: Any establishment, including laboratories, which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include supporting storage and transportation facilities.

RESTAURANT: A business establishment which offers food and beverages for sale and consumption primarily on-site, but may offer takeout service, as the principal use and may serve alcoholic beverages for consumption on the premises as an accessory use.

RESTAURANT, FAST FOOD: A business establishment that offers quick food service for consumption on or off the premises which is accomplished through a limited menu of items already prepared and held for service or prepared, fired or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETAIL BUSINESS: Any establishment not otherwise specifically defined in this Article that sells on the premises commodities and/or services directly to consumers, but not including the manufacturing or processing of any products.

RETIREMENT COMMUNITY: A residential development designed primarily or exclusively for occupancy by elderly or retired persons and which features one (1) or more of the following special services associated with the needs of elderly or retired persons such as transportation, limited nursing facilities, dispensaries, common dining facilities, minimum maintenance, laundry service, recreation programs, personal services (such as beauty and barber shops, or cleaner's valet service), florist and/or gift shop, doctor's offices, branch bank, postal service and similar services or facilities.

RIGHT-OF-WAY: Land set aside for use as a street, alley or other means of travel, including existing and future rights-of-way, as defined below.

SALES OFFICE: A temporary use for the purpose of marketing the dwelling units in a residential development or the leasable space or other occupancy in a non-residential development.

SCHOOL, COMMERCIAL: A privately operated, for-profit establishment providing technical or skilled training, vocational or trade educational courses and programs.

SCHOOL, PUBLIC OR PRIVATE: An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SELF-STORAGE FACILITY: 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 where the stalls and/or lockers are accessed directly from outside the building or any facility where outside storage area are proposed for the storage of recreational vehicles as defined herein.

SHOPPING CENTER: A site under single ownership and control which is developed as a unit for two (2) or more retail businesses in one (1) or more buildings and designed with shared parking, loading and access facilities and uniform signage.

SIGN: Any structure or device used to attract attention by word or graphic display.

SIGN, SURFACE AREA OF: The area enclosed by one continuous line, connecting the extreme points or edges of an advertising panel containing letters; or the sum of the areas of each letter, in the case of freestanding letters which are mounted on a building wall, rather than painted on or affixed to an advertising panel. In the case of freestanding pole or ground signs, this area shall not include the main supporting sign structure, but shall include all other ornamental attachments and connecting features which are not part of the main supports of the sign. In the case of letters which are painted on or affixed to an awning or canopy, rather than mounted on a wall or affixed to an advertising panel, the area of the sign shall be the area of the geometric shape formed by outlining the height and width of all of the letters, including the space between the individual letters. For two-sided signs, only one (1) face is counted in computing the surface area.

SIGN TYPES: See definitions for various types of signs in Article 9.

SINGLE FAMILY DWELLING: See “A” under DWELLING TYPES.

SITE: A tract of land or one (1) or more contiguous lots proposed for development.

SITE AREA: The total area within the boundary lines of a site proposed for development, expressed in acres or square feet.

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

SOLAR ACCESS: The access of a Solar Energy System to direct sunlight.

SOLAR EASEMENT: A legal agreement that protects access to sunlight on a property.

SOLAR ENERGY SYSTEM: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user, or which is to be sold to a utility company to be used by others, or sold directly to other users. A Solar Energy System may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building).

A. SMALL SOLAR ENERGY SYSTEM: Solar energy systems installed for personal use in residences, commercial properties and institutions.

B. LARGE SOLAR ENERGY SYSTEM: Solar energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

SPECIAL EXCEPTION: See USE BY SPECIAL EXCEPTION.

SPORTS COURT: A surfaced outdoor area accessory to a dwelling or dwellings, used for playing sports, including, but not limited to, tennis, handball, basketball and similar sports.

STEEP SLOPE: A land area wherein the inclination of the land surface from the horizontal is 15% or greater.

STOOP: A covered or uncovered porch located at a front, side or rear door to a dwelling unit not exceeding twenty-four (24) square feet in area.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it, excluding cellars.

STREET: A public or private recorded right-of-way which affords primary means of vehicular access to abutting property, but not including alleys.

STREET LINE: The legal right-of-way line which forms the dividing line between the street and the lot.

STREET, PUBLIC: A public right-of-way dedicated and open for public use which has been adopted by the Borough, County, Commonwealth or governmental body.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.

STRUCTURE, HEIGHT OF: See HEIGHT OF STRUCTURE.

STRUCTURAL ALTERATIONS: A change or re-arrangement of the structural parts or in the exit facilities, or an enlargement or diminution of the structure, whether by extending on the side or increasing the height or depth, or the moving from one location or position to another.

SUBDIVISION: The division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts or parcels or other division of land including any changes in existing lot lines, including removal of lines, for the purpose, whether immediate or future, of lease, partition by the Court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL: Any body of water or receptacle for water having a depth at any point greater than two (2) feet and a surface area greater than one hundred (100) square feet, used or intended to be used for swimming or bathing and constructed, installed or maintained outside any building.

TAVERN: See BAR OR TAVERN.

TATTOO: An indelible mark, figure or decorative design introduced by insertions of dyes or pigments into or under the subcutaneous portion of the skin or by the production of scars upon the body of a live human being.

TATTOO PARLOR: An establishment which is engaged in any extent in providing tattoos to customers.

TEMPORARY CONSTRUCTION TRAILER: See CONSTRUCTION TRAILER, TEMPORARY.

TEMPORARY USE OR STRUCTURE: Any use or structure that is intended to be used either on a seasonal basis, during the time of construction and completion of an approved development or for any other period of time that is six (6) months or less.

TOWNHOUSE: See “E” under DWELLING TYPES.

TRAFFIC IMPACT ANALYSIS: A study prepared by a qualified traffic engineer, in accordance with the technical requirements specified in the Borough Subdivision and Land Development Ordinance analyzing the expected trip generation from a proposed development using the Institute of Transportation Engineers (ITE) current standards and the impact of the traffic generated by the proposed development on the capacities and levels of service of all streets and intersections in the vicinity of the site.

TRANSITIONAL DWELLING: See “K” under DWELLING TYPES.

TRIPLEX: See “C” under DWELLING TYPES.

TRUCK AND HEAVY EQUIPMENT RENTAL, SALES AND SERVICE: An establishment engaged in the rental, sale and/or service of vehicles in excess of 26,000 pounds GVW and/or any other heavy equipment, including but not limited to, construction or farm equipment, whether or not the equipment is classified as a motor vehicle.

TRUCK TERMINAL: A facility to accommodate the fueling, routine maintenance and storage of trucks and other motorized equipment and trailers and which may provide warehousing and transfer facilities, as accessory uses.

TWO FAMILY DWELLING: See “B” under DWELLING TYPES.

URBAN AGRICULTURE: The cultivation of herbs, fruits, flowers or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodity.

USE: The purpose, business or activity for which any land or structure is utilized.

USE BY SPECIAL EXCEPTION: A use authorized by this Ordinance which may be granted only by the Zoning Hearing Board following a public hearing subject to express standards and criteria contained in this Ordinance.

VARIANCE: A departure from the specific regulations of this Ordinance which may be granted by the Zoning Hearing Board in accordance with the criteria established by the Pennsylvania Municipalities Planning Code (Act 247, as amended) for a particular piece of property which, because of special circumstances applicable to it, cannot be developed in compliance with the literal terms of this Ordinance without undue physical hardship.

VETERINARY CLINIC: A facility devoted to the medical care and treatment of small animals, including household pets, but does not allow for overnight stay of animals and pets unless deemed necessary by a license veterinarian in an emergency situation.

WAREHOUSING AND DISTRIBUTION: A building used for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial buses. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty percent (30%) of the total floor area of the retail establishment shall be excluded from this definition.

WHOLESALE BUSINESS: An establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

WINERY – A business establishment where wine is produced and may include growing grapes, tasting room, retail store, tours and on-site events. A winery must not produce more than 200,000 gallons of wine per year. The establishment may offer food for consumption on the premises as an accessory use.

WIND ENERGY SYSTEM: Any electric generation facility, whose main purpose is to convert and store wind energy into usable forms of energy and that includes the wind turbine(s), structural supports, electrical infrastructure, and other appurtenant structures and facilities.

- A. **SMALL WIND ENERGY SYSTEM:** A small wind energy system consists of a maximum of one (1) wind turbine, installed for personal use in residences, commercial properties and institutions.
- B. **LARGE WIND ENERGY SYSTEM:** Wind energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

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 Ordinance.

YARD, FRONT: A yard extending between side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line known as the front building line, the minimum horizontal distance required by this Ordinance.

YARD, SIDE: A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by this Ordinance.

YARD, REAR: A yard extending across the rear of the lot between the required side yard lines parallel to the rear lot line, the minimum horizontal distance required by this Ordinance.

ZONING AMENDMENT: A change to the text of this Ordinance or to the Zoning District Map proposed for adoption by the Borough Council pursuant to the procedures specified in this Ordinance.

ZONING PERMIT: A document issued by the Zoning Officer indicating that approval of a conditional use has been granted by the Borough Council, or approval of a use by special exception has been granted by the Zoning Hearing Board or approval has been granted by the Zoning Officer for a permitted use by right, pursuant to the procedures of this Ordinance indicating compliance with all applicable requirements of this Ordinance, which approval is prerequisite to the issuance of a building permit and/or certificate of occupancy.

ZONING DISTRICT: An area accurately defined as to boundaries and location on the Zoning District Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this Ordinance.

ZONING DISTRICT MAP: The official map delineating the Zoning Districts of Canonsburg Borough, Washington County, Pennsylvania, together with all amendments subsequently adopted which is incorporated in and made a part of this Ordinance by reference thereto.

ZONING HEARING BOARD: The Zoning Hearing Board of Canonsburg Borough, Washington County, Pennsylvania.

ZONING OFFICER: That person appointed by the Borough Council and charged with the responsibility of administering and enforcing this Ordinance.

Article 3 – District Regulations

§ 170-301. Establishment of controls.

- A. Minimum and uniform regulations. The regulations established by this chapter for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within said district.
- B. For new uses and structures. In all districts, after the effective date of this chapter, any new building or other structure on any tract of land shall be constructed, developed and used only in accordance with the regulations specified for the district in which said structure or tract of land shall be located.
- C. For existing uses and structures. In all districts, after the effective date of this Chapter, any existing building or other structure or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed legal but nonconforming and subject to the regulations of Article 10.
- D. Types of control. The following minimum and uniform regulations shall apply in the respective districts:
 - (1) Use regulations, including uses by right, accessory uses, conditional uses and uses by special exception;
 - (2) Only one (1) principal use may exist on each lot.
 - (3) Area and bulk regulations, including required front, side and rear yards;
 - (4) Maximum permitted height and allowable lot coverage and floor area ratio requirements in those districts in which they apply;
 - (5) Off-street parking and loading regulations; and
 - (6) Special regulations dealing with planned district development, open space, landscaping, storage, access and traffic control, lighting and slope areas, where applicable.

§ 170-302. Establishment of districts.

For the purpose of this Ordinance, the entire Borough of Canonsburg is hereby divided into the following districts:

District	General Purpose of District
C Conservation District	For the protection of environmentally sensitive lands
R-1 Low Density Residential	For single-family use
R-2 Medium Density Residential	For single-family and medium density multi-family use
R-3 High Density Residential	For medium to high density multi-family uses
MU Mixed Use District	For a mixture of single-family and small scale commercial uses
CBD Central Business District	For a concentration of commercial uses in a traditional main street setting
C-1 General Commercial District	For general service commercial functions along major corridors
OI Flex Office / Industrial	For a mixture of office and light industrial uses
I-1 Industrial	For a mixture of light and heavy industrial uses

§ 170-303. Zoning Map

- A. Title. The map showing the division of the Borough into the designated zoning districts shall be known as the "Borough of Canonsburg Zoning Map." Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this chapter as if all were fully described herein.
- B. Adoption of Zoning Map. The Borough of Canonsburg Zoning Map shall be kept on file with the Borough Secretary. If and whenever changes are made in boundaries of other matter included on said Zoning Map, such changes in the Zoning Map shall be made within 30 days after any such amendment has been adopted by the Borough Council.
- C. District boundary lines. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets, the limits of the Borough or as dimensioned on the map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board, as provided in this article, shall prevail.
- D. Title boundary tolerances. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the use regulations applicable to the more restrictive district shall apply. The most restrictive district shall be the C District, followed in descending order by the R-1, R-2, R-3, MU, CBD, C-1, OI and I-1 Districts.

§ 170-304. Annexed land or land otherwise acquired.

All land annexed to or otherwise acquired for the Borough after the effective date of this chapter shall be automatically classified as an R-I Residential District and shall remain so classified until a zoning plan for the annexed area has been adopted by the Borough Council. The Planning Commission shall recommend to the Borough Council appropriate zoning for the annexed area within 90 days of the effective date of such annexation or acquisition.

§ 170-304. Authorized Uses.

- A. Table 301 contains the list of principal uses that are authorized within each of the zoning districts; Table 302 contains the list of authorized accessory uses.
- B. For the purposes of this Article, the following abbreviations shall have the following meanings:
 - P = Permitted use by right (zoning determination by the Zoning Officer)
 - SE = Permitted as a special exception use (zoning decision by the Zoning Hearing Board)
 - CU = Permitted as a conditional use (zoning decision by Council)
 - (Subject to §603) = Subject to additional requirements specified in §603 of this Ordinance.
 - N = Not a permitted use in the zoning district
- C. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance, any land or structure shall only be used or occupied for a use specifically listed in this Section as being allowed in the zoning district where the land or structure is located. Such use shall only be permitted if the use complies with all other requirements of this Chapter.

§ 170-305. Prohibited Uses.

Uses not specifically listed in any district as permitted, special exception or conditional shall be prohibited in that district.

§ 170-306. Uses Not Specifically Regulated.

Whenever, a use is not specifically permitted in any district established under this chapter, and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, who may authorize the use by special exception in accordance with the applicable express standards and conditions for "Uses Not Specifically Regulated" specified in §602 of this Chapter.

TABLE 301 AUTHORIZED PRINCIPAL USES

	C	R-1	R-2	R-3	MU	CBD	C-1	OI	I-1
RESIDENTIAL USES									
Single-Family									
Single Family Dwelling, Detached	N	P	P	P	P	N	N	N	N
Multi-Family									
Duplex/Two Family Dwelling	N	CU	P	P	P	N	N	N	N
Triplex	N	N	N	P	N	N	N	N	N
Fourplex	N	N	N	P	N	N	N	N	N
Townhouse, subject to §603.Q	N	N	P	P	CU	N	N	N	N
Apartment, subject to §603.D	N	N	P	P	CU	N	N	N	N
Garden Apartment, subject to §603.Q	N	N	N	P	CU	N	N	N	N
High-Rise Apartment, subject to §603.Q	N	N	N	P	N	P	N	N	N
Group Living									
Boarding House, subject to §603.I	N	N	N	N	N	N	N	N	N
Group Care Facility, subject to §603.T	N	N	N	CU	CU	N	N	N	N
Personal Care Boarding Home, subject to §603.T	N	N	N	CU	CU	N	N	N	N
Transitional Dwelling, subject to §603.T	N	N	N	CU	N	N	N	N	N
Residential Developments									
Manufactured Home Park, subject to §603.Z	N	N	CU	N	N	N	N	N	N
Retirement Community, subject to §603.II	N	N	CU	CU	N	N	N	N	N
INSTITUTIONAL / SEMI-PUBLIC USES									
Government/Utility/Public									
Cemetery, subject to §603.K	N	P	N	N	N	N	N	N	N
Communications Tower, subject to §603.L	CU	N	N	N	N	N	N	CU	CU
Essential Services	P	P	P	P	P	P	P	P	P
Firehouse	N	SE	SE	SE	SE	SE	SE	SE	SE
Place of Worship, subject to §603.EE	N	P	P	P	P	N	N	N	N
Public Buildings, including Utilities, subject to §603.FF	N	SE	SE	SE	SE	SE	SE	SE	SE
Public Parking Lot/Garage	N	N	N	N	CU	CU	P	CU	P
Public Transit Park and Ride Facility	N	N	N	N	N	N	CU	CU	CU
Medical									
Assisted Living/Nursing Home, subject to §603.V	N	N	N	CU	CU	N	N	N	N
Clinic, subject to §603.T	N	N	N	N	N	N	P	P	P
Hospital, subject to §603.V	N	N	N	N	N	N	CU	CU	N
Medical Marijuana Dispensary, subject to §603.AA	N	N	N	N	CU	N	CU	CU	N
Medical Marijuana Growth/Processing Facility, subject to §603.BB	N	N	N	N	N	N	N	CU	CU
Treatment Center, subject to §603.PP	N	N	N	N	N	N	N	N	CU

	C	R-1	R-2	R-3	MU	CBD	C-1	OI	I-1
Schools/Daycare									
Commercial School, subject to §603.JJ	N	N	N	N	N	P	P	P	N
Day Care Center - Adult, subject to §603.O	N	N	SE	SE	SE	N	N	N	N
Day Care Center - Child, subject to §603.P	N	N	SE	SE	SE	N	N	N	N
Public or Private School, subject to §603.JJ	N	P	P	P	P	P	P	P	N
Open Space/Recreation									
Indoor Recreation	N	N	N	CU	P	P	P	P	N
Outdoor Recreation	N	CU	CU	CU	CU	N	CU	P	N
Private Recreation	N	N	N	CU	P	N	P	P	N
COMMERCIAL USES									
Accommodations									
Bed and Breakfast Inn, subject to §603.G	N	CU	CU	CU	CU	N	N	N	N
Hotel/Motel, subject to §603.W	N	N	N	N	CU	P	P	N	N
Animal Uses									
Animal Daycare; §603.B	N	N	N	N	N	N	N	CU	CU
Animal Hospital subject to §603.C	N	N	N	N	N	N	CU	P	N
Kennel/Animal Shelter, subject to §603.Y	N	N	N	N	N	N	N	CU	P
Pet Services	N	N	N	N	N	CU	P	N	N
Veterinary Clinic	N	N	N	N	N	N	CU	P	N
Auto-Related Uses									
Auto Body / Repair Shop, subject to §603.F	N	N	N	N	N	N	P	N	P
Auto Sales / Rental, subject to §603.E	N	N	N	N	N	N	P	N	N
Auto Service Station, subject to §603.E	N	N	N	N	N	N	P	N	P
Car wash, subject to §603.J	N	N	N	N	N	N	P	N	P
Gas Station, subject to §603.S	N	N	N	N	CU	N	P	P	P
Eating / Drinking									
Bar or Tavern	N	N	N	N	CU	P	P	N	N
Micro-Brewery/Micro-Distillery	N	N	N	N	CU	P	P	P	N
Private Club	N	N	N	N	CU	N	CU	N	N
Restaurant - fast food	N	N	N	N	CU	P	P	N	N
Sit Down Restaurant	N	N	N	N	CU	P	P	CU	N
Winery	N	N	N	N	CU	P	P	P	N
Professional / Offices									
Bank / Financial Institution	N	N	N	N	P	P	P	P	N
Business or Professional Office	N	N	N	N	P	P	P	P	N
Medical Office	N	N	N	N	P	P	P	P	N
Miscellaneous Commercial									
Adult-Oriented Establishment, subject to §603.A	N	N	N	N	N	N	N	N	CU
Billboard, subject to §603.H	N	N	N	N	N	N	N	CU	N
Crematorium, subject to §603.N	N	N	N	N	N	N	N	CU	CU
Funeral Home, subject to §603.R	N	N	SE	SE	SE	N	N	N	N
Indoor Entertainment	N	N	N	N	P	P	P	P	N
Mixed Use Development	N	N	N	N	P	P	P	CU	N
Pawn Shop, subject to §603.DD	N	N	N	N	N	N	CU	N	N

	C	R-1	R-2	R-3	MU	CBD	C-1	OI	I-1
Retail / Sales									
Farmers Market	N	N	N	N	P	P	P	N	N
Garden Nursery	N	N	N	N	N	N	SE	N	P
Retail Business 5,000 sq ft or less	N	N	N	N	P	P	P	CU	N
Retail Business >5,000 sq ft, subject to §603.HH	N	N	N	N	N	CU	P	CU	N
Shopping Center, subject to §603.LL	N	N	N	N	N	N	CU	CU	N
Services									
Business Services	N	N	N	N	P	P	P	P	N
Education Studio	N	N	N	N	P	P	P	N	N
Health Club	N	N	N	N	P	P	P	P	N
Personal Services	N	N	N	N	P	P	P	N	N
Printing Establishment	N	N	N	N	CU	CU	P	P	P
Tattoo Parlor / Body Piercing, subject to §603.NN	N	N	N	N	CU	N	CU	N	N
INDUSTRIAL USES									
Brewery	N	N	N	N	N	N	N	P	P
Contracting Business and Contractor's Yard, subject to §603.M	N	N	N	N	CU	N	N	CU	CU
Junkyard, subject to §603.X	N	N	N	N	N	N	N	N	CU
Landfill, subject to §603.MM	N	N	N	N	N	N	N	N	CU
Manufacturing, Light	N	N	N	N	N	N	CU	P	P
Manufacturing, Heavy	N	N	N	N	N	N	N	CU	CU
Natural Gas Compressor Station, subject to §603.CC	N	N	N	N	N	N	N	CU	CU
Natural Gas Processing Plant, subject to §603.CC	N	N	N	N	N	N	N	CU	CU
Oil and Gas Well, subject to §603.CC	CU	CU	CU	CU	N	N	N	CU	CU
Office or Research Park	N	N	N	N	N	N		P	P
Research and Development	N	N	N	N	N	N	CU	P	P
Self-Storage Facility, subject to §603.KK	N	N	N	N	N	N	CU	CU	P
Truck Terminal	N	N	N	N	N	N	CU	CU	CU
Warehousing and Distribution	N	N	N	N	N	N	CU	P	P
Wholesale Business	N	N	N	N	N	N	CU	P	P
MISCELLANEOUS USES									
Forestry	P	P	P	P	P	P	P	P	P
Renewable Energy Systems									
Solar Energy System (Large), subject to §603.GG	CU	N	N	N	N	N	N	CU	CU
Wind Energy System (Large), subject to §603.GG	CU	N	N	N	N	N	N	CU	CU
Temporary Use structure, subject to §603.OO	SE	SE	SE	SE	SE	SE	SE	SE	SE

TABLE 302 AUTHORIZED ACCESSORY USES

	C	R-1	R-2	R-3	MU	CBD	C-1	OI	I-1
ACCESSORY USES, SUBJECT TO §308									
Communications antenna	CU	N	N	N	N	N	CU	CU	CU
Drive-through facilities	N	N	N	N	CU	P	P	P	N
Family day care home	N	SE	SE	SE	SE	N	N	N	N
Group day care home	N	N	N	N	SE	N	N	N	N
Fences	P	P	P	P	P	P	P	P	P
Helipad - Private Use; Subject to §603.U	CU	N	N	N	CU	N	CU	CU	CU
Home occupation	N	SE	SE	SE	SE	N	N	N	N
No-Impact Home-Based Business	N	P	P	P	P	N	N	N	N
Off-street parking and loading	P					P	P	P	P
Pre-school facility	N	P	P	P	P	N	N	N	N
Private garages and storage buildings	N	P	P	P	P	N	N	N	N
Private residential swimming pools/sport courts	N	P	P	P	CU	N	N	N	N
Signs	P	P	P	P	P	P	P	P	P
Temporary construction trailer/model home/sales office	P	P	P	P	P	P	P	P	P
Renewable Energy Systems, subject to §603.GG									
Outdoor hydronic heater	N	P	P	P	P	N	N	N	N
Solar energy system (small)	P	P	P	P	P	P	P	P	P
Solar energy system (large)	N	N	N	N	N	N	N	CU	CU
Wind energy system (small)	P	P	P	P	P	P	P	P	P

§ 170-307. Dimensional Requirements.

