

# **The Boroughs Zoning Ordinance**

2021

BOROUGH OF GLENFIELD  
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO: 459-2021

ORDINANCE ADOPTING THE GLENFIELD BOROUGH HAYSVILLE BOROUGH JOINT  
ZONING ORDINANCE

**WHEREAS**, the Borough Council of the Borough of Glenfield, County of Allegheny, Commonwealth of Pennsylvania, pursuant to the authority provided in the Borough Code and the Pennsylvania Municipalities Planning Code, and in the interest of the community, desires to adopt the joint zoning ordinance which shall be known and may be cited as "The Boroughs Zoning Ordinance" also adopted by the Borough of Haysville, replacing and repealing all previous zoning ordinances, amendments thereto, and all other inconsistent ordinances or parts of ordinances or laws in conflict therewith;

**WHEREAS**, the Pennsylvania Municipalities Planning Code authorizes boroughs to jointly plan their development and to govern the same by zoning, subdivision and land development ordinances. 53 P.S. § 10101 et. seq. The Borough of Glenfield further intends to review and periodically update said ordinances as deemed necessary.

**NOW, THEREFORE**, be it ordained and enacted by the Borough of Glenfield, County of Allegheny, Commonwealth of Pennsylvania, that the attached Glenfield Borough Haysville Borough Joint Zoning Ordinance which shall be known as "The Boroughs Zoning Ordinance", is hereby adopted in full. Ordinance no. 342-78, as amended by Ordinance nos. 353-80, 358-80, 443-10, 444-10, and any other amendments thereto, are hereby repealed. All other previous zoning ordinances, amendments

thereto, and other inconsistent ordinances or parts of ordinances, resolutions, or other laws inconsistent with or in conflict with this ordinance are hereby repealed to the extent of the conflict. All previous actions by or on behalf of the Borough consistent herewith are hereby reaffirmed and ratified.

**ORDAINED AND ENACTED INTO LAW**, this 13<sup>th</sup> day of September, 2021, by the Borough Council of Glenfield Borough, in lawful session duly convened.

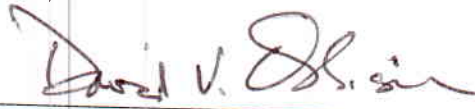
**WITNESS**

**BOROUGH OF GLENFIELD**

  
\_\_\_\_\_  
Secretary

BY:   
\_\_\_\_\_  
President of Council

**AND NOW**, this 13<sup>th</sup> day of September, 2021, the foregoing Ordinance is hereby approved.

  
\_\_\_\_\_  
Mayor

BOROUGH OF HAYSVILLE  
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO: 143 -2021

ORDINANCE ADOPTING THE GLENFIELD BOROUGH HAYSVILLE BOROUGH JOINT  
ZONING ORDINANCE

**WHEREAS**, the Borough Council of the Borough of Haysville, County of Allegheny, Commonwealth of Pennsylvania, pursuant to the authority provided in the Borough Code and the Pennsylvania Municipalities Planning Code, and in the interest of the community, desires to adopt the joint zoning ordinance which shall be known and may be cited as "The Boroughs Zoning Ordinance" also adopted by the Borough of Glenfield, replacing and repealing all other inconsistent ordinances or parts of ordinances or laws in conflict therewith;

**WHEREAS**, the Pennsylvania Municipalities Planning Code authorizes boroughs to jointly plan their development and to govern the same by zoning, subdivision and land development ordinances. 53 P.S. § 10101 et. seq. The Borough of Haysville further intends to review and periodically update said ordinances as deemed necessary.

**NOW, THEREFORE**, be it ordained and enacted by the Borough of Haysville, County of Allegheny, Commonwealth of Pennsylvania, that the attached Glenfield Borough Haysville Borough Joint Zoning Ordinance which shall be known as "The Boroughs Zoning Ordinance", is hereby adopted in full, and all other inconsistent ordinances or parts of ordinances or laws in conflict therewith are hereby repealed. All previous actions by or on behalf of the Borough consistent herewith

Comprehensive Plan, as attached hereto as Exhibit "A", in accordance with the Pennsylvania Municipal Planning Code.

Any and all previous inconsistent Comprehensive Planning documents are hereby repealed. All previous actions by or on behalf of the Borough consistent herewith are hereby reaffirmed and ratified.

**RESOLVED**, this 24<sup>th</sup> day of August, 2021.

**ATTEST:**

**BOROUGH OF HAYSVILLE**

Mary S. Conlin  
Secretary

By: APM

Examined and approved by me this 24<sup>th</sup> day of August, 2021.

[Signature]  
Mayor

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**ARTICLE 1**  
**Short Title, Purpose, Interpretations and Definitions**

**Section 1.1 – Title and Short Title**

A. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Glenfield and Haysville Boroughs, Allegheny County, Pennsylvania, and for said purposes dividing The Boroughs into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

B. Short Title.

This Ordinance shall be known and may be cited as the “The Boroughs Zoning Ordinance.”

**Section 1.2 – Purpose**

This Ordinance is enacted for the following purposes:

- A. To promote, protect, and facilitate the following: the public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; travel and transportation facilities, civil defense, and disaster evacuation; and the provision of adequate light and air, vehicle parking and loading space, water and sewage, schools, public grounds and other public requirements, and fire and police protection;
- B. To prevent occurrence of the following: overcrowding; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic, or other dangers; and
- C. To serve as a part of the overall plan for the orderly growth and development of The Boroughs, and as such, supplement The Boroughs Comprehensive Plan.

**Section 1.3 – Community Development Objectives**

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of The Boroughs. As such, this Ordinance is based upon the expressed or

implied community development goals and objectives in The Boroughs Comprehensive Plan.

**Section 1.4 – Interpretation**

- A. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of the public health, safety, morals, and general welfare of The Boroughs. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.
- B. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

**Section 1.5 – Applicability, Severability, and Scope**

- A. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by The Boroughs Zoning Hearing Board through a special exception or variance.
- B. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of The Boroughs Council that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.
- C. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and The Boroughs have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

**Section 1.6 – Effective Date**

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, The Boroughs Council hereby enacts and

ordains into an ordinance this document on the date of September 13th, 2021. All zoning ordinances of The Boroughs previously in adoption are hereby repealed.

**ARTICLE 2**  
**Definitions**

**Section 2.1 – Interpretations**

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural, and the plural number includes the singular.
- C. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
- D. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- E. If a word is not defined in this Ordinance but is defined in other ordinances of The Boroughs Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another Borough ordinance, each definition shall apply to the provision of each applicable ordinance.
- F. The words “such as,” “includes,” “including,” and “e.g.” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- G. The words “shall” or “must” are mandatory.
- H. The words “may” or “should” are permissive.
- I. The word “lot” includes the words “plot,” “parcel,” and “property.”
- J. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.
- K. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”
- L. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

**Section 2.2 – Definitions**

The words, terms, and phrases in this Section are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

**A-FRAME OR SANDWICH BOARD SIGN** – A movable sign consisting of two (2) faces, connected and hinged at the top

**ACCESS DRIVE** – A vehicular throughway serving a non-residential use or multi-family use located within a parking lot which directly adjoins parking spaces. An access drive provides the vehicular connection between parking space area and the driveway which directly connects to the public right-of-way. The access drive does not include the vehicular path that connects the parking area to the public way.

**ACCESSORY STRUCTURE** – A structure, such as a private garage, storage shed, gazebo, or greenhouse, that is customary, incidental and subordinate to the use of the principal building and located on the same lot as the principal building.

**ACCESSORY USE** – A use customary, incidental, and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ACTIVITY RESTRICTION SIGNS** – such as but not limited to No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs

**ADDITION** – See "extension."

**ALL OTHER NONRESIDENTIAL USES** – Any nonresidential land use not stated in Section 3.4.

**ALL OTHER RESIDENTIAL USES** – Any residential land use not stated in Section 3.4.

**ALLEY** – An ancillary street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and which does not typically provide primary frontage for a building.

**ALTERATION** – As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance. This term shall not apply to agricultural plowing and tilling activity.

**ALTERATION, STRUCTURAL** – Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

**AMENDMENT** – Any change or revision of the text of this chapter or the Zoning Map.

**APPLICANT** – A subdivider, landowner or developer who has filed an application for development, including the landowner's or developer's heirs, successors and assigns.

**AUTOMOTIVE, BOAT AND RECREATIONAL VEHICLE STORAGE YARD/FACILITY** – A place to rent for the seasonal storing of automotive vehicles, boats and/or recreational vehicles.

**AUTOMOTIVE SERVICE GARAGE** – An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

**AWNING** – A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

**BAKERY, RETAIL** – An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on- or off-site. Such use may include incidental food service. A bakery shall be considered a general retail use.

**BANK OR FINANCIAL INSTITUTION** – An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds.

**BANNER** – A sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

**BAR, TAVERN OR PUB** – A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may occur.

**BED AND BREAKFAST** – A business establishment that occupies a single-family dwelling and associated accessory structures, where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events such as weddings, parties, seminars and conferences.

**BEER STORE/DISTRIBUTOR** – A business establishment engaged in the sale and/or delivery of beer and ale and may include wholesale quantities for distribution to retail sellers.