- A. Table 303 contains the dimensional requirements for the specified zoning district, unless a more restrictive requirement for a specific use is required by another section of this Chapter.
- B. Exception to height limitations.
 - (1) The height limitations of this Ordinance shall not apply to the following structures: Church spires, chimneys, 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 fifteen (15) feet.
- C. Lot and yard requirements.
 - (1) Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.
 - (2) For nonconforming lots of record, the following exceptions to yards shall apply to all permitted single family dwellings and duplexes, where permitted:
 - (a) The minimum front yard may be reduced to the median front yard of the two adjacent structures, whichever is less.
 - (b) The minimum rear yard may be reduced to twenty percent (20%) of the lot depth, whichever is less.
 - (c) The minimum side yard may be reduced to five (5) feet.
- D. Projections into yards. No structure, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies and platforms above basic grade level, shall project into any required front, side or rear yard, except as provided below:
 - (1) Subject to the clear sight triangle requirements in §170-504, shall not apply to terraces, steps, wheelchair ramps, uncovered porches, or other similar features not over three (3) feet high above grade level.
 - (2) Minor utility fixtures, unenclosed patios and articles of decoration around a main building may be located in any required yard.
 - (3) A buttress, chimney, cornice, pier or pilaster extending no more than two (2) feet from the wall of the principal structure may be located in any required yard.
 - (4) The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two (2) structures which may be nonconforming with respect to the front yard, provided that the resulting front yard shall not be less than the median front yard of the two (2) adjacent structures.

- E. Parking and storage of vehicles in all residential districts. In any residential district, the following restrictions shall apply.
- (1) The parking of any vehicle other than an automotive passenger vehicle, station wagon, pickup truck, panel truck or recreational vehicle in required front yards shall be prohibited.
 - (2) Parking of any other type of truck, except for temporary loading or unloading, shall be prohibited.

Table 303: Dimensional Requirements

	Minimum Lot Size	Minimum Lot Width	Maximum Impervious Surface	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
<u>C - CONSERVATION</u>							
All uses	1 acre	100 ft	25%	35 ft	35 ft	35 ft	35 ft
<u>R1 LOW DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	7,500 sq ft	50 ft	60%	20 ft	10 ft	25 ft	35 ft
All others	10,000 sq ft	50 ft	60%	25 ft	25 ft	25 ft	35 ft
<u>R-2 MEDIUM DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	6,000 sq ft	40 ft	60%	20 ft	8 ft	25 ft	35 ft
Dwelling, Townhouses	2,500 sq ft per du	80 ft	50%	20 ft	15 ft	25 ft	35 ft
Dwelling, Duplex	7,500 sq ft	50 ft	60%	20 ft	10 ft	25 ft	35 ft
All others	10,000 sq ft	50 ft	60%	25 ft	15 ft	25 ft	35 ft
<u>R-3 HIGH DENSITY RESIDENTIAL</u>							
Dwelling, Single-family Detached	5,000 sq ft	40 ft	50%	20 ft	5 ft	25 ft	35 ft
Dwelling, Townhouses	2,000 sq ft per du	60 ft	50%	20 ft	10 ft	25 ft	35 ft
Dwelling, Duplex	6,000 sq ft	40 ft	50%	20 ft	5 ft	25 ft	35 ft
Dwelling, Multi-family	1,800 sq ft per du	80 ft	75%	20 ft	25 ft	25 ft	36 ft
All others	10,000	50 ft	35%	25 ft	20 ft	25 ft	25 ft
<u>MU MIXED USE DISTRICT</u>							
Dwelling, Single-family Detached	5,000 sq ft	40 ft	50%	20 ft	5 ft	25 ft	35 ft
Dwelling, Duplex	6,000 sq ft	25 ft	50%	20 ft	5 ft	25 ft	35 ft
All others	5,000	80 ft	35%	25 ft	20 ft	25 ft	25 ft

Table 303: Dimensional Requirements (continued)

	Minimum Lot Size	Minimum Lot Width	Maximum Impervious Surface	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Building Height
<u>CBD - CENTRAL BUSINESS DISTRICT</u>							
All uses	2,500 sq ft	25 ft	100%	0*	0' if share party wall; 10' if not	5 ft	100 ft
<u>C-1 - GENERAL COMMERCIAL DISTRICT</u>							
All uses	5,000 sq ft	50 ft	70%	25	5 ft	20 ft	40 ft
<u>OI – FLEX OFFICE / INDUSTRIAL DISTRICT</u>							
All uses	20,000 sq ft	100 ft	80%	25 ft	10 ft	20 ft	50 ft
<u>I-1 – INDUSTRIAL DISTRICT</u>							
All uses	40,000 sq ft	100 ft	80%	25 ft	10 ft	20 ft	50 ft

* Build-to-Line: All buildings in the Central Business District shall be built to the sidewalk or to the average setback of the adjacent buildings, with a maximum of 20 feet, unless it includes an outdoor plaza, courtyard or outdoor dining, in which case the setback shall be between ten (10) and twenty (20) feet.

§ 170-308. Standards for Accessory Uses and Structures.

- A. All accessory uses and structures shall meet the following criteria:
 - (1) Such use is on the same lot as the principal use or structure and is customarily incidental and subordinate to the principal use or structure.
 - (2) Such use is not intended to expand a use otherwise limited in that area.
 - (3) Such use is consistent with the normal requirements of the principal use and is not excessive for such use or for that district.
 - (4) Such use is not detrimental to the surrounding area or properties.
 - (5) Adequate area is available without reducing the area requirements set forth for the use in the district in which it lies.
- B. A zoning permit shall be required for every accessory use or structure.
- C. If the principal use or structure is one which would require land development approval through the Subdivision and Land Development Ordinance, such accessory use or structure shall require such approval.
- D. There must be a principal structure on the lot prior to the issuance of a Zoning Permit for an accessory structure, except that accessory structures customarily associated with parks and playgrounds shall be allowed on site without a principal structure. Such structures may include, but are not limited to picnic pavilions, gazebos, and equipment storage sheds.
- E. Accessory structures in all zoning districts shall meet following requirements:
 - (1) No accessory structure shall be located in a front yard, unless specifically permitted in this Chapter.
 - (2) All accessory structures shall maintain a side and rear yard of at least five (5) feet, unless otherwise specified in this Chapter.
 - (3) All accessory structures shall be limited to one (1) story or fifteen (15) feet in height, unless otherwise specified in this Chapter.
 - (4) Communications Antennas Mounted on an Existing Building or Existing Public Utility Storage or Transmission Structure.**
 - (a) Building mounted antennas shall not be permitted on any single family or two family dwellings.
 - (b) 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).

- (c) Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than twenty (20) feet. Antennas mounted on an existing public service corporation facility storage or transmission tower shall not project more than twenty (20) feet above the height of the tower.
- (d) Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.
- (e) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.
- (f) Satellite and microwave dish antennas mounted on the roof of a building or on a self-supporting communications tower shall not exceed six (6) feet in diameter.
- (g) Satellite and microwave dish antennas mounted on a monopole communications tower or existing public service corporation facility storage or transmission structure shall not exceed two (2) feet in diameter.
- (h) 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 wind and other loads associated with the antenna's location.
- (i) 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.
- (j) 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 or available for other uses on 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.
- (k) Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining residential property, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
- (l) 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 twenty (20) feet and which shall be improved with a dust-free all-weather surface for its entire length.
- (m) At least one (1) 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.

(5) Fences and Walls.

- (a) Fences and walls shall be permitted for all residential uses, provided that their height be limited to four (4) feet in the front yard and six (6) feet in side and rear yards shall be permitted.
- (b) All fences shall be constructed of customary fencing materials, but shall exclude chain link fencing in front yards. In no areas of any yard shall fencing ordinarily used for construction activity, such as silt fences or temporary construction fences be permitted, except during the time when such construction activity is being performed.
- (c) A chain-link-type fence not more than ten (10) feet in height may be erected in any required yard for schools, playgrounds or parks.
- (d) A chain-link-type fence not more than ten (10) feet in height may be erected in any required yard for industrial uses or commercial uses. A solid fence no more than ten (10) feet high may be erected in any required commercial or industrial yard with the approval of the Zoning Officer.
- (e) Fences are not subject to the minimum yard setback requirements and may be located up to the property line, except in areas where they are adjacent to public streets, in which case fences shall be required to be located a minimum of two (2) feet from the back of curb or edge of pavement. The finished side of the fence shall face the adjoining property or public street where applicable.
- (f) All fences and walls shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving the property or adjacent properties and shall comply with the clear sight triangle required by §170-504.

(6) Residential accessory building and structures and detached garages.

- (a) Accessory buildings shall not exceed 150 square feet in area and one story in height. Such accessory structures shall not be used for garage purposes.
- (b) Impermanent structures or structures which are to be comprised of makeshift materials or structures which are subject to extreme weathering and unsightly conditions shall not be permitted.
- (c) No detached garage or storage structure accessory to a dwelling shall be located in the minimum required front yard.
- (d) All accessory storage structures and garages shall be located at least ten (10) feet from any principal building, except that a detached garage may be connected to the principal building by contiguous side walls, breezeways or similar connections.

(7) Structures Accessory to Non-Residential Structures and Buildings.

- (a) No structure accessory to a non-residential building or structure, other than a sign or off-street parking area, shall be located in the front yard.
- (b) Structures accessory to non-residential buildings or structures shall not be located within any required Buffer Area.
- (c) Where a Buffer Area is not required, all structures accessory to nonresidential buildings or structures shall be located at least ten (10) feet from the rear property line and at least twenty (20) feet from the side property lines.
- (d) All accessory storage structures and garages shall be located at least ten (10) feet from any principal building, except that a detached garage may be connected to the principal building by contiguous side walls, breezeways or similar connections.

(8) Canopies and Similar Structures.

- (a) Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in all commercial and industrial districts, provided that:
- (b) Such structure shall not be attached to the principal building;
- (c) Such structure shall be located at least ten (10) feet from any property line or street right-of-way;
- (d) Such structure shall not be enclosed; and
- (e) Such structure shall be removed immediately, once the principal use or the use of the accessory structure is discontinued.

(9) Swimming Pools.

- (a) Private swimming pools, including any deck areas and/or accessory structures shall not be located closer than ten (10) feet of any property line. Swimming pools shall not be permitted in the front yard.
- (b) Pools shall be fenced and secured in accordance with the requirements of the Uniform Construction Code (UCC).

F. The following accessory uses shall be permitted in accordance with the stated requirements:

- (1) **Urban Agriculture.** Urban agriculture, as defined in Article II, shall be permitted as an accessory use to a detached single-family dwelling in any district. The keeping of farm animals or livestock for agricultural purposes shall be strictly prohibited.
- (2) **Drive-Through Facilities.** Drive-through facilities shall be an authorized accessory use in zoning districts where permitted (see Table 302), provided the following requirements are met:
 - (a) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

- (b) On-lot traffic circulation and parking areas shall be clearly marked.
 - (c) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
 - (d) A drive-through window shall not be placed on a wall of building that faces onto a public street. To the maximum extent feasible, drive-through windows shall be placed to the rear of the building, with a location to the side of the building being used if the rear is not feasible.
 - (e) Any ordering area for a drive-through facility for a restaurant shall be setback a minimum of 100 feet from any existing principal dwelling, unless a stricter requirement is established by another provision of this Ordinance. The applicant for a drive-through facility shall control the volume of any loudspeaker and/or use setbacks or acoustic barriers so that the loudspeaker cannot be heard from a dwelling. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary.
 - (f) To the maximum extent feasible, vehicle access for drive-through facilities shall enter or exit using an alley or a low-traffic street.
- (3) **Family and Group Day Care Homes.** All child day care facilities shall comply with all current Pennsylvania Department of Public Welfare (DPW) regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
- (a) Group Day Care Homes must provide proof an approved and currently valid DPW license at the time of application and must provide proof of annual license renewal to the Zoning Officer.
 - (b) Family Day Care Homes must provide proof of an approved DPW registration certificate at the time of application and must show proof of the registration renewal every two years to the Zoning Officer.
 - (c) All activities shall be conducted in an occupied, detached single-family residence.
 - (d) Activities shall be limited to functions normally associated with the part-time tending of children and shall not include overnight lodging.
 - (e) No portion of a child day care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
 - (f) The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the governing body. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering

the play area. Whenever possible, the on-site outdoor play area shall not be located in the front yard. Outdoor play shall be limited to the hours between 8:00AM and sunset, as defined by the National Weather Service.

- (g) Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height and roof pitch of any addition and the building materials used shall be compatible with the existing structure. Any improvements to the structure shall be in compliance with all other applicable Borough regulations relating to building and/or zoning permits.
- (h) Family Day Care Homes shall provide one (1) on-site drop-off space.
 - (i) An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle.
 - (ii) In cases where the drop-off area cannot be accompanied on the site, the applicant shall demonstrate that there is on-street parking.
 - (iii) The required drop-off area may be waived by the Borough if the applicant can demonstrate that the clients will walk to the facility, thereby eliminating the need for the additional parking space.
- (i) Group Day Care Homes shall provide an on-site drop-off area with sufficient area to allow for the temporary parking of two (2) vehicles.
 - (i) An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two (2) parked vehicles.
 - (ii) In cases where the existing driveway cannot function as a drop-off area, two (2) new on-site drop-off spaces shall be provided. The drop-off area shall conform to the required dimensional standards for residential parking spaces.
- (j) In addition to the off-street parking requirements required under Article VII, Group Day Care Homes shall provide two additional on-site parking spaces for non-resident employee. The parking space shall conform to the required dimensional standards for residential parking spaces.
- (k) Signs shall comply with standards governing signs for home occupations.

(4) Home Occupations.

- (a) No Impact Home Based Businesses shall satisfy the following requirements:
 - (i) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (ii) The business shall employ no employees other than family members residing in the dwelling.
 - (iii) There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.

- (iv) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (v) The business activity may 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.
 - (vi) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (vii) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (viii) The business may not involve any illegal activity.
- (b) Home Occupations shall meet all of the same regulations as No Impact Home Based Businesses, except that the following standards are modified:
- (i) The business activity shall be conducted in the dwelling and/or one accessory building on the lot and may not occupy more than 50% of the gross floor area.
 - (ii) No more than one person who does not reside within the dwelling may be employed on the premises, or use the property as a meeting place for the purpose of traveling to a work site. If the use will include a non-resident employee, then an additional off-street parking space shall be provided, in addition to the parking for the dwelling. If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.
 - (iii) The nature of the services rendered shall be of that type which are primarily and customarily provided to clients on an individual basis and by appointment only, or off-site; however, medical/dental offices are not permitted.
 - (iv) Any tutoring or instruction shall be limited to a maximum of three (3) students at a time.
 - (v) If the use will involve customers regularly visiting the property, then another additional off-street parking space shall be provided.
 - (vi) There shall be no signs present on the property except for one (1) wall sign, not to exceed one (1) square foot, indicating the address and the occupant's name; for example, Joe Doe - Accountant.
 - (vii) The use shall not require delivery by tractor-trailer trucks.
 - (viii) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - (ix) Parties for the purpose of selling merchandise or taking orders shall not be held more than four (4) times each month.
 - (x) Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than seventy-two (72) consecutive hours.

Article 4 – Overlays

§ 170-401. The Downtown Overlay

A. Purpose

- (1) The requirements of this Article expands provisions outlined in the Pennsylvania Municipalities Planning Code Article VI and Article VII-A, the purpose of these provisions is to promote the public health, safety, and welfare of the Borough by maintaining and enhancing the character of the Borough's "Downtown Area".

B. Concept

- (1) The Downtown Overlay District shall include areas of the Central Business District, Mixed Use District, and General Commercial District as shown on the official Zoning map and enacted to regulate the use and redevelopment of buildings, structures, and land within the Borough's "Downtown" area.

C. Applicability

- (1) It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken any construction or development within the Downtown Overlay unless an approved building permit has been obtained from the Zoning Officer in accordance with this and all other existing ordinances.

D. Definition of Downtown Overlay

- (1) The Downtown Overlay District shall consist of the areas shown on the Official Borough Zoning Map.

E. Boundary Interpretation

- (1) Where an interpretation is needed as to the exact location of the boundaries of the Downtown Overlay in relation to a given lot, an initial determination shall be made by the Zoning Officer. Any person seeking such a determination may submit any pertinent documentation for consideration.

F. Appeal of Boundary Interpretation

- (1) Any person aggrieved by any such determination of the Zoning Officer under this chapter may appeal to the Zoning Hearing Board. The appellant contesting the location of the Downtown Overlay boundary shall have the burden of proof in case of any such appeal.

G. Downtown Overlay Requirements

(1) Lot Dimensional Requirements

- (a) Due to the nature of the existing buildings, lot dimensional requirements may be modified or waived by Borough Council.

(2) Parking and Loading Requirements

- (a) Parking and loading requirements may be modified or waived by Borough Council.

(3) Buffer Area and Landscaping

- (a) Parking and loading requirements may be modified or waived by Borough Council.

Article 5 – Supplemental Regulations

§ 170-501. Applicability.

The requirements of this Article supplement the requirements governing each zoning district and shall apply to all uses within all zoning districts.

§ 170-502. Performance Standards.

The following performance standards shall apply to all authorized uses in all nonresidential zoning districts. All conditional uses and uses by special exception in all districts shall comply with the requirements of this Section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Borough Council or Zoning Hearing Board may require a qualified consultant to testify, whose cost for services shall be borne by the applicant.

A. Fire Protection.

Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters 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.

(1) No operation or activity shall cause or create noise in excess of the sound levels prescribed below:

- (a) Residential Districts: At no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA for more than four (4) hours during a twenty-four (24) hour equivalent period.
- (b) Commercial Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.
- (c) Industrial Districts: At no point on or beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.

(2) Where two (2) or more zoning districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.

(3) The following uses or activities shall be exempted from the noise regulations:

- (a) Noises emanating from construction or maintenance activities between 7:00 a.m. and 7:00 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 7:00 a.m. and 11:00 p.m.

(4) 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.

E. Odors.

No use shall emit odorous gas or other odorous matter in such quantities as to be offensive at any point on or beyond the lot lines. The guide for determining such quantities shall be the fifty percent (50%) response level of Table I (Odor Thresholds in Air), "Research on Chemical Odors: Part I – Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

F. Smoke, Ash, Dust, Fumes, Vapors and Gases.

There shall be no emission at any point for longer than five (5) minutes in any hour of visible gray or other color smoke, ash, dust, fumes, vapors or gases 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.

All lighting devices shall be designed with shields, reflectors or refractor panels which direct and cut off light at a cut-off angle that is less than sixty degrees (60°). (See illustration in Appendix B)

- (1) No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty degrees (60°) from horizontal shall be utilized.
- (2) All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures shall be equipped with a glare shielding device, cutoff downward cast in the case

of freestanding area lighting, approved by the Borough Engineer. The height of all luminaries must also be approved by the Borough Engineer. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of one (1) footcandles with a maximum intensity at any given point on the ground of five (5) footcandles, unless otherwise approved by the Borough Council.