**BEST MANAGEMENT PRACTICES (BMPs)** – Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Chapter.

**BILLBOARDS AND OFF-PREMISES SIGNS** – A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term off-premises sign shall include an outdoor advertising sign (billboard) on which space is



leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

**BOROUGH COUNCIL** – The governing body of the Borough of Glenfield or Haysville, as applicable.

**BOROUGH ENGINEER** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Glenfield or Haysville Borough.

**BOUNDARY** – A line marking the limit, or border, of a lot or district.

**BREWERY** – An Industrial use that brews ales, beer, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than stores as defined herein and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use

**BUILDING** – A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

**BUILDING, CONTRACTING, OR RELATED BUSINESS** – The operations office related to an entity engaged in construction and/or land development.

**CALIPER** – As defined by the American Standards of Nursery Stock. Typically, the diameter of a tree at the height of 6 inches from the top of the root ball. In the case of a multi-stem tree, the caliper is determined by the average of the stems.

**CAR WASH** – Any building or premises or portions thereof used for washing automobiles for commercial purposes.

**CARPORT OR GARAGE, PRIVATE** – A roofed structure not more than seventy-five (75) percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles

**CARTWAY** – The portion of a street right-of-way designed or intended for vehicular use.

**CEMETERY** – An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter

**CENTER LINE** – A line running parallel to and equidistant from both sides of a street.

**CERTIFICATE OF USE AND OCCUPANCY** – The certificate issued by the Borough, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**CIVIC** – The term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, and/or government.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**COMMUNICATIONS ANTENNA** – Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including but not limited to omnidirectional or whip antennas, directional or panel antennas and satellite or microwave dish antennas that 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 TOWER** – Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above ground.

**COMMUNITY AGRICULTURE** – An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**COMPREHENSIVE PLAN** – A proactive and constitutionally-derived document adopted by the Borough to address community stabilization, community growth-management, community development, and the future vision of the community. A comprehensive plan relies on informed analysis, data, and broad community input to provide a general blueprint for sound, information-based, and objective community planning. A zoning ordinance generally implements the comprehensive plan. See MPC §303(d). The use of the term Comprehensive Plan in this Ordinance includes any amendments or revisions to the comprehensive plan.

**CONSTRUCTION** – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**CONSTRUCTION SIGN** – A sign identifying the entity or entities associated with completing the particular construction or deconstruction of building and/or activities on a lot.

**CONVENIENCE STORE** – A one-story retail store that is designed and stocked to sell primarily food, beverages and basic household supplies to customers who purchase

only a relatively few items (in contrast to a “food market”). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

**CONVERSION APARTMENT** – To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a conversion and shall be required to meet the appropriate provisions established in that District for that particular use.

**DAY CARE CENTER, ADULT** – Any premises, that is licensed by Pennsylvania Department of Welfare as a “day care center” where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.

**DAY CARE CENTER / NURSERY, CHILD** – A business establishment that is licensed by the Pennsylvania Department of Welfare as a “day care center” where care is provided for twelve (12) or more children under sixteen (16) years of age for less than twenty-four (24) hours per day.

**DENSITY** – The computation of overall residential dwelling units per acre of gross land area. This figure shall be rounded to the nearest tenth and shall not include the area of lands intended for non-residential purposes or uses, including churches or other civic/public uses. Open space shall, however, be included as part of gross land area.

**DEP** – The Pennsylvania Department of Environmental Protection (“DEP”), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

**DIRECTIONAL SIGN** – A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.

**DISTRICT** – All land and watercourses located within designated boundaries on the Official Zoning Map; also known as a zoning district.

**DRIVEWAY** – A vehicular connection from a lot to the public right-of-way. A driveway terminates at the right-of-way line and/or the access drive.

**DRIVE-THRU FACILITY** – Any part of a building or structure that, by design of physical facilities or by services provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.

**DRUG STORE/PHARMACY** – An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.

**DUPLEX** – A building containing only two dwelling units, each of which is entirely separated from the other by a continuous common wall extending from the basement to the roof, with each dwelling unit having independent access directly to the outside.

**GRANNY FLAT/CARRIAGE HOUSE** – A residential dwelling unit within the same building as and designed as integral to the principal single-family dwelling unit on the lot.

**ELECTRONIC TEXT MESSAGE SIGN** – An electrically activated sign that displays only text messages and that can be electronically changed or programmed such as light emitting diode signs and digital signs, but not including animated signs such as video displays, plasma display panels, liquid crystal displays, computer monitors, and televisions.

**EMERGENCY SERVICES** – A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This may include housing for emergency personnel while on-call.

**ERECTION** – Construction or assembly.

**ESSENTIAL SERVICES** – The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers or any other use and/or activity precluded by the Public Utilities Commission shall not be considered essential services for the purposes of this Chapter.

**EXPANSION** – An increase in the size of an existing structure or use, including the physical size of a property, building, parking lot, and other improvements.

**EXTENSION** – An addition to the floor area of an existing structure, an increase in the size of a structure, an increase in height or depth of the structure, or an increase in that portion of a lot occupied by an existing use; also known as an enlargement.

**EXTERNAL ILLUMINATION** – Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

**FAA** – Federal Aviation Administration of the United States Department of Transportation.

**FAMILY** –

- A. An individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof, or a group of not more than three unrelated persons living together without supervision in a dwelling unit or not more than five persons living together in a group living arrangements with supervision, provided that the group living arrangements meet all of the following criteria:
1. They provide nonroutine 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 a 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;
  2. They provide 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;
  3. They do not involve the housing of persons on a transient basis; and
  4. They do 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 correction or similar institution.
- B. "Family" shall not include persons living together in a group-care home, halfway house, personal-care home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Amendments Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

**FENCE** – A fabricated barrier used to enclose an area of land.

**FLAG** – Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole securely attached by a 1" aluminum 2 position brackets.

**FLASHING SIGN** – An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign. This shall not include permitted electronic text message signs.

**FLICKER** – A repeating cycle of changing light intensity.

**FLOODPLAIN** – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FORESTRY** – Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

**FOWL** – A domesticated bird of any kind, not including chickens.

**FUNERAL HOME** – A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

**GASOLINE SERVICE STATION** – A structure, building, or area of land or any portion thereof that is used for the sale of petroleum products and additives, such as gasoline and oil, or any other motor vehicle fuel and/or other lubricating substance. Which may or may not include facilities for lubricating, washing, and sale of accessories, but not including the painting and/or body work thereof and other vehicle and equipment repair operations as defined by this chapter. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

**GRADE / GRADING** – The act of excavating and/or filling land for the purpose of changing natural slope.

**GRANNY FLAT / CARRIAGE HOUSE** – A separate dwelling unit that is (1) contained upon the same lot as an owner-occupied single-family detached dwelling and (2) is contained within the principal dwelling building or occupies a portion of one of its accessory buildings. All accessory apartments shall have direct separate means of entrance/exit.

**GROSS** – A total amount.

**GROSS SURFACE AREA (GSA)** – The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with a material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

**GROUND SIGN** – A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

**HARDWARE STORE** – A village-scale retail store where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold but not to include a lumber yard or building supplies yard.

**HEIGHT** – The maximum height of a building and/or structure measured from the average finished grade at perimeter of the base of the building and/or structure to the highest point of such building and/or structure. For the purpose of determining the height limits in all zones set forth and shown on an official supplementary Airport Overlay Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

**HOME BASED BUSINESS, NO IMPACT** – Defined by Pennsylvania Statute as may be amended from time to time or, otherwise if unavailable, as a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, whereas there shall be a maximum of two said accessory uses within any one 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:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, not limited to, parking, signs or lights.
- E. 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.
- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business activity may not involve any illegal activity.

**HOME BASED BUSINESS, OTHER** – An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit, and, whereas, there shall be a maximum of two said accessory uses within any one dwelling unit. Unlike a statutorily-defined No-

Impact Home Based Business, Home Occupations provide ample opportunity for on-site customers and therefore, also permit restricted signage opportunity.

**HONEYBEE** – Honeybees are limited to European races of *apis mellifera*.

**HOUSE GUEST** – A temporary occupant of a short-term rental living quarter within a dwelling unit.

**HOUSEHOLD PET** – Domesticated species of dog, cat, or other non-exotic animal generally weighing less than 150 pounds that resides within a dwelling unit and is not raised for production of products for sale.

**ILLUMINATED SIGN** – A sign in which a non-LED, non-LCD, and/or artificial source of light is used in connection with the display of such sign.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to roofs; additional indoor living spaces, patios, garages, storage sheds, swimming pools, and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not materially limit infiltration. The Borough engineer shall make the final determination with respect to what constitutes impervious.

**INTERNAL ILLUMINATION** – Illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

**JUNKYARD** - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junkyard.” (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid current registration plate or that has a certificate of inspection which is more than sixty (60) days beyond the expiration date.)

**KENNEL** – Any accessory building or building or land designed or arranged for acre of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

**LAND DEVELOPMENT** –

A. The improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving



1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. 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.

B. A subdivision of land.

C. Development in accordance with § 503(1.1) of the Pennsylvania's Municipalities Planning Code and the Municipality's Subdivision and Land Development Code.

**LANDSCAPE BUFFER** – A use of new or existing plants, earthen mounds, fences and/or walls located between two uses, or between one use and a public right-of-way, that is intended to lessen negative impacts, such as undesirable views, noise or light.

**LAUNDROMAT/DRY CLEANERS** –A self-service facility containing clothes washing machines and dryers and are open for use to the general public.