(3) The height of a luminary shall be limited as follows:

- (a) In any residential district, the maximum height permitted shall be twenty (20) feet.
- (b) In any other district, the maximum height shall be twenty-five (25) feet, except where otherwise specified.
- (c) Ball diamonds, playing fields and tennis courts having a unique requirement for nighttime visibility may be exempted from Subsections a and b if, in the judgment of the Borough Council, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.
- (d) The Borough Council may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

H. Erosion.

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

I. Water Pollution.

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (PA 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 the 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 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.

§ 170-503. Buffer Areas and Landscaping.

A. Buffer Areas Described.

Buffer Areas, as defined by this Chapter, shall meet all of the following criteria. (See Appendix C for illustrations of Buffer Areas)

- (1) Buffer Area “A” shall contain two (2) rows of plantings. Each row shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen plantings spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The two (2) rows shall be staggered in a manner which shall result in adjacent trees on two (2) different rows being no more than ten (10) feet apart, measured from the vertical centerlines of the trees. The depth of Buffer Area “A” shall be thirty-five (35) feet as measured from the property line.
- (2) Buffer Area “B” shall contain one (1) row of plantings which shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen spaced within the row a minimum of ten (10) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area “B” shall be twenty-five (25) feet as measured from the property line.
- (3) Buffer Area “C” shall be comprised of a continuous, compact evergreen hedge or line of evergreen trees that will grow together when mature and that are a minimum of six (6) feet in height at the time of planting. The depth of Buffer Area “C” shall be fifteen (15) feet as measured from the property line.
- (4) None of the required plantings shall encroach across any property line. All plantings shall be located so that, at maturity, all parts of the tree shall be a minimum of two and one-half (2 ½) feet from any public street right-of-way or any property line which constitutes the exterior boundary of the Buffer Area.
- (5) In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, the Borough Council, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by the Borough Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.

- (6) In the event that a public street right-of-way, dedicated and accepted by the Borough separates the two (2) dissimilar uses specified, the Buffer Area shall not be required, except when one of the uses is residential, the Buffer Area shall still be required.
- (7) Openings for driveways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of this Chapter.
- (8) No structures or uses shall be permitted in the required Buffer Area, other than active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area. Structures or uses not permitted within the required Buffer Area include, but are not limited to, buildings, accessory structures, parking spaces, access drives and lighting devices.

B. Buffer Areas Required.

Buffer Areas “A”, “B” and “C” listed above shall be required under the following circumstances:

(1) Buffer Area “A”

- (a) Along all property lines in the OI Flex Office/Industrial District and the I-1 Industrial District where the property abuts a residential, mixed use or commercial zoning district.
- (b) Where the express standards and criteria for a specific use of this Chapter specify that Buffer Area “A” is required.

(2) Buffer Area “B”

- (a) Along all property lines in the C-1 Commercial District where the property abuts a residential or mixed use zoning district.
- (b) Where the express standards and criteria for a specific use of this Chapter specify that Buffer Area “B” is required.

(3) Buffer Area “C”

- (a) Along all property lines in the MU Mixed Use District and C-1 General Commercial District where the property abuts a residential zoning district.
- (b) Where the express standards and criteria for a specific use in this Chapter specify that Buffer Area “C” is required.

C. Conflict Between Buffer Area and Yard Requirements.

When the width of a required Buffer Area is in conflict with the minimum yard requirements, the greater distance shall apply. The Buffer Area planting requirement shall be adhered to regardless of the yard requirement.

D. Existing Structures in Buffer Areas.

In instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure which encroaches on the required Buffer Area. The required Buffer Area shall apply on all other sides of the existing structure.

E. Existing Trees in Buffer Areas.

- (1) 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 must 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 said removal. This permission will not be unreasonably denied; however, those who violate this Section shall be subject to the maximum penalties authorized by this Chapter.
- (2) When any trees, regardless of their physical condition, are removed, they shall be replaced by trees suitable to the environment. (See Appendix D for a suggested list of plant materials) All such replacement planting shall be in accordance with accepted conservation practices.

F. Size of Trees in Required Buffer Areas.

- (1) Any existing trees within the required Buffer Area which are a minimum of four (4) inches in diameter at diameter breast height (DBH) 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.
- (2) All trees required to be planted within the Buffer Area shall be a minimum of two (2) inches in diameter at a point one (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 six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.

G. Responsibility for Maintenance.

It shall be the responsibility of the landowner or lessee 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.

H. Stormwater Management Facilities in Buffer Areas.

Stormwater management facilities and structures may be maintained within a Buffer Area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

I. 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 shall be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks 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 shall occur within two (2) weeks of April 1.

J. Additional Landscaping Specifications.

Landscaping shall be provided in accordance with the following specifications:

- (1) Planting required in Buffer Areas shall not be substituted for any required planting mandated in this Section.
- (2) A landscaping plan, with detailed drawings, shall be submitted with the preliminary application for approval of the land development plan required by the Borough Subdivision and Land Development Chapter and this landscaping plan shall contain and show the following information:
 - (a) All required Buffer Areas with proposed plantings (identifying each proposed tree, bush or shrub) drawn to scale and identifying the height and width of any proposed mounds.
 - (b) All required planting independent of any Buffer Area requirements (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale.
 - (c) Any planting in excess of the requirements of this Chapter.
 - (d) Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
 - (e) Any existing trees or vegetation which will be removed, accurately identifying their relative location.
- (3) Parking areas shall be landscaped in accordance with the following requirements:
 - (a) In the event that a parking area containing ten (10) or more spaces is not already separated from property in a "R" Zoning District by a Buffer Area, then Buffer Area C shall be provided along any property line where the parking area adjoins property in a "R" Zoning District.
 - (b) In a Planned Shopping Center, if parking is located in a required front yard, the parking area shall be located at least twenty (20) feet from the public street right-of-way. In all other land developments, if parking is located in a required front yard, the parking area shall be located at least twelve (12) feet from the public street right-of-way. In all cases, the area between the street right-of-way

and the parking area shall be landscaped with an earthen mound that is a minimum of two (2) feet in height and a mix of landscaping materials from the List of Suggested Plant Materials in Appendix D, including ground cover, trees and shrubs. The location of these landscaping materials shall not obstruct visibility for traffic entering or leaving the site and shall comply with the clear sight triangle requirements.

- (4) In any nonresidential development, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Building Footprint</u>	<u>Requirement</u>
1,000 sf – 30,000 sf	1 tree for each 1,000 sf of building footprint
30,001 sf – 75,000 sf	A minimum of 30 trees plus 1 tree for each 3,000 sf of building footprint in excess of 30,000 sf
Over 75,000 sf	A minimum of 45 trees plus 1 tree for each 5,000 sf of building footprint over 75,000 sf

* *sf* = *square feet*

The required trees shall be planted in clusters on the site and shall be distributed throughout the site to enhance the green space on the site. The final location of the plantings shall be subject to approval by the Borough depending on the size of the site, the magnitude of the required Buffer Area and the amount of paving and building coverage proposed.

- (5) In any development which contains single family dwellings, duplexes, triplexes, fourplexes, or townhouses, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Number of Dwellings</u>	<u>Required Trees</u>
First 25 dwelling units	1 tree for each dwelling unit
26 + dwelling units	1 tree for each dwelling unit plus 1 tree for every 10 dwelling units

The required trees shall be planted as front yard trees for each unit. Additional trees may be clustered in groups around the dwellings and shall not be located within any public street right-of-way or within any easements.

- (6) In any development that contains apartments, including garden and high-rise apartment buildings, deciduous trees shall be planted in accordance with the following schedule. These trees shall be in addition to the trees provided in any required Buffer Area or parking area:

<u>Number of Dwelling Units</u>	<u>Required Trees</u>
First 10 dwelling units	1 tree for each dwelling unit
11 to 30 dwelling units	10 trees plus 1 tree for every 5 dwelling units
31 – 100 dwelling units	15 trees plus 1 tree for every 10 dwelling units
101-200 dwelling units	25 trees plus 1 tree for every 15 dwelling units
201+ dwelling units	40 trees plus 1 tree for every 20 dwelling units

The required trees shall be planted as front yard trees and planted throughout the grounds. No trees shall be planted within any public street right of way or within any easements.

- (7) All trees which are required to be planted as per the regulations shall be a minimum of two (2) inches in diameter at a point one (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.
- (8) In conjunction with the development of property for any use, the applicant shall show that the removal of any trees or natural vegetation is necessary for the imminent and orderly development of the property. Imminent development shall be considered to be development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum eight (8) hours per day, forty (40) hours per week basis (utilizing a five (5) day on, two (2) day off, standard work week basis) within thirty (30) days of the removal of trees or vegetation and for which a land development plan and landscaping plan have been submitted and approved by the Borough.
- (9) Any existing trees which are not disturbed and are not located within a required Buffer Area and are a minimum of four (4) inches in diameter at a point one (1) foot above the ground shall count towards the required number of trees to be planted outside of the Buffer Area.
- (10) Following the completion of construction in any Zoning District, all yard areas, including those on single family lots, not utilized for structures, driveways, planting strips or parking facilities shall be seeded, sodded or landscaped within a reasonable period of time. The phrase “reasonable period of time” shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between November 1 through April 1 time period. In such cases, the required seeding or sodding shall occur by April 15th.

K. 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 fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months 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.

§ 170-504. Visibility at Intersections

No object, including without limitation, fences, hedges, trees and other plantings, buildings, structures, walls, signs and motor vehicles, exceeding a height of three (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 at the intersection of two (2) streets or the intersection of a nonresidential driveway with a public street. The required clear sight triangle is illustrated in Appendix A.

§ 170-505. Storage.

A. Outdoor Storage in Commercial and Industrial Districts.

- (1) Except for nurseries, garden supply, building supply, custom crafting and similar businesses which require outside storage of products offered for sale, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of nurseries, garden supply, building supply, custom crafting 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 six (6) feet in height.
- (2) In the I-1 District, any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street or adjacent residential property located at similar elevations within five hundred (500) feet of the property. If existing buildings do not screen the storage area from public view from the street or adjacent residential property located at similar elevations within five hundred (500) feet of the property the area shall be screened by a hedge or opaque fence at least six (6) feet in height.

B. Refuse Collection and Waste Disposal

The following shall apply to all nonresidential uses and multi-family residential uses:

- (1) All organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid-face fence or wall at least six (6) feet in height.
- (2) Such fence or wall shall be constructed with materials architecturally similar to that of the principal structure.
- (3) Containers shall be emptied not less frequently than once a week.

- (4) On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter.

§ 170-506. Traffic Impact Study.

These regulations represent the minimum requirements and standards for preparation of a traffic impact study for any development, subdivision, expansion or change of use within the Borough. Also specified are the traffic level of service standards and minimum requirements that must be satisfied for future development impacts.

A. Requirements.

Any development, subdivision or expansion or change in use which will generate at least 200 vehicle trips per day shall be required to have a traffic impact study completed as part of the development. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through studies of similar uses acceptable to the Borough. When a traffic study is prepared for a subdivision that does not propose development of the lots, the traffic study must be updated at the time of land development to address the specific size of the development. The Borough may require a traffic study for developments or changes in use generating less than 200 vehicle trips per day in cases where known traffic deficiencies exist in the area of the proposed development or change in use. The Borough may waive the study requirements for an individual subdivision or development or change in use where said development or change in use was incorporated as part of a previous traffic impact study or studies by the Borough or other government agencies.

B. Impact Study Contents and Scope.

Prior to collection of any data and preparation of any analyses for the Traffic Impact Study, a meeting shall be convened with the Borough, the developer, the developer's transportation consultant/specialist and PennDOT, where applicable, to identify the specific project area and discuss the Study's scope of work, including all assumptions to be used in the study (i.e. build-out year, phases of development, background traffic growth rate, etc.). At a minimum, the Study shall include the following:

- (1) A description of the proposed development in terms of land use type and size.
- (2) An inventory an analysis of existing transportation and traffic conditions within the identified study area, including:
 - (a) Roadway network and traffic control;
 - (b) Existing traffic volumes during peak hours and trips per day;
 - (c) Planned transportation improvements by other parties;
 - (d) Intersection levels of services;
 - (e) Roadway levels of service;

- (f) Other measures of roadway adequacy (i.e. lane widths, traffic signal/traffic control warrants, vehicle delay studies, length queues, etc.); and
 - (g) Pedestrian/bicycle and public transit facilities.
- (3) An assessment of projected site-generated traffic volumes throughout the study area in terms of:
 - (a) Peak hours and trips per day;
 - (b) Approach/departure distribution, including method of determination; and
 - (c) Site traffic volumes on the interchange access road.
 - (4) An analysis of future traffic conditions in the study area, with and without the proposed development, including:
 - (a) Future design year(s), including phases of development;
 - (b) Intersection levels of service;
 - (c) Roadway levels of service;
 - (d) A pavement analysis of roadways projected to experience significant increases in peak hour and/or average daily traffic volumes; and
 - (e) Other measures of roadway adequacy (i.e. lane widths, traffic signal/traffic control warrants, vehicle delay studies, length queues, etc.).
 - (5) A description of projected levels of service and their compliance with standards for traffic capacity of roadways and intersections as outlined below.
 - (6) A description of the proposed site plan, including an assessment of the:
 - (a) Onsite circulation plan showing parking locations and dimensions, access to loading areas and proposed interior circulation routes and traffic control; and
 - (b) Driveway access plans showing the location of all existing driveways and new access intersections including geometric conditions and proposed methods of traffic control.
 - (7) A qualitative analysis of transportation demand management measures to be implemented for the purpose of facilitating alternative modes of travel. Analysis shall address public transit, pedestrian and bicycle traffic and other modes of transportation to be provided in the developments.

C. Standards of Traffic Capacity and Level of Services.

Roadways and intersections shall be designed for traffic capacity as specified below, unless approved otherwise by the Borough. All references to level of service shall be defined by the most recent edition of the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

- (1) Level of service shall be determined for a future design year(s) coinciding with completion of the development and all applicable PennDOT requirements.
- (2) New unsignalized intersections or driveways shall be designed for level of service "C" or better for each traffic movement.

- (3) New signalized intersections shall be designed for level of service "C" or better.
- (4) Existing intersections impacted by development traffic shall maintain a minimum level of service "C."
- (5) Roadway sections shall be designed for a minimum level of service "C."
- (6) Sight distance at driveways and new intersections shall meet standards specified by PennDOT regulations.

Article 6 – Express Standards for Specific Uses

§ 170-601. Applicability.

The requirements of this Article shall apply to the specified uses in any Zoning District where such use is authorized under Article 3 of this Ordinance.

§ 170-602. Standards for Comparable Uses Not Specifically Listed.

- A. 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:
 - (1) The number of employees;
 - (2) The floor area of the building or gross area of the lot devoted to the proposed use;
 - (3) The type of products, materials and equipment and/or processes involved in the proposed use;
 - (4) The magnitude of walk-in trade; and
 - (5) The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of §170-502 of this Ordinance.
- B. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- C. The proposed use shall comply with any applicable express standards and criteria specified in §170-603 for the most nearly comparable use by special exception or condition use listed in the Zoning District in which the comparable use is proposed.
- D. 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 Ordinance.

§ 170-603. Standards for Specific Uses.

The following uses shall meet the following additional requirements, in addition to all other applicable requirements. Where this Article and another provision of this Ordinance apply to the exact same matter, the provision that is most restrictive upon development or use shall apply.

A. Adult Oriented Establishments

- (1) An adult business shall not be located within one thousand (1,000) feet of a church; public or private pre-elementary, elementary or secondary school; public library; day care center or nursery school; or public park adjacent to any residential district measured in a straight line from the nearest portion of the building or structure

containing the adult business to the nearest property line of the premises of any of the above listed uses.

- (2) An adult business shall not be located within one thousand (1,000) feet of any other adult business measured in a straight line from the closest exterior wall of the building or structure in which each adult business is located.
- (3) No more than one (1) adult business shall be located in the same building, structure or portion thereof, nor shall any adult business increase its floor area into any building, structure or portion thereof containing another adult business.
- (4) An adult 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 adult business permit of a church, public or private pre-elementary, elementary or secondary school, public library, day care center or pre-school facility or public park within one thousand (1,000) feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (5) The design of the interior of the premises and the operation of the facility shall comply with all applicable provisions of the Borough's adult business licensing regulations.
- (6) Liquor or intoxicating beverages shall not be sold on the premises for which the permit is sought.

B. Animal Daycare

- (1) At the time of permit application, applicants shall submit written operating procedures, such as those required, and under the provisions of the Pennsylvania Dog Law. Such procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.
- (2) The applicant shall furnish evidence of effective means of animal waste collection and disposal which shall be continuously implemented.
- (3) Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of 100 feet from any principal structure on adjacent lots, and all outdoor exercise areas shall be located at least 20 feet from any property line.
- (4) The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five feet in height, accessible only through a self-latching gate.
- (5) Animals shall be permitted to exercise within outdoor exercise areas daily between the hours of 8:00 a.m. and 8:00 p.m.
- (6) When a notice of violation is issued for animal noise, the Borough may require measures, including, but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; and use of sound-attenuating construction or building materials such as insulation and noise baffles. The Borough may order the animal day care operation to be closed on a temporary or permanent basis.

C. Animal Hospital, Shelter or Veterinary Clinic.

- (1) All activities shall take place within a completely enclosed structure.
- (2) All structures shall be completely soundproofed and air conditioned.
- (3) No outdoor play areas or runs shall be permitted.

D. Apartments

- (1) One bedroom dwelling unit shall have a minimum of 700 square feet of habitable floor area and all additional dwelling units shall have minimum habitable floor areas according to the following standards:
 - (a) Two-bedroom 900 sq.ft.
 - (b) Three-bedroom 1,200 sq.ft.
- (2) Each dwelling unit shall contain within the unit a complete kitchen, toilet and bathing facilities.
- (3) For existing buildings being converted to apartments, this use shall not be permitted unless the property owner provides the entire building for inspection by Borough Codes Enforcement officials to inspect the entire building for compliance with Borough codes, prior to issuance of a zoning permit.
- (4) The yard, building area, and other applicable requirements for the district shall not be reduced. For existing buildings, the same minimum lot area per dwelling unit shall be met as if the building would be newly constructed with the proposed number of dwelling units.
- (5) For existing buildings being converted to apartments, such conversion shall be authorized only for a large pre-existing detached or semidetached building. If the building is currently a one family dwelling, it shall not be converted to two or more dwelling units unless the building included more than 3,000 square feet of habitable floor area prior to the enactment of this Ordinance.
- (6) Plans showing the proposed arrangement of the interior of the building and provisions for off-street parking space, including the proposed entrance and exit to such parking spaces, shall be provided.
- (7) Two (2) off street parking space shall be provided for every unit.

E. Auto, Boat or Mobile/ Manufactured Home Sales and Rental.

- (1) No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area.
- (2) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks.
- (3) Buffer Area "C," as defined by §170-503.A of this Ordinance shall be provided to screen the outdoor storage of vehicles, boats and/or homes from public view.

F. Auto Body / Repair Shops and Service Stations.

- (1) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 200 feet of a lot line of a principal dwelling.
- (2) Buffer Area "C," as defined by §170-503.A of this Ordinance shall be provided to screen the outdoor storage of vehicles from public view.
- (3) Any "junk vehicle" shall not be stored for more than 30 days within view of a public street or a dwelling, unless it is actively under repair.
- (4) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
- (5) A new use shall have sufficient off-street parking for customer vehicles.

G. Bed and Breakfast Inn.

- (1) The minimum lot area required shall be 10,000 square feet.
- (2) No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- (3) No exterior structural alteration of the building shall be made except as may be necessary for purposes of sanitation, handicapped accessibility, historic rehabilitation or safety.
- (4) The bed and breakfast must meet all Borough requirements for health, fire, and building safety.
- (5) The maximum uninterrupted length of stay shall be fourteen (14) days.
- (6) One (1) identification sign shall be permitted and such sign may either be attached to the wall of the building or may be freestanding in the front yard, provided the surface area of the sign shall not exceed six (6) square feet, the height of the freestanding sign shall not exceed four (4) square feet and the freestanding sign is located at least five (5) feet from any property line.
- (7) In addition to the parking required for the dwelling, one (1) parking space shall be provided for each sleeping room offered to overnight guests.
- (8) Off-street parking shall not be located in any required front or side yard. Parking located in the rear yard shall be screened from adjoining residential properties by a compact six (6) foot evergreen hedge.

H. Billboards.

All billboards shall be subject to the regulations contained in Article 8 of this Chapter.

I. Boarding House (includes Rooming House).

- (1) The minimum lot size shall be 10,000 square feet.
- (2) The minimum side yard shall be ten (10) feet.
- (3) Occupancy shall not exceed two (2) persons per sleeping room.
- (4) No more than three (3) sleeping rooms may share one (1) bathroom facility.
- (5) One (1) additional off-street parking space shall be required for each sleeping room.
- (6) Rooms shall be rented for a minimum period of five (5) consecutive days.

J. Car Wash.

- (1) All automated washing facilities shall be in a completely enclosed building, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.
- (2) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- (3) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- (4) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (5) Any car wash which also dispenses gasoline shall meet all applicable requirements of §170-602.S. governing gas stations.

K. Cemetery.

- (1) Minimum lot area - five (5) acres. Any building or area used for storage of equipment shall be setback a minimum of 50 feet from any lot in a residential district.
- (2) A plan shall be submitted which, in general, shall conform to all the requirements of a subdivision plan, except that individual lots need not be shown. No plan shall be acceptable which does not provide for the continuation of existing streets or of streets already projected or shown on a part of a comprehensive plan for all or a portion of the Borough, unless a study by the Borough Planning Commission shows that certain streets may be modified or eliminated. Land for required streets shall be dedicated by such plan.
- (3) No grave sites shall be placed within 20 feet of any lot line or within 20 feet of a street right-of-way or an interior driveway through the cemetery.
- (4) The applicant shall submit draft legal provisions for review by the Borough Solicitor to show that an acceptable system will be in place to assure the long-term maintenance of the cemetery.