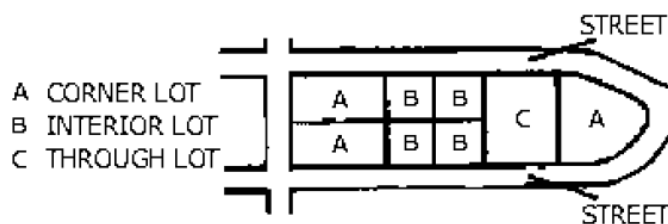
**LIBRARY** – A building or structure utilized for the storage and sharing of books, media and information with the general public, which may or may not include areas for public meeting and the like.

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

**CORNER LOT** – A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street where the interior angle is less than 135° and the radius of the street is less than 100 feet.

**INTERIOR LOT** – A lot with only one frontage on a street.

**THROUGH LOT** – A lot with front and rear street frontage.



**LOT COVERAGE** – The portion of the lot that includes area associated with building footprint. The Borough engineer shall make the final determination with respect to what constitutes lot coverage.

**LOT LINE** – A line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot.

**FRONT LOT LINE** – The line separating the lot from the street right-of-way.

**SIDE LOT LINE** – Any lines which are not front or rear lot lines.

**REAR LOT LINE** – The line parallel to or within 45° of being parallel to a street line which defines the rear of the lot.

**LOT SIZE** – The area contained within the boundary lines of a lot.

**LOT WIDTH** – The horizontal distance between side lot lines:

**MACHINE SHOP** – A facility where machining, a form of subtractive manufacturing, is done.

**MAINTENANCE/STORAGE/SERVICE YARD** – An area of land used for the storage of materials, supplies, etc.

**MANUFACTURING, LIGHT** - Facilities involving generally unobtrusive processes and not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

**MARINA** - A business establishment for secure mooring of recreational boats, including facilities for storage and repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located. A marina may include a restaurant and/or boat and motor sales store.

**MAUSOLEUM** – An external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

**MIXED USE STRUCTURE (RETAIL AND APARTMENTS)** – A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

**MOVING SIGN** – A sign which, in whole or in part, revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic, electrically controlled copy changes, but not including flags, banners, or pennants.

**MPC** – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 et seq., as reenacted and amended. By convention, the Borough's references to the MPC may use the abbreviated section nomenclature whereas, for example,

53 P.S. §10301 is typically referenced as simply §301. Use of the abbreviated terms shall not affect or alter any applicability of the MPC.

**MULTI-FAMILY DWELLING** – A dwelling containing dwelling units having only one floor and typically with an entrance door to a common hallway shared by other dwelling units.

**MUNICIPAL/GOVERNMENT FACILITY OR USE** – Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

**NAME, ADDRESS, AND PLAQUE PLATES** – a permanent sign identifying the residents name, street numbers and/or street name associated with the lot as necessary for use by emergency responders. Shall also include historical plaques.

**NATURE PRESERVE** – A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

**NEON OR OTHER GAS TUBE ILLUMINATION** – Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after March 15, 1982, including any subsequent improvements thereto.

**NONCONFORMING LOT** – A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING SIGN** – A sign which does not adhere to one (1) or more of the provisions contained in this Ordinance.

**NONCONFORMING STRUCTURE** – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** – A use, whether of land or of structure, which does not comply with the applicable use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NONCONFORMITY** – Any nonconforming lot, structure or use of land or structures.

**NON-VEHICULAR REPAIR SHOP** – An establishment engaged in the service and/or repair of any appliance, small machinery (lawn mower or tractor) and/or electronics as its principal use.

**OBSTRUCTION** – Any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, floodplain or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**OFFICE, BUSINESS OR PROFESSIONAL** – A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor Industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

**OFFICE, MEDICAL OR DENTAL** – A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing practices for the examination and treatment of persons solely on an outpatient basis. Medical and dental offices do not include veterinary services or animal hospitals.

**OFF-STREET PARKING/LOADING, ACCESSORY NON-RESIDENTIAL USES** – An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**OFF-STREET PARKING/LOADING, ACCESSORY TO RESIDENTIAL USES** – An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for residents

**PARK, PRIVATE** – A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

**PARK, PUBLIC** – A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of the people.

**PENNDOT** – The Pennsylvania Department of Transportation (“PennDOT”), the Commonwealth agency responsible for overseeing and administering transportation laws and regulations within Pennsylvania.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** – Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq.

**PERMANENT SIGN** – A permanent sign displayed in the Borough on and after the effective date of this Ordinance.

**PERVIOUS SURFACE** – A surface that promotes the infiltration of rainwater into the ground. Examples may include, lawn, soft landscape areas, wooded areas, engineered infiltration areas, pervious paving materials, etc. The Borough engineer shall make the final determination with respect to what constitutes pervious.

**PLACE OR WORSHIP/ASSEMBLY** – Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

**PLANNING COMMISSION** – The Glenfield or Haysville Borough Planning Commission, Brough of Glenfield or Haysville, Pennsylvania.

**PORCH** – A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORTABLE SIGN** – A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

**PRIVATE** – Not publicly owned, operated or controlled.

**PROJECTING SIGN** – A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than fifteen (15) inches.

**PUBLIC** – Intended for participation and/or us by the general population

**PUBLIC NOTICE** – Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality or as otherwise provided by law or by a court of competent jurisdiction. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**REAL ESTATE SIGN** – A sign, which is used to offer for sale, lease, or rent that premises upon which such sign is placed.

**RELEASE** – The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of

such materials into any on-site sewage disposal system, dry-well, catch basin, swale, drainage way.

**REPAIR** – To restore by replacing parts or putting together what is torn or broken. Repair can be defined as an accessory or principal use.

**RESTAURANT** – An establishment where food and drink are prepared, served, and consumed primarily within the principal building with any outdoor dining incidental to the primary use.

**RETAIL ESTABLISHMENT** – A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, other adult-oriented uses, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

**RIGHT-OF-WAY** – A corridor of land set aside for use, in whole or in part, by a street or other dedicated public purpose.

**SAWMILL** – A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

**SCHOOL / ACADEMY, PRIVATE** – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities

**SCHOOL / ACADEMY, PUBLIC** – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities

**SEDIMENT** – Soil materials transported by wind or water as a result of erosion.

**SHADOW FLICKER** – The on and off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine or other device.

**SHED** – An accessory structure often purchased pre-built or as a kit in prefabricated sections. It is not designated to be served by heat or plumbing and does not need to be placed on a permanent foundation.

**SHORT TERM RENTAL** - The use of a Dwelling in which the owner rents any area of the Dwelling to one, or more, individuals for compensation or fee, including offer of exchange in kind, of any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than seven (7) consecutive days. This definition applies to all types of residential dwellings including, but not limited to, One-Family, Two-Family and Multiple-Family Dwellings.

**SHRUB** – An ornamental plant with woody stems that is at least 2 gallons in depth at planting. See the Borough's official plant list for a listing of permitted shrubs.

**SIGN** – Any identification, description, illustration, advertisement, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.

**SINGLE FAMILY DETACHED DWELLING** – A dwelling unit designed and intended to be occupied by one family that is not attached to another dwelling unit.

**SQUARE** – A spatially defined element of usable open space designed such that it directly abuts streets on two or more sides. Squares may be located throughout the required open space of a community in a manner which enhances the form, appearance and function of this element of the community. Landscaping and lighting must be provided to augment the function of this feature within the open space network.

**STORAGE** – A space or place for storing materials and supplies for use by the principal use located on the same site. Includes the storage of goods which were produced on site. Storage is accessory to the principal use on the site.

**STREAM** – A watercourse. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Glenfield or Haysville" mapping or as watercourses shown on a U.S.G.S., 75-minute quadrangle map as solid blue lines or as state open waters identified in a letter of interpretation issued by the Pennsylvania DEP. Streams are also shown as blue lines on the most recent Streams Within Glenfield or Haysville, U.S.G.S. National Hydrologic Dataset (NHD) mapping as noted in attached Appendix E.

**STREET** – Includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified according to the functions they perform:

Arterial - A public street that serves large volumes of high-speed and long-distance traffic. Streets classified as arterial in the Borough include Interstate 79 and PA Route 65.

Collector - A public street that serves low-to-moderate-capacity traffic and moves traffic from local streets to arterial streets. Streets classified as arterial in the Borough include Kilbuck St, Deer Run Rd, and Redgate Rd.

Local - A public street that serves low-capacity traffic for the purpose of accessing property. All streets not classified as Arterial or Collector, shall be considered Local.

**STRUCTURE** – An object, including a mobile object, includes without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmissions lines.

**STUDIO OR SCHOOL FOR SPECIAL TRAINING** – An establishment where arts such as dance, martial arts, music and visual arts are taught, studied or produced, or where movies, radio, television or music recording is produced.

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

**SUBSTANTIAL CHANGE** – (1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet for structures located outside of the rights-of-way, or 10 feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

**TEMPORARY SIGN** – A non-permanent sign erected, affixed, or maintained on a premise for a short, usually fixed, period of time.

**TEMPORARY USE** – A use lasting for a limited time of seven days or less, unless temporary is specified as longer under a particular use in this Ordinance. Does not include the construction or alteration of any structure.