L. Communications Tower.

- (1) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a commercial communications tower.
- (2) Any applicant proposing a new freestanding commercial communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing commercial communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
 - (a) The proposed equipment would exceed the structural capacity of the existing building, commercial communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
 - (b) The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
 - (c) Existing buildings, commercial communications towers or other structures do not have adequate space to accommodate the proposed equipment.
 - (d) Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, Federal or State emission standards.
- (3) 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).
- (4) The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.
- (5) The maximum height of a communications tower shall be one hundred fifty (150) feet.
- (6) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- (7) All parts of the communications tower, including guy wires, if any, shall be set back from the property line at least fifty (50) feet, except for guyed towers which shall be set back a distance equal to the height of the tower. If the tower is located on property which adjoins any "C" or "R" Zoning District, the setback shall be at least two hundred (200) feet. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

- (8) The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.
- (9) 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.
- (10) Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
- (11) 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 twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- (12) Recording of a plat of subdivision shall not be required for the lease 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.
- (13) Approval of a land development plan, prepared in accordance with the requirements of the Borough Subdivision and Land Development Ordinance, shall be required for all towers.
- (14) 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.
- (15) The owner of any communications tower which exceeds fifty (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 reinspected and certified to the Borough by a structural engineer at the owner's expense.
- (16) 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 six (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 §170-1104 of this Ordinance.
- (17) All tower structures shall be fitted with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- (18) No sign or other structure shall be mounted on the tower structure, except as may be required or approved by the FCC, FAA or other governmental agency.
- (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.

- (20) The base of the tower shall be landscaped suitable to the proposed location of the tower, if the base of the tower is visible from adjoining streets or residential properties.
- (21) At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.
- (22) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

M. Contractors Business.

- (1) There shall be no outside storage of materials or equipment in the Mixed Use Zoning District.

N. Crematorium.

- (1) A crematorium as a principal use shall be setback a minimum of 200 feet from all lot lines of existing dwellings, schools, day care centers, and all undeveloped residentially zoned lots.
- (2) All emissions must meet the requirements of the Pennsylvania Department of Environmental Protection as part of their permitting requirements.
- (3) Hours of operation shall be limited to 7:00am to 7:00 pm Monday through Friday.
- (4) The cremation unit shall be totally enclosed within a building. At a minimum, the stack height shall be at least 1.5 times the height of nearby structures.
- (5) The crematory operator/owner shall provide the Borough with the necessary certifications to operate the crematorium and prior to issuing a building permit, a copy of the required PA DEP General Permit shall be provided. The crematorium shall be operated in conformance with all local, state and federal laws.
- (6) Bodies shall be cremated in wooden/crate containers only and with plastic that does not create toxic emission (no halogenated plastics).
- (7) When cremations are taking place, an operator certified to operate the crematorium shall be on site.

O. Day Care Center (adult).

- (1) Shall be fully licensed by the State, if required by the State.
- (2) Shall include constant supervision during all hours of operation.
- (3) Shall not meet the definition of a "treatment facility".

P. Day Care Center (child) and Pre-School Facility.

- (1) All child day care facilities shall comply with all current Pennsylvania Department of Public Welfare (DPW) regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or

local building and fire safety codes. Day care centers must hold an approved and currently valid certificate of compliance from the DPW.

- (2) No portion of a child day care facility or pre-school facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading yards, etc.
- (3) The outdoor play space shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height with a self-latching gate. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. No portion of the outside play areas shall be less than twenty-five (25) feet from a neighboring property line without the owner's written consent. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.
- (4) Day-care centers or pre-school facilities shall not be conducted on residential premises. A day care center or pre-school facility, if sited on the premises of an operating community service facility or religious institution shall be considered accessory to the principal use of the property concerned.
- (5) Activities shall be limited to functions normally associated with part-time tending of children and shall not include overnight or drop-in care.
- (6) A minimum of one on-site parking space shall be provided for each 300 square feet of floor area dedicated to child care.
- (7) Adequate provision must be made on the site for handicapped parking, handrail, and wheelchair ramps in accordance with the Pennsylvania Department of Labor and Industry Standards for Barrier Free Design (Act 235).
- (8) The site shall have direct access to an arterial or collector road as defined by the zoning ordinance.
- (9) A minimum of one safe drop-off space shall be provided for each 20 children that the facility is licensed to accommodate.
- (10) Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off spaces may be designed as a part of driveway providing direct access to the day care facility. When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).
- (11) The Borough of Canonsburg reserves the right to impose additional conditions regarding parking, pedestrian travel, ingress, egress and/or all types of access to a facility should the applicant request that a facility be established within proximity of a domiciliary care home, group residential facility, halfway house, personal care home or adult or child day care center.

- (12) Landscaping on the side yards continuous with off-street parking shall consist of a masonry or solid fence, between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs or in lieu of such wall or fence, shall consist of a strip of land not less than fifteen (15) feet in width, planted with an evergreen hedge, or dense plantings of evergreen shrubs not less than four (4) feet in height.
- (13) Where applicable, certification or licensing by the sponsoring agency shall be a prerequisite to obtaining a certificate of occupancy; a copy of an annual report, with evidence of continuing certification, shall be submitted to the Zoning Officer no later than January 31 of each year.

Q. Dwelling, Multi-Family.

(1) Townhouses shall adhere to the following:

- (a) The maximum number of dwelling units in any townhouse building shall be five (5).
- (b) All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of ten (10) feet from any dwelling.
- (c) Where a shared parking area is proposed, and a location to the rear of the townhouses is not feasible, then a location to the side of a set of townhouses shall be considered.
- (d) Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are discouraged.

(2) Garden Apartments and High-Rise Apartments shall adhere to the following:

- (a) The maximum number of dwelling units in any garden apartment building shall be twenty-four (24).
- (b) The distance between multifamily dwellings on the same lot shall be not less than 25 feet.
- (c) The proposed development shall be served by a public sanitary sewer system.
- (d) All parking spaces and access drives shall be at least 15 feet from any multi-family dwelling on the lot. This shall not apply to an interior garage and/or a driveway intended to be used as a parking space for one particular dwelling unit.
- (e) No one area for off-street parking of motor vehicles shall exceed 40 cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by a six (6) foot wide planting strip.
- (f) Buffer Area "A," as defined by §170-503.A of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

R. Funeral Home.

- (1) Signs shall be limited to one identification sign for each street frontage, provided that the area on either side of such sign shall not exceed six (6) square feet in a residential district.
- (2) A parking lot shall not be located between the principal building and the front of the lot.
- (3) Any crematorium as an accessory use shall also meet the regulations for such use in this Section.

S. Gas Station.

- (1) The use may include a convenience store if the requirements for such use are also met.
- (2) This use may include a single bay car wash as an accessory use.
- (3) A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street or alley right-of-way line. Such canopy may be attached to the principal building. An allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line.
- (4) Fuel dispensers shall be setback a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.
- (5) The canopy over gasoline pumps shall have a maximum height from the ground to the top of the canopy of 20 feet, except for portions of the canopy that are sloped to direct light away from streets and dwellings.
- (6) Lights attached to the bottom of the canopy shall be recessed, angled or screened so that the luminaire itself is not visible from beyond the lot lines.
- (7) Buffer Area "B," as defined by §170-503.A of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

T. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.

- (1) Shall have frontage on and direct vehicular access to an arterial or collector street.
- (2) One (1) off street parking space shall be provided for every resident, plus one (1) additional for a manager's unit, if provided.
- (3) The maximum number of residents housed in a Personal Care Boarding Home or Transitional Dwelling shall be ten (10).
- (4) No Group Care Facility, Personal Care Boarding Home or Transitional Dwelling shall be located within five hundred (500) feet of another existing or proposed Group Care Facility, Personal Care Boarding Home or Transitional Dwelling.
- (5) Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
- (6) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

- (7) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- (8) Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

U. Heliport.

- (1) Helipads shall be located at least 250 feet from any property line or public street.
- (2) Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.
- (3) Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, Bureau of Aviation, shall be submitted.
- (4) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private-use helipad.
- (5) The helicopter landing pad shall be paved, level and maintained dirt-free. Rooftop pads shall be free of all loose stone and aggregate.
- (6) An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
- (7) Lighting shall be shielded away from adjacent properties and streets.

V. Hospital, Clinic, Assisted Living or Nursing Home.

- (1) The minimum lot area required for a hospital shall be ten (10) acres. The minimum lot area required for a clinic, assisted living or nursing home shall be two (2) acre.
- (2) The property shall be served by public water and public sewers.
- (3) All hospitals and nursing homes shall be licensed by the Commonwealth and the license shall be maintained throughout the occupancy. Failure to maintain the license shall be grounds for revocation of the Certificate of Occupancy.
- (4) Water pressure and volume shall be adequate for fire protection.
- (5) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (6) The parking and circulation plan shall be referred to the Borough police department and volunteer fire company for comments regarding traffic safety and emergency access.
- (7) Assisted living and nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- (8) Buffer Area "A," as defined by §170-503.A of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.

- (9) Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- (10) A private use helipad for air ambulances shall be permitted as part of a hospital, provided that all of the following criteria set forth in §503.T.

W. Hotel or Motel.

- (1) The minimum lot size shall be 20,000 square feet.
- (2) May include recreational facilities for use by guests only.
- (3) May include an On-Site Restaurant within the hotel/motel that may or may not be available to the general public.
- (4) The site shall have vehicular access to an arterial or collector street, as defined by this Ordinance, by means of a driveway entrance intersecting such a street or by means of an interior road system within a Planned Office Park that leads directly to and intersects with such a street. In no case shall traffic from a hotel or motel site exit onto or enter from a local street, as defined by this Chapter.
- (5) Buffer Area "B," as defined by §170-503.A of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.
- (6) Rooftop mechanicals shall be screened from public view.
- (7) Dumpsters shall be completely enclosed by a wall or solid fence at least six (6) feet in height.

X. Junkyard. (includes automobile salvage yard).

- (1) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- (2) Outdoor storage of junk shall be at least:
 - (a) 100 feet from the lot of any dwelling,
 - (b) 40 feet from any other lot line and the right-of-way of any public street,
 - (c) 100 feet from the centerline of any waterway, and
 - (d) Five (5) feet away from a drainage swale.
- (3) The site shall contain a minimum of two (2) exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- (4) Burning or incineration is prohibited.
- (5) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- (6) Buffer Area "A," as defined by §170-503.A of this Ordinance shall be provided along all property lines adjoining any residential or commercial use or zoning

classification. Buffer Area "A" shall also be provided around all outdoor storage areas (except at approved driveway entrances), unless such storage is not visible from an exterior lot line or street. The height of the evergreens at field planting shall be six (6) feet. Secure fencing with a minimum height of eight (8) feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

Y. Kennel/Animal Shelter.

- (1) All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 100 feet from all residential lot lines.
- (2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within adjacent residential dwellings.
- (3) Outdoor animal runs may be provided for use between 8:00am and 8:00pm provided the runs are at least 100 feet from any residential dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four (4) feet in height, to minimize dog barking.
- (4) Outdoor animal areas must be a minimum of 20 feet from any property line.
- (5) A kennel may be used for breeding and may include pet services as an accessory use.
- (6) Buffer Area "C," as defined by §170-503.A of this Ordinance shall be provided between any outdoor animal runs and/or play areas and residential and commercial lot lines. A buffer area will not be required in the Industrial District.
- (7) Any outdoor solid waste receptacles and all structures housing animals shall be setback a minimum of 50 feet from any existing dwelling on an adjacent lot.

Z. Manufactured Home Park.

- (1) The minimum tract area shall be 30,000 square feet, which shall be under single ownership.
- (2) The maximum average density of the tract shall be five (5) dwelling units per acre. To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25% shall not be included.
- (3) Each manufactured home park shall include a 35 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. The same area of land may count towards both the landscaped area and the building setback requirements.
- (4) A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- (5) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.

- (6) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- (7) A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.

AA. Medical Marijuana Dispensary.

- (1) Any facility dispensing medical marijuana must be legally registered in the commonwealth and possess a current valid medical marijuana permit from the Department of Health. Such a facility may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (2) A dispensary that provides medical marijuana may not operate on the same site as a facility used for growing and processing medical marijuana.
- (3) Dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of controlled substances and unauthorized entrance into areas where they are stored.
- (4) Medical marijuana dispensaries shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area.
- (5) A medical marijuana dispensary shall:
 - (a) Not have a drive-through service;
 - (b) Not have outdoor seating areas;
 - (c) Not have outdoor vending machines;
 - (d) Prohibit the administering of or the consumption of medical marijuana on the premises;
 - (e) Not offer direct or home delivery service.
- (6) A medical marijuana dispensary may dispense controlled substances only to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- (7) A medical marijuana dispensary shall not be located within 1,000 feet of the property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- (8) A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest clinic. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to

the distance between the grower/processor and the specific dispensary he or she serves or with which he or she partners.

- (9) Any medical marijuana dispensary lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care facility.
- (10) Buffer Area "A" is required where a clinic adjoins a residential use or district.

BB. Medical Marijuana Growth/Processing Facility.

- (1) A medical marijuana grower/processor may grow medical marijuana only in an indoor, enclosed and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (2) The maximum floor area of a medical marijuana processing facility shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana-related materials used in production or for required laboratory testing.
- (3) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- (4) Marijuana remnants and by-products shall be secured and properly disposed of in accordance with the Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
- (5) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- (6) Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care facility.
- (7) A buffer planting is required where a medical marijuana grower/processor adjoins a residential use or district.

CC. Oil and Gas Wells, Compressor Stations and Processing Plants.

- (1) A company desiring to construct and operate a well, well pad, compressor station or processing plant shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
- (2) Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of municipal roads. The following standards apply:
 - (a) Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least 50 feet from any property line unless written consent is obtained from the adjoining property owner(s);

- (b) The access road to the facility, beginning with its intersection with a municipal road, shall be paved for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
 - (c) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
- (3) Prior to development, the applicant shall provide to the Borough Fire Department and Zoning Officer a copy of its emergency response plan. Also, the applicant/operator shall, at its sole cost and expense, provide to Emergency Services appropriate site orientation with adequate information and ongoing training on dealing with any potential dangerous conditions that may result from development activities.
 - (4) Noise-generating equipment, exceeding municipal ordinance standards, shall be fully enclosed in a sound reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
 - (5) Compressors and other power-driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of any Borough ordinance. All electrical installations and equipment shall conform to Borough ordinances and the applicable national codes.
 - (6) The applicant agrees to reimburse the Borough for all reasonable and direct professional consultant fees incurred by the Borough related to the site inspection, including, but not limited to, the Borough Engineer, Borough Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
 - (7) A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:
 - (a) The chain-link fence shall be at least eight feet in height;
 - (b) Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
 - (c) The chain-link shall be dark green or black steel wire;
 - (d) The chain-link fence shall have, at a minimum, eleven-gauge thickness;
 - (e) Posts and rails shall be black or dark green standard socket construction or similar design;

- (f) Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
 - (g) All chain-link fences shall be equipped with at least two gates.
 - (h) Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Borough.
- (8) No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- (9) Permit applications must include:
- (a) A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
 - (b) Anticipated construction start and completion date;
 - (c) A plot plan of the site showing a clearly marked scale, all property lines, all buildings, waterwells, water sources and rights-of-way;
 - (d) The applicant shall apply for a Borough-assigned address at the time of building permit application;
 - (e) Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
 - (f) A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- (10) The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
- (11) For compressor stations and processing plants, the following minimum setback distances must be adhered to:
- (a) The minimum distance to any protected use shall be 1,000 feet;
 - (b) The minimum distance to any public or private school shall be 2,500 feet;
 - (c) A setback reduction approval may be authorized by Borough Council, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this Ordinance;
- (12) All aboveground equipment including compressor engines and any structure in which they are enclosed must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
- (13) The facility signage shall be clearly visible for all 911 Emergency Services, at the location where the access road intersects with the Borough- or State-owned road and at the entrance gate to each facility. The signage must include:

- (a) Applicant name.
 - (b) Unit name.
 - (c) Borough-assigned address.
 - (d) Emergency contact phone number.
- (14) No well, compressor station or processing facility shall be constructed on soil that is classified as either Class 1 or 2 by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service and published in the Washington County Soil Survey.
 - (15) The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations.
 - (16) The applicant shall notify the Borough immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Borough -issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
 - (17) The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as keep a record/log of actual use which may be requested from time to time by Borough Council. In conjunction with the Borough, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Borough roads, or portion thereof, other than the specified portion of Borough roads for which security has been provided.

DD. Pawn Shop.

- (1) The building area occupied by a Pawn Shop facility shall not be located within 1,000 feet from the closest building area occupied by another Pawn Shop.
- (2) The Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the Borough Police upon request.

EE. Place of Worship.

- (1) Minimum lot area – 10,000 square feet in a residential district.
- (2) Permitted accessory uses may include:
 - (a) Primary or secondary school
 - (b) Day care center
 - (c) Gymnasium/recreational facility
 - (d) Kitchen
 - (e) Parsonage, parish house or rectory

- (f) Other uses that are customarily accessory to religious uses and places of worship.
- (3) Accessory uses shall be on the same lot as the primary religious use/place of worship and shall meet the following requirements:
- (4) Accessory uses shall meet area and bulk requirements of the zoning district in which they are located.
- (5) Accessory uses shall be setback a minimum of twenty (20) feet from a residential use or district.
- (6) Outdoor play spaces shall be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height, unless a greater height is required by the governing body. Any outdoor play area potentially susceptible to encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area. Outdoor play shall be limited to the hours between dawn and dusk, prevailing local time.
- (7) Off-street parking shall be in accordance with Part 7.

FF. Public Utility Building or Structure.

- (1) Maintenance vehicles shall be stored within a completely enclosed building.
- (2) Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum eight (8) foot fence with locking gate and is screened by one hundred percent (100%) opaque screening material placed in the fencing or by a six (6) foot dense, compact evergreen hedge.
- (3) Any area of the building which is used for business offices shall comply with the parking requirements of Article 7 of this Ordinance for that use. Any area of the building which is used for storage of material, vehicles or other equipment shall provide one (1) parking space for each 1,500 square feet of gross floor area devoted to that use.

GG. Renewable Energy Systems.

- (1) It is the purpose of these regulations to promote the safe, effective and efficient use of renewable energy systems to reduce the consumption of utility-supplied energy, heat, hot water, or any combination of the above, while protecting the health, safety and welfare of the residents of the Borough, and while protecting adjacent land uses through appropriate zoning and land-use controls. Non-utility supplied energy systems not specified herein may be permitted subject to conditional use approval. Building integrated systems shall not be subject to zoning approval. Where, in the course of reviewing a permit application for any renewable energy system, it is deemed advisable for the Borough to retain the services of the Borough engineer or any other consultant, all reasonable costs therefore shall be borne by the applicant.

(2) Solar energy systems (small).

- (a) A small solar energy system shall be permitted as an accessory use to an existing principal use in any zoning district by right subject to the regulations set forth in this section. It shall be the responsibility of the landowner and/or applicant to prove compliance with this section at the time of application for a building/zoning permit.
- (b) All solar energy equipment shall be located on the parcel or plot of land of record in which the principal use is located, with the exception that power lines or any related equipment to the solar energy system may be located on an adjoining parcel or plot of land of record provided it will comply with all applicable virtual net metering laws of the public utility provider.
- (c) Power generated by the solar energy system shall provide power only for the principal use in which it services; any excess power generated by the solar energy system shall only be sold or acquired by a public utility in accordance with law or other governmental regulations.
- (d) All mechanical equipment associated with and necessary for the operation of the solar energy system, which is ground-mounted, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the municipality. No noxious trees, plants or weeds shall be permitted to fulfill the landscaping requirements. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.
- (e) Historic Structures. If an accessory Solar Energy System is proposed to be mounted on or located within 100 feet of any Historic Structure as may be designated by the Borough or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such System shall be subject to conditional use approval at the sole discretion of the Borough as provided herein and upon a finding that the proposed System will not adversely impact the historical significance or landscape context of the subject Historic Structure.
- (f) Solar Access Easements. A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s). All solar access easements shall be recorded in the office of the Washington County Recorder of Deeds.
- (g) Ground-mounted solar energy systems.
 - (i) No part of a ground-mounted solar energy system shall be located any closer than 15 feet from any side or rear property lines. No part of a ground-mounted solar energy system shall be located between the

principal structure on the property and the public street right-of-way; notwithstanding the aforesaid requirement.

- (ii) Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
 - (iii) Ground-mounted solar energy systems shall not be placed in a manner that would cause a violation of any other section of the zoning ordinance including minimum parking requirements, required buffer areas or other landscaping requirements, maximum impervious coverage limitations or any other applicable standards.
 - (iv) Ground-mounted panels of a solar energy system shall be counted towards a given property maximum impervious coverage requirements, unless the applicant can demonstrate that storm water will infiltrate into the ground beneath the solar panels at a rate equal to that of the infiltration rate prior to placement of the panels.
 - (v) Ground-mounted solar energy systems shall not exceed a height of 20 feet.
- (h) Roof-mounted solar energy systems.
- (i) Roof-mounted solar energy systems shall not extend beyond the peak elevation of the top of the roof on which the panels are to be constructed.
 - (ii) If the solar panels are to be constructed on a flat roof, no part of the solar energy system shall exceed beyond the maximum height requirements for the zoning district that the building is located in.
 - (iii) Roof-mounted solar energy systems shall not be counted as adding to any impervious coverage calculation.
- (i) All electric and utility lines associated with the solar energy system shall be buried underground.
 - (j) Any installation of a solar energy system shall comply with all applicable standards of the Uniform Construction Code.
 - (k) Solar collectors shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. The Applicant or the installer or manufacturer of the Solar Energy System shall submit with the application for permit, as applicable, a signed statement including the following:
 - (l) Certification that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the Solar Energy System shall be located such that a nuisance situation is created;
 - (m) Acknowledgement that, should any glare or concentrated solar radiation produced prove to be visible beyond the property lines of the property upon

which the Solar Energy System shall be located, at any time subsequent to the installation of the system, such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the travelling public, the Borough may at its discretion require mitigated action or may require the removal of the system or portion thereof generating the glare or reflected solar radiation;

- (n) Acknowledgement that, should any mitigation or system removal deemed necessary by the Borough fail to be dealt with in accordance with the Borough's determination within six (6) months of notification of the landowner and/or system owner, or immediately in any case determined to be a safety hazard, the Borough may implement such mitigation or remove such systems as it deems necessary, costs therefore to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property;
- (o) Acknowledgement that the obligations set forth herein shall continue so long as the subject Solar Energy System remains in operation and that any subsequent property owner shall be so notified.
- (p) The solar energy system shall be kept in good repair and sound condition. Upon abandonment of the use, the solar panels, electrical wires, support structures and any other related structures and equipment shall be dismantled and removed from the lot within 60 days.
- (q) No signage or advertising of any kind shall be utilized or attached to the solar energy system. This requirement shall not include the make and model description of the solar energy system, manufacturers required hangtags or warning signs or other signage that is required by law.

(3) Solar energy systems (large).

- (a) The minimum lot size for any large solar energy system shall be five (5) acres.
- (b) The landowner and/or applicant shall present the following evidence to Borough Council at the hearing for a large solar energy system:
 - (i) A narrative describing the proposed large solar energy system, including an overview of the project; the project location; the approximate generating capacity of the solar energy system, the approximate number, representative types and height or range of heights of the panels or other solar energy equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.
 - (ii) Identification of the properties or portions thereof on which the proposed large solar energy system will be located and also the properties adjacent to where the large solar energy system will be located.
 - (iii) A site plan, drawn to scale, showing all of the following information, as applicable: the planned location of each solar panel, related structures, setback lines, access roads and turnout locations, substations, electrical wiring, ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, floodplains,

- easements, wetlands and limits of earth disturbance associated with construction of the large solar energy system.
- (iv) Documents indicating the type and specifications of fencing to be used around the perimeter of the large solar energy system.
 - (v) Documents relating to the decommissioning of the large solar energy system, including a schedule for decommissioning of the solar panels and related equipment.
 - (vi) Documents indicating compliance with any other applicable federal, state and local laws regulating large solar energy systems and/or land development, including, but not limited to, any applicable laws of the Public Utility Commission, any public utility provider, Washington County Conservation District, and the PA Department of Environmental Protection.
- (c) Large solar energy systems shall be set back a minimum of one hundred (100) feet from any public right-of-way, any lot line, and any historic structure as may be designated by the Borough or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service.
 - (d) Notwithstanding lot coverage limitations set forth in the base zoning district(s), the maximum impervious coverage for a large solar energy system and any accessory or appurtenant structures shall be twenty percent (20%) of the lot area.
 - (e) All mechanical equipment associated with and necessary for the operation of the large solar energy system that is not mounted on a building wall, including any structure for batteries or storage cells, shall be enclosed within a six-foot-high fence or evergreen plantings of equal height. Evergreen plantings shall be of a type that is to be approved by the Borough. No noxious trees, plants or weeds shall be permitted to fulfill the landscaping requirements. The fence shall be made of wood, masonry, durable plastic or other decorative material approved by the municipality. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings.
 - (f) Solar Energy Systems shall not be artificially lighted except to the extent required for safety or by any applicable federal, state or local authority.
 - (g) Solar Energy Systems and appurtenant or accessory structures shall not display any advertising, except for reasonable identification of the panel or other equipment manufacturer, and the facility owner.
 - (h) Solar Energy Systems shall be located where there is a means of vehicular access from a public or private street.
 - (i) A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Borough

upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Washington County Recorder of Deeds.

- (j) Solar collectors shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible. The Applicant or the installer or manufacturer of the Solar Energy System shall submit with the application for permit, as applicable, a signed statement including the following:
- (k) Certification that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the Solar Energy System shall be located such that a nuisance situation is created;
- (l) Acknowledgement that, should any glare or concentrated solar radiation produced prove to be visible beyond the property lines of the property upon which the Solar Energy System shall be located, at any time subsequent to the installation of the system, such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the travelling public, the Borough may at its discretion require mitigated action or may require the removal of the system or portion thereof generating the glare or reflected solar radiation;
- (m) Acknowledgement that, should any mitigation or system removal deemed necessary by the Borough fail to be dealt with in accordance with the Borough's determination within six months of notification of the landowner and/or system owner, or immediately in any case determined to be a safety hazard, the Borough may implement such mitigation or remove such systems as it deems necessary, costs therefore to be reimbursed within 90 days and, if not, a commensurate lien shall be placed upon the property;
- (n) Acknowledgement that the obligations set forth herein shall continue so long as the subject Solar Energy System remains in operation and that any subsequent property owner shall be so notified.
- (o) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (p) If the Solar Energy System is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Solar Energy System within six (6) months from the date the system enters such a state or immediately in any case determined to be a safety hazard.
- (q) If a ground-mounted Solar Energy System is ever removed, any earth disturbance as a result of the removal of the groundmounted Solar Energy System shall be graded and reseeded to the satisfaction of the Borough.
- (r) Any large solar energy system, shall comply with all applicable standards for a land development in the Borough's Subdivision and Land Development Ordinance.

(4) Wind energy system (small).

- (a) A small wind energy system shall be permitted as an accessory use to an existing principal use within any zoning district subject to the regulations set forth in this section. It shall be the responsibility of the landowner and/or applicant to prove compliance with this section at the time of application for a building/zoning permit.
- (b) The turbine shall be located on the same parcel or plot of land of record in which the principal use is located, with the exception that, power lines or related equipment may be located on a neighboring parcel or plot of land of record provided it will comply with all applicable virtual net metering laws of the public utility provider.
- (c) The height of the turbine shall include the tower and the rotor at its point where a blade is directly perpendicular to the ground. The maximum height of the turbine shall be 60 feet from the finished grade.
- (d) Turbines must meet the setback requirements for accessory structures for the underlying zoning district. In addition, turbines shall be set back a horizontal distance equal to their height from any property line or residential dwelling, excluding any dwelling on the lot on which the turbine is located. No turbine shall be located between the principal structure on the property and the public street right-of-way. Additionally, all turbines must be set back sufficiently from any above-ground utility lines, radio, television, or telecommunication towers so as to present no danger to those lines or structures, as certified by the applicant's engineer. No portion of any accessory turbine shall extend over parking areas, access drives, driveways or sidewalks.
- (e) The minimum clearance between the lowest arc of the turbine blades and the ground shall be 15 feet. If the turbine model that is proposed is a vertical axis wind turbine (also referred to as a helix-type windmill or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight feet.
- (f) If guy wire anchors are required, they shall be set back a minimum of ten (10) feet from any side and rear property lines.
- (g) All electric and utility lines associated with the turbine shall be buried underground.
- (h) All mechanical equipment associated with and necessary for the operation of the turbine, including any structure for batteries or storage cells, shall be screened from view with an enclosed six-foot-high fence or evergreen plantings of equal height. The evergreen plantings shall be of a type approved by the municipality and shall be planted to provide a full screen of the mechanical equipment. No noxious trees, plants or weeds shall be permitted to fulfill the screening requirements. The turbine tower shall also be enclosed within a six-foot-high fence unless the base of the turbine tower is not climbable for a distance of 12 feet. Any required fencing shall be made of wood, masonry, durable plastic or other decorative material approved by the Borough. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings of equal or greater height than the fence.

- (i) The turbine shall not generate noise which exceeds 60 decibels at any property line.
- (j) The turbine shall be kept in good repair and sound condition. Upon abandonment of use, the turbine and all related structures shall be dismantled and removed from the lot within 60 days.
- (k) The co-location of wireless communication antennae on a turbine tower shall not be permitted.
- (l) Power generated by the turbine shall provide power only for the principal use in which it services; any excess power generated by the turbine shall only be sold or acquired by a public utility in accordance with law or other governmental regulations.
- (m) The installation of the turbine shall meet all applicable requirements of the Uniform Construction Code.
- (n) No signage or advertising of any kind shall be utilized or attached to the turbine. This requirement shall not include the make and model description of the turbine, manufacturers required hangtags or warning signs or other signage that is required by law.
- (o) No lighting, unless required by any FAA requirements, shall be utilized or attached to the turbine.
- (p) Turbines shall be a neutral, nonobtrusive color such as white, off-white, gray, brown, black or other approved earth tone shade, unless a specific color or color pattern is required by the FAA or other regulatory agency.

(5) Wind energy system (large).

- (a) A large wind energy system shall be permitted by conditional use, within the Industrial Zoning District. Large wind energy systems shall be required to meet the Performance Standards of this chapter.
- (b) The height of the turbine shall include the turbine tower and the turbine rotor at its point where a blade is directly perpendicular to the ground. The maximum height of the turbine shall be 250 feet.
- (c) A turbine shall be set back from all property lines and ultimate street right-of-way at a distance that is equal to the turbines height (in feet) plus an additional 25 feet.
- (d) The turbine shall not generate noise which exceeds 60 decibels at any property line.
- (e) All on-site utility and transmission lines extending to and from the large wind energy system shall be placed underground.
- (f) All large wind energy systems shall be equipped with a redundant breaking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical breaks shall be operated in a fail-safe mode. Staff regulations shall not be considered a sufficient braking system for overspeed protection.
- (g) No lighting, unless required by any FAA requirements, shall be utilized or attached to the turbine.

- (h) Turbines shall be a neutral, nonobtrusive color such as white, off-white, gray, brown, black or other approved earth tone shade, unless a specific color or color pattern is required by the FAA or other regulatory agency.
- (i) No signage or advertising of any kind shall be utilized or attached to the turbine. This requirement shall not include the make and model description of the turbine, manufacturers required hangtags or warning signs or other signage that is required by law.
- (j) All large wind energy systems shall, to the greatest extent feasible, be sited to prevent shadow flicker on any occupied building on an adjacent lot.
- (k) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
- (l) All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by nonauthorized persons.
- (m) No portion of any large wind energy system shall extend over parking areas, access drives, driveways or sidewalks.
- (n) The minimum height between the lowest portions of the wind turbine shall be 30 feet above ground.
- (o) All mechanical equipment associated with and necessary for the operation of the turbine, including any structure for batteries or storage cells, shall be screened from view with an enclosed six-foot-high fence or evergreen plantings of equal height. The evergreen plantings shall be of a type approved by the Borough and shall be planted to provide a full screen of the mechanical equipment. No noxious trees, plants or weeds shall be permitted to fulfill the screening requirements. The perimeter of the large wind energy system shall also be enclosed within a six-foot-high fence unless the base of the turbine towers are not climbable for a distance of 12 feet. Any required fencing shall be made of wood, masonry, durable plastic or other decorative material approved by the Borough. Chain link fences shall not be permitted unless they are fully screened from view by evergreen plantings of equal or greater height than the fence.
- (p) If a large wind energy system is proposed to be mounted on or located within 100 feet of any Historic Structure as may be designated by the Borough or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such System shall be subject to conditional use approval at the sole discretion of the Borough upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject Historic Structure or Historic Resource.
- (q) The landowner and/or applicant shall present the following evidence to Borough Council at the hearing for a large wind energy system:
- (r) A narrative describing the proposed large wind energy system, including an overview of the project; the project location; the approximate generating capacity of the large wind energy system, the approximate number, representative types and height or range of heights of the turbines or other equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.

- (s) Identification of the properties or portions thereof on which the proposed large wind energy system will be located and also the properties adjacent to where the large wind energy system will be located.
- (t) A site plan, drawn to scale, showing all of the following information, as applicable: the planned location of each turbine, related structures, setback lines, access roads and turnout locations, substations, electrical wiring, ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, floodplains, easements, wetlands and limits of earth disturbance associated with construction of the large wind energy system.
- (u) Documents indicating the type and specifications of fencing to be used around the perimeter of the large wind energy system.
- (v) Documents relating to the decommissioning of the large wind energy system, including a schedule for decommissioning of the solar panels and related equipment.
- (w) Documents indicating compliance with any other applicable federal, state and local laws regulating large wind energy system and/or land development, including, but not limited to, any applicable laws of the Public Utility Commission, any public utility provider, Washington County Conservation District, and the PA Department of Environmental Protection.

(6) Outdoor hydronic heaters.

- (a) Outdoor hydronic heaters, also known as outdoor wood-fired boilers, shall be permitted as an accessory use on lots that are one (1) acre or larger. All outdoor hydronic heaters shall comply with the regulations of this section. It shall be the landowner and/or applicant's responsibility to prove compliance with this section, this shall include the requirements of submitting manufacturer's specifications and maintenance documents, certification testing results, and any other required documents at the time of application for a building/zoning permit.
- (b) The regulations listed below shall not apply to the following:
- (c) Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (d) Approved outdoor recreational fires.
- (e) Burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
- (f) The legal use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (g) The following items shall not be burned in an outdoor hydronic heater:
- (h) Treated or painted wood; furniture, trash, rubbish or garbage, tires, lawn clippings, woody yard wastes, plastic materials, rubber materials, waste petroleum products, paints and paint thinners, chemicals, hazardous wastes, coal, paper wastes, construction or demolition debris, plywood, particleboard, manure, animal carcasses.

- (i) Fuel requirements for outdoor hydronic heaters; the materials listed below shall be the only materials allowed to be used for fuel:
- (j) Clean wood, corn, wood pellets made from a clean wood, home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor hydronic heaters or any other materials located in a manufacturers list of specifications so long as the material is not prohibited by the previous section.
- (k) Any outdoor hydronic heater shall be located on the same parcel or plot of land of record in which the principal use is located with the exception that power lines or any related equipment to the outdoor hydronic heater may be located on an adjoining parcel or plot of land of record provided it will comply with all applicable virtual net metering laws of a public utility provider.
- (l) No more than one outdoor hydronic heater shall be permitted per lot.
- (m) Outdoor hydronic heaters shall meet the certification standards of the voluntary program of the Environmental Protection Agency (EPA) for Phase 2 air emission levels of no more than 0.32 pounds of fine particulates per million British Thermal Units (BTU's) heat input and any amendments or modifications made hereafter.
- (n) Setback requirements.
- (o) Outdoor hydronic heaters shall be located a minimum of 150 feet from any side or rear property line.
- (p) No outdoor hydronic heater shall be located between the principal structure on the property and the public street right-of-way; notwithstanding the aforesaid requirement, the minimum setback from the ultimate public street right-of-way shall be no less than 150 feet.
- (q) If an outdoor hydronic heater is proposed to be located within 100 feet of any Historic Structure as may be designated by the Borough or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such outdoor hydronic heater shall be subject to conditional use approval at the sole discretion of the Borough upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject Historic Structure or Historic Resource.
- (r) No person shall install an outdoor hydronic heater unless it has a permanent attached stack with a minimum stack height of 10 feet above the ground that also extends at least two feet above the highest peak of any residence located less than 150 feet from the outdoor hydronic heater.
- (s) No signage or any form of advertising shall be utilized or attached to an outdoor solid-fuel fired boiler. This requirement shall not include the make and model description of the outdoor hydronic heater, manufacturers required hangtags or warning signs, the hangtags indicating EPA air quality specifications, or other signage that is required by law.
- (t) No person shall use or operate a new or existing outdoor wood-fired boiler between the dates of May 1 and September 30.

- (u) All outdoor hydronic heaters shall be installed, operated and maintained in strict compliance with all emissions of air quality standards promulgated by EPA, the DEP, or other relevant state or federal agency including emissions of dust and particulates.
- (v) In the event that an outdoor hydronic heater is damaged or it is physically deteriorated or decayed to the point where it no longer is compliant with this section, said heater must be removed and/or replaced with a new unit within 60 days of the date that notice is received from the Zoning Officer. In the event of replacement, all provisions of this chapter in effect at the time of replacement shall be complied with.
- (w) In the event the outdoor hydronic heater is abandoned, the boiler, electrical wires, and any related equipment and structures shall be dismantled and removed from the property within 60 days of the date it was abandoned.
- (x) Outdoor hydronic heaters shall comply with all applicable regulations of the Uniform Construction Code.

HH. Retail Store (>5,000 square feet).

- (1) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows have not been provided shall have architectural treatments that are similar to the front façade, including materials, colors, and details.
- (2) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.
- (3) Building types shall be compatible to the historic architecture of the area in their massing and external treatment.
- (4) Buildings shall attempt to maintain the horizontal rhythm adjacent facades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors.
- (5) In the Central Business District only, buildings shall have a three (3) to five (5) foot break in depth for every 50 feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.

II. Retirement Community.

- (1) The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a street classified as an arterial or collector street. Access to local Borough streets shall not be permitted, except that a secondary controlled “emergency only” access may be provided from a local Borough street, if approved by the Borough.
- (2) A Retirement Community may include any combination of the following dwelling types:
 - (a) Single family dwellings

- (b) Two family dwellings
- (c) Townhouses, subject to §170-603.Q
- (d) Garden apartments, subject to §170-603.Q
- (3) In addition to the foregoing dwelling types, a Retirement Community shall include the following supporting uses:
 - (a) Common leisure and/or recreational areas
 - (b) Common dining area
- (4) In addition, a Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Borough:
 - (a) Postal station for use of the residents and staff only;
 - (b) Banking facility for use of the residents only;
 - (c) Pharmacy and/or medical offices for use of the residents only;
 - (d) Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
 - (e) Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
 - (f) Personal care boarding home licensed by the Commonwealth;
 - (g) Nursing home licensed by the Commonwealth;
 - (h) Elderly day care center licensed by the Commonwealth;
 - (i) Taxi, van or similar transportation services for the residents.
- (5) No principal structure shall be less than twenty (20) feet from any property line of the development site.
- (6) Buffer Area "B," as defined by §170-03.A of this Ordinance shall be provided along all property lines adjoining the R-1 Zoning District.
- (7) There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of Article 7 of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.
- (8) Sidewalks shall be provided to connect buildings, common outdoor areas and parking areas.
- (9) The site design shall include outdoor common areas, gathering places and passive or active recreation facilities appropriate to the needs of the residents. Common outdoor areas shall be attractively landscaped.

JJ. Schools (includes public/private, primary or secondary).

- (1) Minimum lot area – 20,000 square feet.
- (2) No outdoor play areas or facilities shall be within 15 feet of a residential lot line.

KK. Self-Storage Facilities.

- (1) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- (2) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- (3) Interior traffic aisles shall be kept clear of obstructions to emergency vehicles.
- (4) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- (5) Any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by Buffer Area "C", as defined by §170-503.A of this Ordinance. Any fencing shall be placed on the inside of the plantings.
- (6) Minimum separation between buildings shall be 20 feet. Maximum length of any building shall be 300 feet.
- (7) Outdoor storage facilities shall be completely fenced in, with a locking gate system, using a chain-link type fence. Fence shall be a minimum of six (6) feet in height and a maximum of ten (10) feet in height.
- (8) Fences along property lines of residential uses shall have screens installed for privacy. Solid fences may be used with the approval of the Borough Council.

LL. Shopping Center.

- (1) The primary vehicle route into and through the site should be directed away from the primary pedestrian routes into the main doors of the commercial uses.
- (2) The development shall consist of a harmonious selection of uses, and groupings of buildings, service and parking area, circulation and open spaces, planned and designed as an integrated unit in such manner as to constitute a safe, efficient and convenient retail shopping center or related planned business development.
- (3) Buffer Area "B," as defined by §170-503.A of this Ordinance shall be provided along all property lines adjoining residential use or zoning classification.
- (4) A strip of the required front yard area not less than ten (10) feet in width, measured from the street line, shall be suitably landscaped except for necessary sidewalks and accessways and may include a wall not more than four (4) feet in height.
- (5) No storage of materials, equipment or goods shall be permitted outside a building, and no merchandise shall be displayed on the exterior of a building, except in conformance with the following regulations.
- (6) Only merchandise intended for immediate sale shall be displayed on the sidewalk in front of any store. At least eight (8) feet of sidewalk shall remain unobstructed for pedestrian use between the merchandise or display and the curb.
- (7) All areas proposed for storage or display purposes shall be enclosed in a suitable fence or plant screen, located adjacent to the main building in such a manner as to prevent a view of the stored items from any adjacent property at ground level,

and placed in such a manner as to control pedestrian and vehicular movement in the area.

- (8) Adequate provisions shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center. Such provisions shall include raised curbs or medial walkways which shall prohibit vehicles from straying from their designated circulation routes. Also, these walkways shall be suitably planted to help reinforce the proper routing of traffic and add to the overall appearance of the shopping center.
- (9) All access roads, parking area, service and other areas for vehicular use shall be paved with bituminous, concrete material or other hard surface material meeting specifications acceptable to the Borough Engineer.
- (10) The proposed development shall be served by public sewer and water facilities.
- (11) If the development of the shopping center is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage.

MM. Landfill/Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility.