**TOWER-BASED WIRELESS COMMUNICATIONS FACILITY** - Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes including self-supporting lattice towers, guyed towers, or monopole towers. For the purposes of this chapter, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

**TOWNHOUSE** - A building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

**TRAILS** – A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

**UTILITY** – A corporation, enterprise, government entity or approved entity generating, transmitting, distributing, transporting and/or collecting in any manner, electricity, heat, steam, natural gas, propane, water, wastewater, or communications (cable, telephone and fiber optic) to the public, or any portion thereof as authorized by the Pennsylvania Utilities Commission.

**VARIANCE** – An extraordinary remedy with constitutional ramifications that constitutes a limited, permissive waiver, using statutorily defined criteria and legal criteria, of the



precise terms and conditions of this Ordinance and issued by the Zoning Hearing Board.

**VEHICLE STORAGE YARD/ FACILITY** – An area of land used for the storage of materials, equipment, containers, and motorized vehicles (such as automobiles, boats, and buses). Such area/ facility shall not constitute a junkyard.

**VETERINARY CLINIC** – A building used by a licensed veterinarian for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl.

**VIOLATION** – The act of not meeting specific conditions or requirements of this Ordinance.

**WALL SIGN** – A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

**WAREHOUSE** – Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of good and materials.

**WIND GENERATOR** – Equipment that converts energy from the wind into electricity. Includes the rotor, blades, and associated mechanical and electrical conversion components necessary to generate, store, and/or transfer energy.

**WINDOW SIGN** – A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

**YARD** – An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

**FRONT YARD** – An open space area extending along the full width of a lot parallel to the front property line or adjacent street right-of-way line, whichever is the closer to the property, which area is unoccupied and obstructed from the ground up, except for such intrusions as are expressly permitted by this Ordinance.

**SIDE YARD** – An open space area extending along the side of a lot parallel to the side lot line, which area shall extend from the front yard area to the rear yard area, except that in the absence of a rear or front yard area the side yard area shall extend the full length of the lot.

**REAR YARD** – An open space area extending across the full width of a lot parallel to the rear property line or adjacent street right-of-way line, whichever is closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Ordinance.

**BUFFER YARD** – An open space inclusive of vegetation and designed to provide an area of separation between different districts or uses.

**YARD SETBACK AREA** – An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side or rear yard setbacks.

**ZONING DISTRICT** – A finite area of the Borough, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings and structures. The regulations of a zoning district may be supplemented or altered by regulations imposed in an overlay zoning district.

**ZONING HEARING BOARD** – The Zoning Hearing Board of Glenfield or Haysville Borough.

**ZONING MAP** – The map setting forth the boundaries of the districts of this chapter and adopted by the Borough Council

## ARTICLE 3 District Regulations and Zoning Map

### Section 3.1 – Designation and Intent of Districts

#### A. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, The Boroughs is hereby divided into districts which shall be designated on the Zoning Map and as follows:

##### 1. Residential Districts.

- (a) **R – Residential District:** To permit medium-density development of single-family attached and detached dwellings.

##### 2. Commercial/Industrial Districts:

- (a) **C/I – Commercial/Industrial District:** To create a zone where non-residential uses and general commercial and/or industrial development coexist.

#### B. Overlay Districts and Purpose Statements.

See Article 4 of this Ordinance for the designation and intent of the overlay districts. See also Glenfield Borough Airport Hazard District Overlay #446.12 as amended and Haysville Borough Airport Hazard District Overlay #122.

### Section 3.2 – Zoning Map

A. The boundaries of the districts in which The Boroughs is divided shall be shown upon a map entitled the “The Boroughs Zoning Map,” which is available on file for public viewing at The Boroughs Building. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.

B. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the Borough.

### Section 3.3 – Interpretation of District Boundaries

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such center lines.

- B. Boundaries indicated as approximately following platted lot lines shall be constructed a following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
- E. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
- G. Boundaries indicated as approximately parallel to or extensions of features identified in subsections A through F above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- H. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by subsections A through G above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
- I. Where one (1) or more district boundary lines divides a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

**Section 3.4 – District Use and Area/Bulk Requirements**

The subsections included herein provide the following information about each zoning district designated in Section 3.1:

A. Table 1: Use Standards

P = Permitted Use by Right

C = Conditional Use

A = Accessory Use by Right

Land Uses	R	C/I	CO
1 All Other Nonresidential Uses		C	
2 All Other Residential Uses	C		
3 Automotive Service Garage/Repair Facility		P	
4 Bakery, Retail		P	