- (1) All solid waste storage, disposal, incineration or processing shall be at least 100 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than ½ acre in area.
- (2) All solid waste storage, disposal, incineration or processing shall be a minimum of 300 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- (3) No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- (4) Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- (5) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- (6) Adequate means of emergency access shall be provided.
- (7) For a solid-waste-to-energy facility or solid waste transfer facility: a) all loading and unloading of putrescent solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated, and b) all solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
- (8) Buffer Area "A," as defined by §170-503.A of this Ordinance shall be provided along all property lines.

NN. Tattoo Parlor and Body Piercing Establishment.

- (1) The building area occupied by a Tattoo and Body Piercing Establishment shall not be located within 1,000 feet from the closest building area occupied by another Tattoo and Body Piercing Establishment.

- (2) Tattoo and Body Piercing Establishments shall not be located on a lot within five hundred (500) feet, measured by a straight line in any direction, from the lot line of a charter school, private school, or public school, which provides elementary or secondary education. Instructional or vocational schools are excluded from the separation requirement.

OO. Temporary Uses or Structures, other than Construction Trailers.

- (1) The proposed temporary use or structure shall be limited to those uses or structures otherwise authorized in the Zoning District.
- (2) Food trucks and other mobile retail facilities are not governed by these requirements unless the facility will remain at the same location for a period of time exceeding eight (8) hours.
- (3) 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.
- (4) Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (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.
- (5) The preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met:
 - (a) The area used for preparing and serving the food shall not obstruct any sidewalk or public right-of-way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and, in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one (1) area at least five (5) feet wide along the curb.
 - (b) The area used for preparing and serving food shall not eliminate the availability of any existing parking spaces on the site.
 - (c) The site intended to be used for the preparation and/or serving of food shall provide restroom facilities available to the public, unless the existing business on the site has restroom facilities which will be available to the public visiting the temporary use.
 - (d) The activity shall comply with all applicable Borough Codes and Ordinances.
 - (e) The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Borough with a Certificate of Insurance, in an amount at least equal to \$2,000,000 per occurrence and \$3,000,000 aggregate, indemnifying the Borough against any liability resulting from such use.

- (6) All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
- (7) 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 Article VII for the proposed use.
- (8) 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.

PP. Treatment Center.

- (1) The applicant shall submit with its application a plan outlining in detail the management of the facility. This shall include information on personnel, supervision, hours of operation, services provided, rules and regulations, and any other information pertinent to the operation of the facility.
- (2) The facility must comply with all applicable Fire, Housing, Building, Property Maintenance, and Health Codes, and all regulations pertaining to transient occupancy with respect to emergency lighting, smoke detectors, exit lights, and other safety devices.
- (3) Any food preparation, service, or distribution shall be licensed and inspected.
- (4) All services provided on site shall be contained within the structure and operated by a non-profit, charitable, or for-profit organization.
- (5) The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional approval.
- (6) Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- (7) Shall not be located within 1,000 feet of an existing Treatment Center.
- (8) Shall be located a minimum of 500 feet from a lot line of a lot occupied by each of the following: a school, public park or playground or day care center.

Article 7 – Conditional Uses and Special Exceptions

§ 170-701. Applicability.

The requirements of this Article shall apply to all conditional uses or uses by special exception in all Zoning Districts as authorized in Article 3 of this Ordinance.

§ 170-702. Procedure for Approval.

A. Approval of Conditional Use.

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 ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - (a) A preliminary land development plan, if required by the Borough Subdivision and Land Development Ordinance or, if a land development plan is not required, a current property survey indicating 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 Ordinance.
 - (b) A written statement showing compliance with the applicable express standards and criteria of this Article and §170-603, if applicable, for the proposed use.
 - (c) A Traffic Impact Study, if required by §170-506 of this Ordinance.
 - (d) The application fee as set forth by Borough Council in the schedule of fees.
- (2) A written recommendation is received from the Borough Planning Commission or forty-five (45) 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) A public hearing is conducted by Borough Council pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application. Written notice of the hearing shall be posted on the affected tract of land at least one (1) week prior to the hearing.
- (4) Borough Council shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Ordinance or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.
- (5) 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 Article. 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 Ordinance and shall be subject to the enforcement provisions of §170-1104 of this Ordinance.

B. Expiration of Conditional Use Approval

- (1) Conditional use approval shall expire automatically without written notice to the applicant, if no application for 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 twelve (12) months of said approval, unless Borough Council, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

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 Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
 - (a) A current property survey indicating 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 Ordinance.
 - (b) A written statement showing compliance with the applicable express standards and criteria of this Article and §170-603, if applicable, for the proposed use.
 - (c) The application fee as set forth by Borough Council in the schedule of fees.
 - (d) A Traffic Impact Study, if required by §170-506 of this Ordinance.
- (2) A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Written notice of the hearing shall be posted on the affected tract of land at least one (1) week prior to the hearing. Said hearing shall be conducted in accordance with the procedures specified by §170-1208 of this Ordinance.
- (3) In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend general public interest such as the health, safety and welfare of the neighborhood rests upon the applicant.

- (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 Article. 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 Ordinance and shall be subject to the enforcement provisions of §170-1104 of this Ordinance.
- (5) If land development approval is required for the use by special exception, the application for approval of a land development required by the Borough Subdivision and Land Development Ordinance shall be submitted to the Borough Planning Commission following approval of the use by special exception by the Zoning Hearing Board.

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 twelve (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 (1) twelve month extension.

§ 170-703. General Standards.

- A. 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:
 - (1) The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
 - (2) The use shall comply with the Performance Standards of §170-502 of this Ordinance.
 - (3) The use shall comply with all applicable requirements of Article 8 governing parking and loading, Article 9 governing signs, §170-503 governing screening and landscaping and §170-505 governing storage.
 - (4) 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.
 - (5) Outdoor lighting, if proposed, shall be designed with cutoff luminaires that direct and cut off the light at a cutoff angle of sixty degrees (60°) or less. (See illustration in Appendix B) Illumination shall not exceed 0.2 footcandle at the property line.
 - (6) 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.

- B. The following standards apply to accessory uses to conditional uses or special exceptions, with the exception of fences and signs:
- (1) Any accessory use or structure which is not approved as part of the application for conditional approval of the principal structure or use shall require submission of a conditional use application in accordance with the requirements of §170-702.A of this Ordinance.
 - (2) All parking and loading areas or expansion or redesign of parking and loading areas shall be subject to the requirements of Article VII of this Ordinance.
 - (3) All storage areas and structures shall comply with the provisions of §170-505 of this Ordinance.
 - (4) No temporary structures shall be permitted unless all applicable criteria of §170-603.OO. are met.
 - (5) All vents, fans, mechanical or electrical equipment shall be baffled to reduce noise impacts on adjoining properties.
 - (6) Accessory uses that are not otherwise required to be fenced or screened shall be landscaped by Buffer Area "C", as defined by §170-503.A.3, to screen the use from public view from streets or adjoining properties.
 - (7) Borough Council shall determine whether the proposed accessory use or structure is customarily incidental and subordinate to the principal use of the property.
 - (8) In approving the accessory use or structure, Borough Council shall consider whether any conditions are warranted to be attached to the approval to protect the public health, safety and welfare.

Article 8 – Off Street Parking Regulations

§ 170-801. Applicability.

- A. The requirements of this article shall apply to all uses within all zoning districts. It is the intent of this Article that adequate off-street parking and loading facilities shall be provided for each use of land. These requirements are intended to be based upon the demand created by each use, and where multiple uses occur upon a single lot, the off-street parking and loading requirements for each use shall be provided.
- B. All parking areas established prior to the effective date of this Chapter that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. Any change or alteration to these existing nonconforming parking areas shall require that portions to be altered to be complete in accordance with all provisions of this Article.
- C. In the event a change in use of a building and/or a building expansion or alteration creates additional parking or loading demand for the use, additional off-street parking and loading areas shall be provided.
- D. Accessory off-street parking spaces in existence on the effective date of this Chapter shall not be reduced in number unless the remaining off-street parking equals or exceeds all provisions of this Article for equivalent new construction of the current use of the building.

§ 170-802. Off-Street Parking Design.

- A. Size. Parking areas in all zoning districts shall comply with the following standards:

- (1) Parking spaces shall meet the minimum dimensions provided in Table 8.1.

Table 8.1: Minimum Dimensions for Parking Spaces

Type of Parking Space	Width	Length
Angle or 90 degree	9 feet	18 feet
Parallel	8 feet	22 feet
Handicapped	13 feet	18 feet
Van accessible	17 feet	18 feet

- B. Design.
 - (1) Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
 - (2) Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.
 - (3) The parking of a motor vehicle in the front or side yard of a residence, except in a driveway or a paved parking space, shall be prohibited. When possible, nonresidential parking lots should be located to the rear or side of all structures.

- (4) Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and pedestrians.
- (5) The width of aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one (1) way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.
- (6) The minimum width of aisles providing access to stalls, varying with angle of the parking, shall be as provided in Table 8.2.

Table 8.2: Minimum Width of Aisles

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30 degree	11 feet
45 degree	12 feet
60 degree	19 feet
90 degree	28 feet

- (7) The required parking area shall be measured exclusive of interior drives or maneuvering areas.
- (8) Minimum width of aisles providing two-way travel shall be twenty-four (24) feet.
- (9) One-way aisles shall not be dead-ended. A functional exit or turnaround shall be provided.
- (10) Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional one (1) foot is provided in order to accommodate such overhang.

C. Landscaping.

- (1) Parking areas containing more than ten (10) spaces shall provide the landscaping required by Article 5 Supplemental Regulations. In addition, a landscaped area shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a street in accordance with Article 5 Supplemental Regulations.

D. Markings.

- (1) In all paved parking areas which contain five (5) or more spaces, all parking spaces shall be clearly delineated by painted lines marked with durable white or yellow paint in stripes a minimum of four inches (4") wide extending the length of the parking space. 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 spaces by suitable markings.

E. Lighting.

- (1) Any lighting used to illuminate off-street parking areas shall be designed to avoid spillover and reflect the light away from the adjoining premises of any residential zoning district or use and away from any streets or highways. Light standards shall not exceed fifteen (15) feet in height. The lighting system shall furnish an average minimum of 1.0 footcandle during hours of operation and shall be designed with a full cut-off luminaries with a cutoff angle of ninety (90) degrees.

F. Stormwater Management.

- (1) All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Stormwater Management Ordinance and to review and recommendation by the Municipal Engineer.

G. Surfacing.

- (1) The surfaced area shall include asphalt, poured or precast concrete, brick, stone, gravel or any other impervious surface, or grasscrete or other similar pervious surface. All surfacing materials shall be approved by Borough Council with recommendations from Planning Commission.

§ 170-803. Parking Spaces Required.

- A. An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors. Off-street parking spaces shall be provided as listed in Table 8.3.
- B. The Central Business District (CBD) shall be exempt from the parking requirements found in Table 8.3.
- C. When determination of off-street parking results in a requirement of a fractional space, any fraction will be counted as one (1) parking space.
- D. Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- E. Where more than one (1) use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required.
- F. In no case shall the public right-of-way be used for meeting a required parking requirement.
- G. A one (1) car garage and driveway shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the sidewalk, or twenty-five (25) feet to the curb line. A two (2) car garage and driveway combination shall count as four (4) off-street parking spaces, provided the minimum width of the driveway is twenty (20) feet and its minimum length is as specified above for a one (1) car garage.

Table 8.3: Minimum Off Street Parking Requirements

Note: sf = square footage; GFA = Gross Floor Area

Use	Required Number of Spaces
<i>Class I: Residential</i>	
Single-family	Two (2) spaces
Duplex	Four (4) spaces
Multi-family	Two (2) spaces per dwelling unit, plus two (2) spaces for manager's unit, if provided
Group Care Facilities	One (1) space for every resident, plus one (1) space per employee on largest shift
<i>Class II: Moderate Intensity Nonresidential</i>	
Business/Professional Offices	One (1) space for every 400 sf of GFA
Clinics and Medical Offices	One (1) space for every 200 sf of GFA
Funeral Home or Mortuary	One (1) space for every 50 sf of GFA in the parlors plus 1 per 300 sf of remaining GFA
Hospitals and Nursing Homes	One (1) space per three (3) beds and one (1) space for each employee on the peak working shift
Personal Services	One (1) space for every 250 sf of GFA
<i>Class III: Institutional</i>	
Day Care Center	One (1) space for every employee on duty during largest shift plus one (1) space for every six (6) children in attendance when the facility is operating at maximum capacity
Library/Museum	One (1) space for each 500 sf of GFA
Place of Worship	One (1) space for every five (5) fixed seats or one hundred (100) lineal feet of pew, or if no seats or pews, one (1) space for every forty (40) sf of GFA used for assembly
Schools, Elementary and Junior High	One (1) space for each employee or faculty member or one (1) space for each three (3) seats in the principal place of assembly, whichever is greater
Schools, Secondary, Post-Secondary and Trade Schools	One (1) space for each employee or faculty member plus one (1) space for each ten (10) students or one (1) space for each three (3) seats in the principal place of assembly, whichever is greater
<i>Class IV: Commercial</i>	
Bank	One (1) space for every 350 sf of GFA plus three (3) spaces for each ATM not located in a drive-thru

Greenhouse, Commercial and/or Garden Center and/or Nursery	One (1) space for every employee on largest shift plus one (1) space for every 400 sf of growing and display area accessible to the public
Hotel / Motel / Lodge	One (1) space per employee on peak shift plus one (1) space per sleeping unit
Restaurants with Drive Through	One (1) space per fifty (50) sf of net floor area plus one (1) space per employee on peak shift
Restaurant, Bar or Tavern	One (1) space for every seventy-five (75) sf of GFA plus one (1) space for each employee on peak working shift
Retail Store	One (1) space for every 300 sf of GFA

Class V: Industrial

Vehicle / Car Wash	2.5 spaces for each bay or stall for stacking space
Gas Station	One (1) space for each employee on duty during largest shift plus two (2) for each service bay plus one (1) space per 250 sf of GFA of convenience store, if applicable
Heavy Manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 2,000 sf of GFA of warehouse, assembly, or storage space

Note: sf = square footage; GFA = Gross Floor Area

Light Manufacturing	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,500 sf of GFA of warehouse, assembly, or storage space
Research and Development and / or Laboratory	One (1) space for each 2,000 sf plus one (1) space for every three (3) employees
Self-Storage Facility	One (1) space for every 40 storage units or bays
Truck terminal	One (1) space for 1,000 sf of GFA plus one (1) space for every three (3) employees
Vehicle Repair	Two (2) spaces for each service bay
Vehicle Sales, Rental, and Service	One (1) space for every 180 sf of GFA
Warehouse and/or Distribution Facility	One (1) space for every 400 sf of GFA of office space, plus one (1) space per 1,700 sf of GFA of wholesale / warehouse space
Wholesale Establishment	One (1) space for each 3,500 sf of GFA plus one (1) space for every three (3) employees

Class VI: Recreation

Ball Fields and/or Courts	Two (2) parking spaces for each team member on the field or court during regulation play plus one (1) space for each three (3) seats in bleachers or viewing stands
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Driving Range (golf) or Miniature Golf	One (1) space for each tee/hole
Golf course	Four (4) spaces for every green
Movie theater or Auditorium or Gymnasium	One (1) space for every four (4) seats
Recreation, Outdoor (5-10 acres)	One (1) space for the first two (2) acres and one (1) space for each additional acre plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, Outdoor (over 10 acres)	Five (5) spaces for the first acre and one (1) space for each additional 10 acres plus any additional parking for any other facilities or land uses constructed within the park as provided herein
Recreation, Indoor	One (1) space for every 300 sf of GFA
<i>Uses Not Specified</i>	
All Other Uses	One (1) space for each three (3) occupants at maximum permitted occupancy or one (1) space for each three hundred (300) sq. ft. of gross floor area whichever is greater

§ 170-804. Alternative Parking Requirements.

- A. If the number of off-street parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then parking spaces may be located on a lot other than that containing the principal use as a conditional use pursuant to the provisions below. These off-site spaces are referred to in this section as satellite parking spaces.
- (1) All such satellite parking spaces (except spaces intended for employee use) must be located within two hundred and fifty (250) feet of the lot on which the principal use associated with such parking is located.
 - (2) Walking paths shall be provided between the principal use and the parking lot. Such paths shall not cross streets except at designated crosswalks.
 - (3) All such parking spaces must be located in a zoning district that permits the principal use.
 - (4) A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the municipality who shall forward a copy to the Municipal Solicitor for review and approval. Proof of recordation of the agreement shall be presented to the municipality prior to issuance of a certificate of occupancy. The agreement shall:
 - (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (b) Provide a legal description of the land;
 - (c) Include a site plan showing the area of the parking parcel;
 - (d) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses; and
 - (g) Describe the method by which the covenant shall, if necessary, be revised.
 - (5) If the agreement expires, each owner shall provide the required parking spaces for their principal use.

§ 170-805. Accessible Parking.

- A. Parking spaces for use by persons with disabilities shall meet the 2010 Americans with Disabilities Act (ADA), as amended, Standards for Accessible Design.
- B. Such parking spaces shall be located as close as possible to ramps, walkways, entrances and elevators. Where feasible, these parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance.

- C. Table 8.4 provides the minimum number of accessible parking spaces that must be provided.

Table 8.4: Required Accessible Parking

Total Spaces Required	Parking Required Accessible Spaces	Number of
1-25	1	
26-50	2	
51-75	3	
76-100	4	
101-150	5	
151-200	6	
201-300	7	
301-400	8	
401-500	9	
501-1,000	2% of total	
Over 1,000	20 plus 1 for each 100 over 1,000	

- D. For every six (6) handicapped parking spaces required, at least one must be van accessible.

§ 170-806. Parking Lot Landscaping.

- A. All parking areas shall be landscaped in accordance with §170-503 of this Chapter.

§ 170-807. Off-Street Loading Requirements.

- A. In all Zoning Districts, whenever a new use is established or an existing use in structurally altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.
- B. Off Street Loading Design.
- (1) Size. Each loading berth shall be at least sixty-five (65) feet in length and twelve (12) feet in width with an overhead clearance of fourteen (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.
 - (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 fifty (50) feet from the nearest point of intersection of any two (2) streets.

- (4) Screening. Loading berths shall be screened by a six (6) foot hedge, wall or opaque fence on all sides which face residential use or Zoning District classification.
- (5) Surfacing. All loading berths shall have a paved, concrete or bituminous surface, with adequate thickness to support the weight of a fully loaded vehicle and graded with positive drainage to dispose of surface water. Additional regulations regarding stormwater management can be found in the Subdivision and Land Development Chapter.
- (6) Lighting. Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use or zoning classification and away from any street or highway.

C. Off-Street Loading Requirements.

- (1) 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 Table 8.5.
- (2) In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.

Table 8.5: Off-Street Loading Berths

Gross Floor Area (square feet)	Number of Berths Required
Under 20,000	None
20,000 – 59,999	1
60,000 – 99,999	2
For each additional 60,000	1 additional

Article 9 – Signs

§ 170-901. Applicability.

This Article shall apply to the placing, illumination, animation and maintenance of all signs that are visible from the public right-of-way.

§ 170-902. Location of Signs.

- A. On-Premises Sign – a sign which directs attention to a person, business, profession, occupation or activity conducted on the same lot.
- B. Off-Premises Sign – a sign which directs attention to a person, business, profession, product, occupation or activity not conducted on the same lot.

§ 170-903. Types of Signs.

- A. Attention-Getting Device. A pennant, flag, banner, valance, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation which is designed or used for the purpose of promoting, advertising or attracting attention.
- B. 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.
- C. Building Sign. An on-premises sign permanently affixed to a building, including:
 - (1) Canopy (or Awning Sign). A sign that functions as a roof-like shelter, either permanent, retractable or removable, made of canvas or other material that is affixed to a building or self-supporting and provides protection from sun, rain, snow and other elements but excluding marquees.
 - (2) Marquee Sign. A sign that is attached to, in any manner, or supported by a permanent roof-like shelter extending from part of all of a building face and may or may not project over the public right-of-way.
 - (3) Projecting Sign. A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
 - (4) Roof Sign. A sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - (5) Residential Identification Sign. A sign containing only the name and address of the occupant of the premises, or in the case of a multi-family building containing only the name and address of the building.
 - (6) Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

- (7) Wall Sign. A sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than six (6) inches from the wall of the building.
- (8) Window Sign. A sign or group of signs affixed to the inside of a display window in a commercial establishment which advertises a product or service available on the premises or which announces or promotes a special sale or special event.
- D. Building Marker. A historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
- E. Freestanding Sign. An on-premises sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure., including:
 - (1) Ground (or Monument) Sign. A sign having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.
 - (2) Pole Sign. A sign that is supported from the ground by an exposed pole(s) or a three-dimensional support structure that is less than one-third (1/3) the width of the sign face.
 - (3) Pylon Sign. A sign that is supported by one or more structural elements which are architecturally similar to the design of the sign or where the support structure is more than one-third (1/3) the width of the sign face.
- F. Public Sign. A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions. Such signs may be on-premises or off-premises.
- G. Residential Plan Identification Sign. A permanent wall or freestanding ground sign containing only the name and address of a housing plan or subdivision or a multifamily building or development.
- H. Temporary Sign. A sign that is not permanently affixed to the ground, building or structure and is temporary in nature, designed to be removed upon conclusion of an event or within a specified time period.

§ 170-904. Sign Features.

- A. Subject to the regulations contained in Section 912, authorized signs may exhibit the following features:
 - (1) Changeable Copy. A sign whose informational content can be changed or altered by manual or electronic means. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a

'time and temperature portion of a sign and not a changeable copy sign for purposes of this Chapter.

- (2) Digital. A sign with a fixed or changing message composed of a series of lights, including light emitting diode (LED), which may be changed through electronic means without altering the face or surface of the sign.
- (3) 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.
- (4) 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.

§ 170-905. Prohibited Signs

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

- (1) Attention-Getting Devices, unless approved as a Temporary Special Event Display;
- (2) Off-premise signs, with the exception of billboards, in accordance with § 170-911.A;
- (3) Signs featuring animation of any kind;
- (4) Signs on trees, utility poles or official traffic control devices or signs;
- (5) Signs which imitate traffic control devices;
- (6) Signs painted on walls or chimneys of a building or on fences or walls;
- (7) 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.

§ 170-906. Permit Required.

- A. Except as otherwise provided in Section 907, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this chapter and in accordance with a sign permit issued by the Zoning Officer. Repainting or changing the message of the sign shall not, in and of itself, be considered a substantial alteration.
- B. All sign applications must be accompanied by a plan, drawn to scale, showing the exact size, shape and dimensions of such sign, the lighting plan for such sign and its proposed location or placement upon any structure or property.

- C. A fee, in accordance with the Borough's fee schedule, as amended, shall accompany each application.
- D. In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign.
- E. Any permit issued by the Borough for the erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

§ 170-907. Signs Exempt from Permit Requirements.

- A. The construction or display of the following sign types will be permitted without a permit. Exempt signs shall, however, conform to all other applicable regulations:
 - (1) Official traffic signs.
 - (2) Government/regulatory signs.
 - (3) Directional signs.
 - (4) Public signs which are erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.
 - (5) Flags, provided that they meet the following:
 - (a) The flag and flagpole shall not be located in any required yard setbacks;
 - (b) The height shall not exceed 30 feet above grade level;
 - (c) No more than two (2) flags per lot in residential districts and no more than three (3) in all other districts;
 - (d) The maximum size of the flag shall be 24 square feet in residential districts and 35 square feet in all other districts;
 - (e) Flags containing commercial messaging may be used as a permitted freestanding or projecting sign, and if so, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
 - (6) Residential Identification Signs, provided they do not exceed two (2) square feet.
 - (7) Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside.
 - (8) Holiday and seasonal decorations.
 - (9) Legal notices.
 - (10) Building markers.
 - (11) No trespassing, no hunting, security and warning signs or private property signs, provided they do not exceed two (2) square feet.

- (12) Temporary signs on residential properties, that are non-commercial in nature, not illuminated, contain no offensive or obscene language and do not exceed six (6) square feet in size.

§ 170-908. General Sign Regulations.

A. Conformance.

- (1) No new sign shall be permitted on any property unless every sign on the property shall be in conformance with this section. A sign which is not expressly permitted is prohibited.
- (2) Signs existing at the time of passage of this Ordinance which do not conform to the requirements of the Ordinance shall be considered nonconforming signs. However, nonconforming signs may be repainted, repaired (including lighting) or replaced provided such repainted, repaired or replaced signs do not exceed the dimensions of the existing sign. Copy may also be changed.
- (3) Nonconforming signs once removed physically may be replaced only with conforming signs; every sign erected shall also comply with the requirements for the zoning district in which said sign is erected.
- (4) A sign or any part thereof shall be confined to the property to which it is located;
- (5) No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter;

B. Digital Signs and Electronically Changing Message Signs.

- (1) All messages, images, or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of 10 seconds, except signs with a changeable sign area of less than 30 square feet in a commercial district may change a minimum interval of every six seconds. Billboards containing digital or changeable copy shall remain unchanged for a minimum of 30 seconds.
- (2) The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one second.
- (3) There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
- (4) There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display.
- (5) The intensity and contrast of light levels shall remain constant throughout the sign face.
- (6) Each digital sign or electronically changing message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.

C. Illumination.

- (1) Illumination shall be directed upon the sign face and not towards adjoining properties or streets.
- (2) Lighting shall be stationary and constant in intensity and color at all times. Flashing or oscillating signs shall not be permitted.
- (3) The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not exceed a maximum of 1.0 footcandle at the property line.

D. Lots with Multiple Street Frontage.

- (1) In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) of each type of sign which is authorized for the lot on each street frontage.

E. Maintenance and Inspection.

- (1) 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 to the owner in writing, in accordance with this Ordinance, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense.

F. Removal of Signs.

- (1) Whenever any business is discontinued or vacated, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, Borough may remove the sign at the owner's expense. The Borough may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

G. Setbacks.

- (1) Freestanding signs shall not project into a street or alley right-of-way and shall be setback a minimum of five (5) feet from back of curb or edge of pavement.

H. Visibility.

- (1) No sign shall be erected within, or project into, the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body.
- (2) No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal, or in any other way would be a detriment to public safety.
- (3) Signs shall not be located in the clear sight triangle prescribed in §170-504.

§ 170-909. Computation of Sign Area and Height.

A. The following principles shall control the computation of sign area and sign height:

- (1) The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets land use ordinance regulations and is clearly incidental to the display itself.
- (2) The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- (3) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - (a) Existing grade prior to construction; or,
 - (b) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

§ 170-910. Sign Types Permitted.

- A. Signs shall be allowed on private property in the Borough in accordance with, and only in accordance with, Tables 9.1 and 9.2, unless the sign is specifically exempt from the permit requirements as outlined in § 170-907
- (1) If the letter 'P' appears for a sign type in a column, such sign is permitted in that district, subject to the regulations contained in 0.
 - (2) If the letter "N" appears for a sign type in a column, such a sign is not allowed in the land use district represented by that column under any circumstances.

Table 9.1: Permitted Signs in Residential Districts

Type	C	R-1	R-2	R-3
Billboards	N	N	N	N
Building				
Canopy	N	N	N	N
Marquee	N	N	N	N
Projecting	N	N	N	N
Roof	N	N	N	N
Suspended	N	N	N	N
Wall	N	P	P	P
Window	N	N	N	N
Freestanding				
Ground	P	P	P	P
Pole	N	N	N	N
Pylon	N	N	N	N
Residential Plan Identification	N	P	P	P

Table 9.2: Permitted Signs in Mixed Use and Non-Residential Districts

Type	MU	CBD	C-1	OI	I-1
Billboards	N	N	N	CU	N
Canopy	N	P	P	P	N
Marquee	N	P	P	P	N
Projecting	P	P	P	P	N
Roof	N	P	P	P	P
Suspended	P	P	P	N	N
Wall	P	P	P	P	P
Window	N	P	P	N	N
Ground	P	P	P	P	P
Pole	N	N	P	P	P
Pylon	N	N	P	P	P
Residential Plan Identification	N	P	P	N	N
Construction	P	P	P	P	P
Development	P	P	P	P	P
Portable	P	P	P	N	N
Real Estate	P	P	P	P	P
Real Estate Open House	P	P	P	P	P
Special Event Display	P	P	P	P	P

§ 170-911. Regulations by Sign Type.

A. Billboards.

- (1) Billboards shall only be permitted as a Conditional Use in the Zoning Districts specified in Table 9.2, provided the site is within thirty (30) feet of an Interstate.
- (2) Billboards shall not exceed a maximum of 300 square feet on each of the two (2) sides, with a maximum length of 20 feet and a maximum width of 15 feet. If the interior angle within the inside of the two attached sides of a sign is greater than 30 degrees, then the maximum sign areas shall apply to the total of the two sides and no billboard shall have more than two (2) sides.
- (3) Billboards shall not exceed a maximum height of 95 feet above the grade. The height shall be measured from the grade of the property to the highest part of the sign, including any lighting or portion of the support structure.
- (4) Billboards shall not be located closer than 20 feet from any property line, and shall not be located closer than 25 feet, nor further than 75 feet, from any street or road to which the Billboard is oriented, measured from the ultimate right-of-way of such street or road. Billboards may not be closer than 500 feet from another Billboard measured linearly on the same side of the street or road to which the Billboard is oriented.
- (5) More than one Billboard shall be permitted per tax parcel, but such signs shall be no less than 500 feet apart.
- (6) Billboards may contain digital and/or changeable copy messages, subject to the regulations of §608.2 of this Chapter.
- (7) All Billboards shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the signs shall be immediately repaired or removed at the sole cost and expense of the owner of the sign. If a Billboard is determined by the Borough to be structurally unsound or in poor condition, the Borough shall notify the owner of the property on which the sign is located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to repair or remove the sign. If the Billboard is not repaired or removed within sixty (60) days of the date of the notice, the Borough may remove the sign, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The Borough may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property.
- (8) Landscaping.
 - (a) Trees greater than four (4) inches in diameter removed for access to or the construction of a Billboard shall be replaced on-site at a ratio of one replacement tree for each removed tree using native species no less than three (3) inches in diameter (See Appendix A for a list of approved tree/plant species).

- (b) A continuous landscaped buffer shall be planted along every side of the supporting structure of the Billboard and extending a minimum of ten (10) feet from the supporting structure in all directions. Plantings shall consist of at 75% evergreen materials and shall provide an immediate visual screen of 50% or greater ten feet from the ground or at the base of the Billboard, whichever is higher.
 - (c) All landscaping shall be maintained in good condition. If any approved landscaping is found by the Borough to be in poor condition, the Borough shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Borough. If the condition of the landscaping is not corrected within sixty (60) days of the date of the notice, the Borough may perform such work as is necessary to bring the landscaping into good condition in accordance with the conditional use approval, and the cost thereof shall be paid by the owner of the property on which the Billboard and landscaping are located. The Borough may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Borough if it is not paid by the owner of the property.
- (9) All Billboards shall be identified on the structure with the name and address of the owner of each sign. Any Billboard located within an area that is regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.
 - (10) A Billboard shall be considered a discontinued sign if it has carried no message for a period of 180 consecutive days, or if such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or if more than 50% of the message on such Billboard has deteriorated to the point that it is not clearly discernable from the road or street to which it is oriented. A Billboard that has been discontinued shall be presumed to be abandoned and shall constitute an illegal sign. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the sign, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the Borough's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

B. Building Signs.

(1) Canopy (or Awning) Signs.

- (a) Shall be securely fastened by metal supports to the building surface and meet all applicable building codes.
- (b) Canopy signs may not extend above the parapet wall and shall maintain a clear height of 8 feet above the ground level.
- (c) No portion of a canopy or awning may extend more than five (5) feet from the building facade.

- (d) No portion of a canopy or awning may be located within the public right-of-way.
- (e) If canopies and awnings are used as the primary building sign, the area of such sign may not exceed twenty-five percent (25%) of the surface of the canopy or awning or six (6) square feet, whichever is less.
- (f) If canopies and awnings are used as a secondary sign in addition to a wall sign, lettering may be placed on the edge of a canopy or awning hanging perpendicular to the street if the lettering is nine (9) inches or less in height.

(2) Marquee Signs.

- (a) One (1) marquee sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
- (b) Marquee signs shall not exceed ten percent (10%) of the area of the building wall to which the marquee is attached up to a maximum of 100 square feet.
- (c) Marquee signs shall be permitted over the public right-of-way clear of street trees and street lighting but shall be no closer than two (2) feet to the back of curb.
- (d) A minimum overhead clearance of eight (8) feet from the sidewalk to the bottom of the marquee structure is required.
- (e) Marquee signs may contain changeable copy or digital signs.
- (f) A marquee shall allow for clear visibility of traffic signals and regulatory signs.

(3) Projecting Signs.

- (a) One (1) projecting sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
- (b) Shall be securely fastened by metal supports to the building surface and meet all applicable building codes while maintaining a clear height of eight (8) feet above the ground level.
- (c) Projecting signs shall extend no more than three (3) feet from the facade of the building.
- (d) The maximum area of projecting signs shall be no more than six (6) square feet.
- (e) Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

(4) Roof Signs.

- (a) A building more than 40 feet in height may display one (1) roof sign in addition to other permanent building signs allowed by this chapter, provided that the aggregate graphic area of roof signs and building signs does not exceed one hundred (100) square feet.
- (b) A building up to and including 40 feet in height may display a roof sign in lieu of other permanent wall signs allowed by this chapter.

- (c) A roof sign permitted under either condition, whether a part of the initial design of the building or an addition after the building has been constructed, shall be designed to appear as an integral part of the supporting building.
- (d) The structural support for said sign shall be enclosed to form a background for the sign copy.
- (e) Sign copy shall be limited to the identification of the building, use or principal activity within the building.
- (f) A roof sign shall not extend beyond the vertical boundaries of the wall with which it is associated.
- (g) The combined height of the building and the roof sign shall not exceed the height limitations of the underlying zoning district.

(5) Suspended Signs.

- (a) One (1) suspended sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
- (b) Shall be securely fastened by metal supports to the supporting structure at no less than two (2) points and meet all applicable building codes while maintaining a clear height of eight (8) feet above the ground level.
- (c) The maximum area of suspended signs shall be no more than six (6) square feet.
- (d) Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.

(6) Wall Signs.

- (a) The maximum area of wall signs, including religious symbols for places of worship, along the frontage of any building shall be equal to one (1) square foot of signage for each one (1) lineal foot of building frontage, but shall not exceed fifty (50) square feet nor any greater limitation established in this Chapter.
- (b) All wall signs shall be oriented to face the street by being mounted on the building facade generally parallel or perpendicular to the street.
- (c) In Residential Districts, the following regulations for wall signs shall apply:
 - (i) One (1) non-illuminated or indirectly illuminated wall sign shall be permitted for authorized nonresidential uses.
- (d) In all other districts, the following regulations for wall signs shall apply:
 - (i) One (1) indirectly illuminated or internally illuminated wall sign shall be permitted for authorized nonresidential uses.
 - (ii) For buildings with multiple tenants, one (1) additional wall sign may be permitted to be used as a directory sign, provided such signs do not exceed twenty-four (24) square feet and shall be located within six (6) feet of the doorway serving such uses. Such signs may include changeable copy.

(7) Window Signs.

- (a) Permanent window signs shall not exceed fifteen percent (15%) of the area of the window through which the sign may be seen or six (6) square feet, whichever is less.
- (b) Permanent window signs shall be “see- through” with a transparent background.
- (c) Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building.
- (d) Businesses shall be permitted to erect one (1) or more temporary window signs on each window of the premises, but the total area of all window signs in any one (1) window shall not exceed ten percent (10%) of the area of that window. Such temporary window signs shall be displayed for no longer than thirty (30) days.

C. Freestanding Signs.

(1) Ground (or Monument) Signs.

- (a) All lots must have at least 80 feet of street frontage in order to display a ground sign.
- (b) Ground signs shall not exceed five (5) feet in height, which includes the base used for the sign.
- (c) Ground signs shall not exceed thirty (30) square feet.
- (d) The base of ground signs shall be surrounding with a minimum of one (1) foot on each side of the sign of groundcover and/or evergreen landscaping.
- (e) Ground signs may incorporate digital and/or changeable copy, subject to the regulations provided in § 170-908.B.
- (f) Ground signs shall be permitted to be indirectly illuminated or internally illuminated.
- (g) In Residential Districts, the following regulations for ground signs shall apply:
 - (i) One freestanding ground sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.
 - (ii) No sign in a residential district shall be directly or indirectly illuminated between the hours of 9:00 P.M. and 7:00 A.M.
- (h) In all other districts, the following regulations for ground signs shall apply:
 - (i) One freestanding ground sign shall be permitted on a lot occupied by one or more authorized nonresidential uses.

(2) Pole Signs.

- (a) Pole signs shall not exceed thirty (30) feet in height, which includes the base used for the sign.
- (b) The sign face(s) for pole signs shall not exceed thirty (30) square feet.

- (c) The base of ground signs shall be surrounding with a minimum of one (1) foot on each side of the sign of groundcover and/or evergreen landscaping.
- (d) Pole signs shall be permitted to be indirectly illuminated or internally illuminated.

(3) Pylon Signs.

- (a) Pylon signs shall not exceed ten (10) feet in height, which includes the base used for the sign.
- (b) Pylon signs shall not exceed thirty (30) square feet.
- (c) The base of ground signs shall be surrounding with a minimum of one (1) foot on each side of the sign of groundcover and/or evergreen landscaping.
- (d) Pylon signs shall be permitted to be indirectly illuminated or internally illuminated.
- (e) In the C-1 Commercial District, the OI Flex Office/Industrial District and the I-1 Industrial District, the following regulations for pylon signs shall apply:
 - (i) One (1) pylon sign shall be permitted on lots occupied by multiple tenants, such as shopping centers or business/industrial parks.

D. Residential Plan Identification Signs.

- (1) One (1) non-illuminated or indirectly illuminated permanent wall or freestanding ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development shall be permitted provided the sign shall not exceed twenty-four (24) square feet in area.
- (2) A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall, rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan in compliance with the clear sight triangle required by §170-504.

E. Temporary Signs.

(1) Real Estate Signs.

- (a) One (1) non-illuminated temporary Real Estate Sign shall be permitted on each lot provided the sign shall not exceed six (6) square feet when located in any Residential Zoning District and shall not exceed twenty (20) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the property on which it is located.
- (b) One (1) non-illuminated temporary real estate open house sign shall be permitted on each lot provided the sign shall not exceed four (4) square feet and shall not be displayed more than two (2) hours prior to the open house and shall be removed within two (2) hours after the open house concludes.

(2) Development Signs.

- (a) One (1) non-illuminated temporary Development Sign shall be permitted on each lot provided the sign shall not exceed six (6) square feet when located in any Residential Zoning District and shall not exceed twenty (20) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the sale or rental of the last lot or completion of the proposed construction in the development.

(3) Construction Signs.

- (a) One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed six (6) square feet when located in any Residential Zoning District and shall not exceed twenty (20) square feet in any other Zoning District. Such sign shall be removed within thirty (30) days of the completion of the work.

(4) Portable Signs.

- (a) The sign must be within 15 feet of the front door of the place of business.
- (b) Each storefront is allowed one sign and in no case shall a storefront be allowed more than one sign.
- (c) The location of the sign must not block or restrict passageway along the sidewalk to less than four feet in width, block the ingress/egress to any building, interfere with vehicular traffic flow, or block required parking spaces.
- (d) The sign is limited to a maximum area of 10 square feet and a maximum height of 4 feet.
- (e) The sign must be adequately weighted and shall not be illuminated, animated, or electrically powered in any way. Signs must be made of durable materials designed to withstand exterior conditions.
- (f) The sign is allowed only during the sign owner's business hours and must be moved inside when the business is not open.
- (g) All signs must be located on an adjacent sidewalk.

(5) Temporary Special Event Signs.

- (a) One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization, provided that the area of the sign shall not exceed forty (40) square feet and provided the sign is displayed for a period no longer than thirty (30) days and is removed within five (5) days following the event that it is erected to promote.

Article 10 – Nonconforming Uses, Structures and Lots

§ 170-1001. Applicability.

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. 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 Ordinance or any amendment thereto.

§ 170-1002. 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 Ordinance. Whenever the boundaries of a Zoning District shall be changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses which thereby become nonconforming.

A. Continuation and Sale

- (1) Where, at the effective date of enactment or amendment of this Ordinance, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as it remains otherwise lawful in accordance with the provisions of this Article.

B. Enlargement or Expansion

- (1) No nonconforming use of a lot or nonconforming use of a structure shall be enlarged or increased or extended to occupy a greater area of the lot or structure than was occupied at the effective date of enactment or amendment of this Ordinance, unless the Zoning Hearing Board, after public hearing, shall interpret that the enlargement or extension is necessitated by the natural expansion and growth 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) 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 enactment or amendment of this Ordinance.
- (3) 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; however, a nonconforming use shall not be extended to occupy any structure, lot or portion of a lot that was not owned by the owner of the nonconforming use at the time the use became nonconforming.

C. Change of Use

- (1) A nonconforming use shall be permitted to change without additional approval if it continues as the same listed permitted use.
- (2) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:
 - (a) The new use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
 - (b) The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
 - (c) The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria for obtaining a variance.
- (3) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking requirements of Article 8 for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
- (4) 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.

D. Abandonment

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (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.

E. Damage or Destruction

- (1) Residential dwellings which are nonconforming uses may be rebuilt on the existing foundation in the event of damage or destruction, provided the reconstruction is started within three (3) years of the date of destruction.
- (2) In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the total floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction.
- (3) In the case of nonconforming uses other than dwellings, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its total floor area, the structure shall be reconstructed only to house a conforming use.

§ 170-1003. Nonconforming Structures.

These regulations shall apply to all nonconforming structures, as defined by this Ordinance, 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, 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 and re-occupancy of the structure occurs within eighteen (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 fifty percent (50%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.

(2) Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of poster panels shall be permitted.

E. Repair or Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public, provided all other requirements of this Section are met.

§ 170-1004. Nonconforming Lots.

The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

- A. Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- B. 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 nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

§ 170-1005. Registration of Nonconformity.

The owner of a nonconforming use shall 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 Ordinance or any amendment which created the nonconformity, the Zoning Officer shall register the same on a map and by the Washington County Assessor's Lot and Block Number as a legal nonconforming use.

Article 11 – Administrative Procedures

§ 170-1101. Applicability.

This Article shall prescribe the procedures by which the administration of this Ordinance shall take place. Nothing contained within this Article shall be interpreted as limiting the adoption of administrative regulations which do not supersede required stated procedures.

§ 170-1102. Zoning Officer Powers and Duties.

- A. The provisions of this Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by Borough Council. The Zoning Officer 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.
- B. The Zoning Officer shall have all the powers and duties conferred upon him or her by this Ordinance and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:
 - (1) Administer and enforce the provisions of this Chapter 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.
 - (2) Review all applications for zoning permits and issue permits when there is compliance with the provisions of this Ordinance. The Zoning Officer may condition the issuance of a Zoning Permit upon the applicant proving compliance with other Borough regulations.
 - (3) Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action thereon
 - (4) Receive applications for conditional uses and forward these applications to Council for action thereon.
 - (5) Receive applications for challenges and appeals for which the Zoning Hearing Board has exclusive jurisdiction as specified in §170-1205, and forward these applications to the Zoning Hearing Board for action thereon.
 - (6) Post written notice of public hearings on affected tract of land at least one (1) week prior to hearing.
 - (7) Maintain a permanent file with all zoning permits, occupancy permits and applications as public records.
 - (8) Receive and process all requests for reasonable accommodation under the Fair Housing Act Amendments and the Americans with Disabilities Act (ADA).
 - (9) Order in writing correction of all conditions found to be in violation of the provisions of this Ordinance. An enforcement notice shall meet requirements of the Pennsylvania Municipalities Planning Code. Prior to issuing an Enforcement Notice, the Zoning Officer may informally seek compliance.
 - (10) Conduct inspections and investigations to determine compliance or noncompliance with the terms of this Ordinance.

- (11) In the course of administering and enforcing this Ordinance and reviewing applications for zoning permits, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures and nonconforming lots as they become known through the application and enforcement process. Registration and proof of nonconforming uses, structures and lots shall be the burden of the property owner.
- (12) Upon the request of the Planning Commission, the Zoning Hearing Board or Council, present such facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.
- (13) Maintain the official Zoning District Map for the Borough.

§ 170-1103. Zoning Permits.

- A. Application. All requests for zoning permits shall be made in writing by the owner or his authorized agent to the office of the Zoning Officer on application forms furnished by the municipality.
- B. Zoning Permit Required. Zoning permits shall be secured prior to commencing a use or starting any construction, erection or alteration of any building, structure, sign or portion thereof. No building permit shall be issued unless the applicant shows that a zoning permit has already been obtained.
- C. Review and Approval. Issuance of a zoning permit shall be subject to review and approval by all Borough Departments noted on the permit. Staff shall require that the application of a zoning permit and any additional material requested by the various Borough Departments shall contain all the information necessary to enable them to ascertain whether the proposed structure complies with the provisions of this Ordinance.
- D. Floodplains. Prior to the issuance of a zoning permit for any use in a floodplain the Zoning Officer shall require the applicant to indicate compliance with all applicable local, state and federal laws.
- E. Notice of Start Work. The Zoning Officer shall be given at least twenty-four (24) hours' notice by the owner or applicant prior to commencement of work at the site under zoning or building permits.
- F. Time Limitation. No zoning permit for construction, erection or alteration of any building or structure, or for any sign, shall be valid for more than 12 months from date of issue unless work at the site has commenced within such period. No zoning permit for use of building or land shall be valid for more than 12 months from date of issue unless or a written time extension has been provided by the Borough/Borough.
- G. Cancellation of Permit. The Zoning Officer may cancel or revoke a permit previously granted for violation of this Chapter or any order of the Zoning Officer or condition established by the Zoning Hearing Board or Council.

H. Fees.

- (1) Fees for zoning and building permits shall be paid in accordance with the applicable Fee Schedule enacted by Council, which is adopted by Resolution and which may be revised from time to time.
- (2) Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- (3) The fee schedule shall be available to the public.

§ 170-1104. Enforcement.

A. Violations.

Failure to comply with any provisions of this Chapter; failure to secure a zoning permit prior to the erection, construction, extension, structural alteration, addition or occupancy of a building or structure; or failure to secure a zoning permit for the use or change of use or occupancy of structures or land, shall be a violation of this Chapter.

B. Enforcement.

If the Zoning Officer finds reasonable grounds to believe that there has been a violation of any provisions of this chapter, he or she shall give written notice of such alleged violation. The enforcement notice shall include:

- (1) The name of the owner of record and any other person against whom the Borough intends to take action.
- (2) The location of the property in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed (not to exceed a period of thirty (30) days)
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the complaint.
- (6) That failure to comply with the notice within the time specified, unless extended by approval to the Zoning Hearing Board, constitutes a violation.

C. Penalties.

- (1) Any person, partnership or corporation who or which has violated or permitted the violation of the provision of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable there for in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof.
- (2) No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Justice.

- (3) If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable ruler of civil procedure.
- (4) Each day that a violation continues shall constitute a separate violation, unless the district justice determination that there has been a violation further determines that there is a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter such day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough.
- (5) 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.
- (6) 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.

D. Causes of Action.

- (1) In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Chapter or of any other ordinance or regulation made under authority conferred hereby, Borough Council or, with 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, structural 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.

§ 170-1105. Coordination with Other Borough Requirements and Permits, State and Federal Requirements and Permits.

A. Applications for Permits

In all cases, any application for a Zoning Permit shall be decided not only on the basis of compliance with this Chapter, but also on the basis of compliance with all other applicable Borough Ordinances and all other applicable rules and regulations of the various Borough authorities and agencies which might be concerned, as well as State and Federal requirements and permits.

B. Reasonable Accommodation Procedure and Criteria

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:

- (1) Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested;
- (2) The name and address of the applicants;
- (3) The specific description of the reasonable accommodation sought and the particulars, including exact dimensions of any proposed structural or locational accommodation;
- (4) The condition of the applicants for which reasonable accommodation is sought;
- (5) A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested;
- (6) 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;
- (7) A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question;
- (8) 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; and
- (9) A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar sought by applicants.
- (10) 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.
- (11) The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
- (12) The Zoning Officer shall issue his written decision to the applicants and the Borough within thirty (30) days of filing of the request for accommodation.
- (13) A request for reasonable accommodation should 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 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 non-handicapped or non-disabled person to use and enjoy the dwelling in question;
- (e) The extent to which the proposed accommodation may impact other property owners in immediate vicinity;
- (f) The extent to which the requested accommodation may be consistent with or contrary to the zoning purposes promoted by the Zoning Ordinance, the comprehensive plan and the community development objectives set forth in the Zoning Ordinance;
- (g) The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough;
- (h) The extent to which the requested accommodation would impose an undue hardship upon 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 disabled 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 dwelling in question; and
- (l) The extent to which the requested accommodation will increase the value of the property during and after its occupancy by applicants.

§ 170-1106. Amendments to Zoning Ordinance.

- A. Council may, from time to time, amend this Ordinance, including the Zoning Map. When doing so, Council shall proceed in the manner prescribed in the Municipalities Planning Code (MPC), as reenacted and amended.
- B. The process to start consideration of a proposed zoning ordinance amendment may be initiated by a majority vote of Planning Commission or Council. Such vote may or may not occur in response to a request of an individual, organization, committee, landowner or other entity.
- C. For any proposed amendment introduced by any person or entity other than the Planning Commission, Council shall submit such amendment for review to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendments.
- D. All amendments shall be submitted to the Washington County Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendments.

- E. Before voting on the enactment of an amendment, Council shall hold a public hearing thereon pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land or an owner of the mineral rights in a tract or parcel of land who has made a timely request in accordance with Section 109 of the MPC.
- F. If the proposed amendment involves a zoning map change, the following is required:
 - (1) Notice of said public hearing shall be conspicuously posted by the Zoning Officer at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
 - (2) Notice of the public hearing must be mailed by the municipality at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidences by tax records within the possession of the municipality. The notice shall include the location, date and time of the public hearing. This shall not apply when the rezoning constitutes a comprehensive rezoning.
- G. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, Council shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment.
- H. An applicant and/or interested party who requests a continuance of a public hearing scheduled to consider a zoning amendment shall be responsible for the full cost of re-advertising the date of the subsequent public hearing. In order for the subsequent public hearing date to be established, the cost of the re-advertisement must be deposited with the municipality.
- I. Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Washington County Planning Commission.
- J. Landowner Curative Amendments.
 - (1) Any landowner in either municipality who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the MPC. Such applications shall be presented or postmarked to each participating municipality on the same day.
 - (2) The governing body shall commence a hearing thereon within 60 days of the request as provided in section 916.1 of the MPC. The curative amendment and challenge shall be referred to the planning commissions as provided in section 609 of the MPC and notice of the hearing thereon shall be given as provided in section 610 of the MPC and in section 916.1 of the MPC.
 - (3) The hearing shall be conducted in accordance with section 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this section

be references to Council: provided, however, that the provisions of section 908 (1.2) and (9) of the MPC shall not apply and the provisions of section 916.1 of the MPC shall control. If the municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- (4) Council which has determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
 - (b) 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 the ordinance or map;
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, 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; and
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (5) The Council before which the curative amendment is brought shall not have the power to adopt any amendment to the joint zoning ordinance without the approval of both the Borough of Canonsburg. The challenge shall be directed to the validity of the joint zoning ordinance as it applies to the entire area of its jurisdiction.
- (6) If the municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

K. Municipal Curative Amendments.

- (1) If the Borough determines that the zoning ordinance or any portion thereof is substantially invalid, Council shall vote, within thirty (30) days following such declaration by Council, by formal action whether or not to declare this Ordinance or portions thereof substantially invalid. In the event of the failure of the Borough Council to declare this Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration shall be deemed null and void.

- (2) The declaration by the Borough Council of the substantive invalidity of this Chapter shall be binding upon the Borough from the moment Council declares this Ordinance invalid.
- (3) Upon the declaration that this Ordinance is invalid by the Borough, the Borough shall begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity. Within 30 days following such declaration and proposal Council shall:
 - (a) By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:
 - (i) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (ii) Reference to a class of use or uses which require revision; or
 - (iii) Reference to the entire ordinance which requires revisions.
 - (b) Begin to prepare and consider a curative amendment to the zoning ordinance to correct the declared invalidity.
 - (c) Within 180 days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of, its zoning ordinance pursuant to the provisions required by section 609 of the MPC in order to cure the declared invalidity of the zoning ordinance.
 - (d) Upon the initiation of the procedures, as set forth in above, Council shall not be required to entertain or consider any landowner's curative amendment filed under section 609.1 of the MPC nor shall the Zoning Hearing Board be required to give a report requested under section 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required above. Upon completion of the procedures as set forth above, no rights to a cure pursuant to the provisions of sections 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.
 - (e) The Borough having utilized the procedures as set forth above may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its joint zoning ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

Article 12 – Zoning Hearing Board

§ 170-1201. Membership.

The membership of the Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify 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.

§ 170-1202. Alternate Members.

A. Appointment of Alternate Members

Borough Council may appoint at least one (1), but no more than three (3), residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §170-1202.B, 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 Ordinance 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 proceeding 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 §170-1202.B. of this Ordinance.

B. 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.

§ 170-1203. Removal of Members.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 170-1204. Organization of the Board.

A. Officers

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

B. Quorum

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.

C. Hearing Officer

The Zoning Hearing Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the Hearing Officer as final.

D. Procedures

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Borough and laws of the Commonwealth of Pennsylvania.

E. Files and Annual Report

The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to Borough Council once a year.

§ 170-1205. Jurisdiction of the Board.

A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- (1) Substantive challenges to the validity of any land use ordinance, except curative amendments brought before Borough Council.
- (2) 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.
- (3) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- (4) Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section §170-1206.
- (5) Applications for uses by special exception under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article 6 and §170-1207 of this Ordinance.
- (6) Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

- (7) 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 or planned residential development.
- (8) Appeals from decisions of the Zoning Officer with respect to requests for reasonable accommodation under the Fair Housing Act Amendments or the Americans with Disabilities Act. In hearing such an appeal, the Board shall apply the criteria set forth in §170-105.B of this Ordinance. In granting a request for reasonable accommodation, the Board may attach such reasonable safeguards and/or limitations as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare in a manner consistent with the requirements of the Fair Housing Amendments Act or the Americans with Disabilities Act.
- (9) In handling a request for reasonable accommodation, the Board shall be governed by the provisions of this Article to the fullest extent as may be consistent with the Fair Housing Act Amendments and the Americans with Disabilities Act.

§ 170-1206. Variances.

- A. The Board, upon appeal, shall have the power to authorize variances from the requirements of this Ordinance, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made where relevant in a given case:
 - (1) 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 Ordinance in the neighborhood or district in which the property is located.
 - (2) 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 Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or 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.
 - (5) 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.

§ 170-1207. 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 Ordinance, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article VI. The Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article 6. In granting a use by special exception, the Board may attach such reasonable safeguards in addition to those expressed in this Ordinance, as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare.

§ 170-1208. Notice and Conduct of Hearings.

A. Notice.

- (1) Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, Borough Council, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as Borough Council or the Zoning Hearing Board shall designate.
- (2) Public notice, as defined herein, shall be given for the hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract or tracts of land or water body at least one (1) week prior to the hearing.

B. Conduct of Hearing.

- (1) The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- (2) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings, shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- (3) The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- (4) The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

- (7) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §170-1211 of this Ordinance.
- (8) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- (9) The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

§ 170-1209. Failure to Render a Decision.

- A. Where the Board fails to render a decision within the required forty-five (45) day period or fails to hold the required hearing within sixty (60) days of the applicant's request 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.
- B. 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 ten (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.

§ 170-1210. Mediation.

- A. Parties to proceedings authorized in this Article 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 Article 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.

- B. 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. The municipality, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for funding mediation.
- (1) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (2) Completing mediation, including time limits for such completion.
 - (3) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, 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.
 - (4) Identifying all parties and affording them the opportunity to participate.
 - (5) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (6) 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 Ordinance.
 - (7) 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.

§ 170-1211. Fees and Expenditures.

A. 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.

B. 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.

C. Expenditures

Members of the Board may receive compensation for the performance of their duties as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council. Within the limits of funds appropriated by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical services.

§ 170-1212. Time Limitations.

- A. No person shall file any proceeding before the Zoning Hearing Board later than thirty (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.
- B. 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 Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

§ 170-1213. Stay of Proceedings.

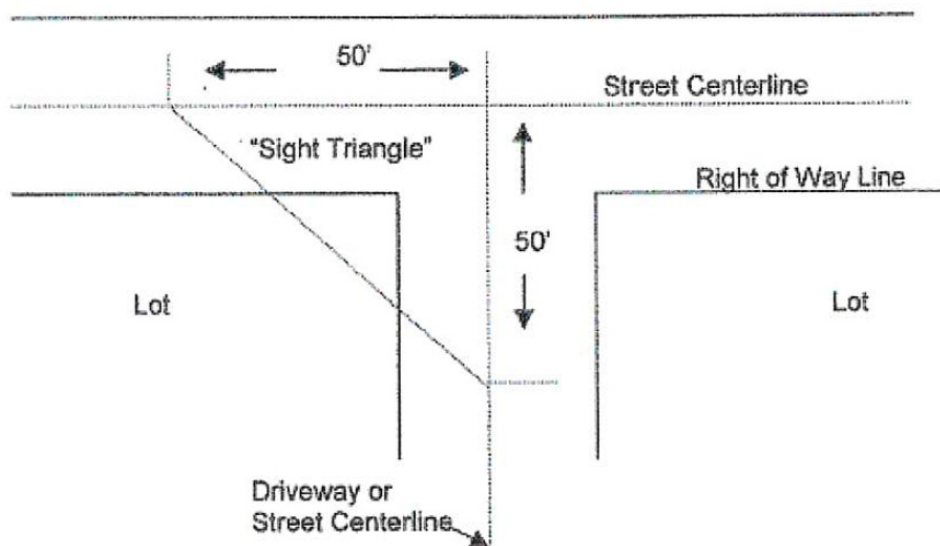
- A. Upon filing of any proceeding and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate 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.
- B. 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 thirty (30) days after the entry of the decision or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as required by Subsection 908(9) of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

APPENDIX A

Clear Sight Triangle

APPENDIX A

CLEAR SIGHT TRIANGLE



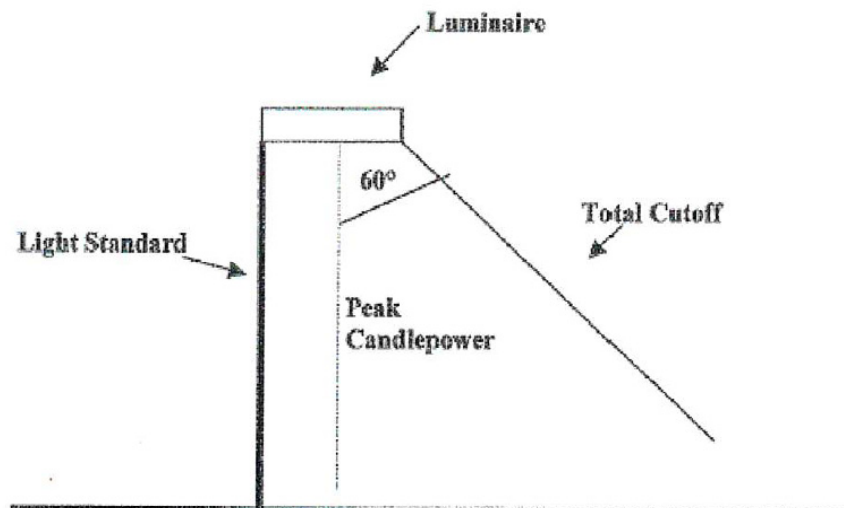
VISIBILITY AT INTERSECTIONS

APPENDIX B

Cut-Off Angle for Illumination Devices

APPENDIX B

CUT-OFF ANGLE FOR ILLUMINATION DEVICES



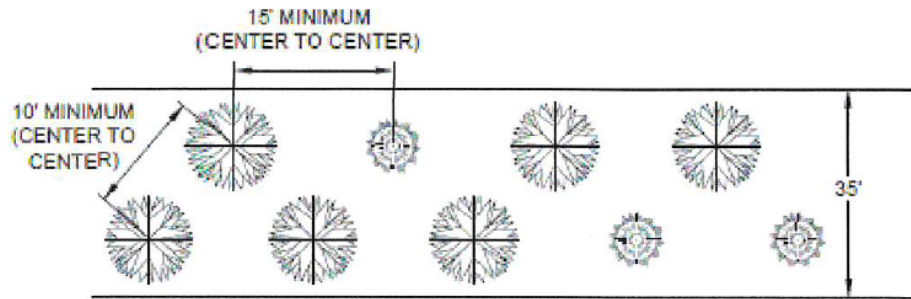
CUTOFF LUMINAIRE

APPENDIX C

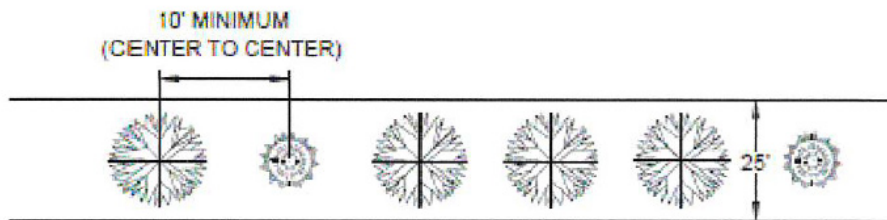
Buffer Areas Required

APPENDIX C

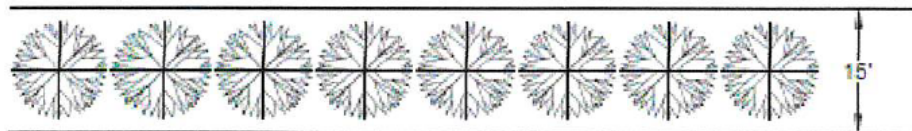
BUFFER AREAS REQUIRED



BUFFER AREA "A"



BUFFER AREA "B"



BUFFER AREA "C"

APPENDIX D

List of Suggested Plant Materials

APPENDIX D

LIST OF SUGGESTED PLANT MATERIALS

Small shrubs for evergreen screening:

- 1 Glossy abelia
- 2 Warty barberry
- 3 Wintergreen barberry
- 4 Dwarf homed holly
- 5 Little holly
- 6 Convesxa Japanese holly
- 7 India hawthorn
- 8 Azaleas/rhododendrons
- 9 Japanese yew

Large shrubs for evergreen screening:

- 1 Thorny elaeangus
- 2 Burford holly
- 3 Yaupon holly
- 4 Laurel or sweet bay
- 5 Japanese privet
- 6 Fortune tea olive
- 7 Red photinia
- 8 Leatherleaf viburnum

Assorted shrubs for broken screens:

- 1 Japanese barberry
- 2 Fringe-tree
- 3 Border forsythia
- 4 Vernal witch-hazel
- 5 Common witch-hazel
- 6 Pfitzer juniper
- 7 Drooping leucothoe
- 8 Winter honeysuckle
- 9 Star magnolia
- 10 Northern bayberry
- 11 Judd viburnum
- 12 Doublefile viburnum

Small trees for partial screening:

- 1 River birch
- 2 American hornbeam
- 3 Eastern redbud
- 4 Flowering dogwood
- 5 Washington hawthorn
- 6 Russian-olive
- 7 Mountain silverbell
- 8 American holly
- 9 Goldenrain tree
- 10 Grape myrtle
- 11 Sourwood
- 12 Caroline cherry laurel
- 13 Callery pear
- 14 Flowering cherry
- 15 Crabapple
- 16 Bradford pear
- 17 Japanese black pine

Large trees for evergreen screening:

- 1 Deodar cedar
- 2 Southern magnolia
- 3 Carolina hemlock
- 4 Austrian pine
- 5 Nellie Steers holly

Large trees for shading:

- 1 Norway maple
- 2 Red maple
- 3 Ginko
- 4 Honey locust (thornless)
- 5 Sweetgum
- 6 London plane-tree
- 7 Sycamore
- 8 Easter red oak
- 9 Willow oak
- 10 Scarlet oak
- 11 Laurel oak
- 12 Littleleaf linden
- 13 Zelkova