5	Bank or Financial Institution		P	
6	Bar/Tavern/Pub		C	
7	Bed and Breakfast	P	P	P
8	Beer Store/Distributor		P	
9	Brewery		P	
10	Billboard		C	
11	Building, Contracting, or related Business		P	
12	Car Wash		C	
13	Cemetery/Mausoleum	A	C	A
14	Communications Antennae or Tower		P	C
15	Community Agriculture	P		P
16	Convenience Store		P	
17	Conversion Apartment	C	C	C
18	Day Care Center/Nursery (Youth/Adult)	A	A	A
19	Drug Store/Pharmacy		P	
20	Duplex	P	P	P
21	Emergency Services	C	P	C
22	Essential Services	C	P	C
23	Forestry	P	P	P
24	Funeral Home		P	
25	Gasoline Service Station		P	
26	Granny Flat/Carriage House	A	A	A
27	Hardware Store		P	
28	Home Based Business, No Impact	P	P	P
29	Home Based Business, Other	C	C	A
30	Kennel		C	
31	Laundromat		C	
32	Library	P	P	
33	Light Manufacturing		P	
34	Machine Shop		P	
35	Maintenance/Storage/Service Yard (Non-vehicular)		P	
36	Marina		P	
37	Mixed Use Structure		P	
38	Multi-Family Dwelling	C	P	
39	Municipal Building	P	P	
40	Nature Preserve			P
41	Non-Vehicular Repair Shop		P	
42	Office, Business or Professional		P	

43	Office, Medical or Dental		P	
44	Off-Street Parking, Public or Private		P	
45	Park, Public or Private	P	P	P
46	Place of Worship/Assembly	C	C	C
47	Restaurant		P	
48	Retail Establishment		P	
49	School/Academy, Public or Private	C	P	
50	Single Family Detached Dwelling	P	P	P
51	Studio or School for Special Training		P	
52	Vehicle Storage Yard/Facility		P	
53	Veterinary Clinic		P	
54	Warehouse		P	

B. Table 2: Residential Area/Bulk Standards

	MIN. LOT AREA per DWELLING UNIT (s.f.)	MIN. LOT WIDTH per DWELLING UNIT (FEET)	MAX. COVERAGE (%)	MIN. SETBACKS			MAX HEIGHT
				FRONT YARD	SIDE YARD	REAR YARD	
<b>RESIDENTIAL – SOUTH OF RAILROAD RIGHT-OF-WAY</b>							
Single Family Detached	6,000	50'	35	Average of the adjoining lots' front yard depths*	10'	25'	35'
Two Family	10,000	40'	35		10'	25'	35'
Town House	5,000	25'	35		10'	25'	35'
Multifamily Dwelling	5,000	50'	35		10'	25'	35'

		MIN. LOT AREA per DWELLING UNIT (s.f.)	MIN. LOT WIDTH per DWELLING UNIT (FEET)	MAX. COVERAGE (%)	MIN. SETBACKS			MAX HEIGHT
					FRONT YARD	SIDE YARD	REAR YARD	
<b>RESIDENTIAL – NORTH OF RAILROAD RIGHT-OF-WAY</b>								
	Single Family Detached	10,000	50'	35	Average of the adjoining lots' front yard depths*	5'	25'	35'
	Two Family	10,000	40'	35		5'	25'	35'
	Town House	5,000	25'	35		5'	25'	35'
	Multifamily Dwelling	5,000	50'	35		5'	25'	35'

\*if the adjoining lot is undeveloped, then the minimum for calculation shall be 10'.

C. Table 3: Non-Residential Area/Bulk Standards

		MIN. LOT AREA (s.f.)	MIN. LOT WIDTH (FEET)	MAX. COVERAGE (%)	MIN. SETBACKS			MAX HEIGHT
					FRONT YARD	SIDE YARD	REAR YARD	
<b>COMMERCIAL/INDUSTRIAL</b>								
	Non-Residential	5,000	50'	80	10'	5'	15'	55'





**ARTICLE 4**  
**Overlay Regulations**

**Section 4.1 – Access Management Overlay**

A. Purpose.

The Access Management Overlay requirements are intended to provide land use and development controls along specified high-traffic corridors, including U.S. Route 65, as an overlay that is supplemental to the underlying zoning district regulations. If a conflict exists between the regulations of this Section and the underlying zoning district regulations, the more restrictive requirements shall apply. All land designated herein as part of the Access Management Overlay shall be subject to the requirements of this Section regardless of which underlying zoning district said land is located.

B. Provisions.

1. Interconnection of Off-Street Parking Areas.

To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels, via internal access drives. The intent is to provide secondary points of access in a grid pattern in the Access Management Overlay. Where a parking area is constructed and is adjacent to an undeveloped nonresidential parcel, the access drive shall be extended to the lot line for connection by future uses.

2. Reduction of Access Points.

(a) The use of shared access points is strongly recommended. Where possible, two adjacent lots may share ingress and egress points to serve both uses rather than solely the use on the lot where the ingress/egress point is located. This model will decrease the number of curb cuts and create safer and more efficient arterial streets within the Access Management Overlay.

(b) When adjacent lots are consolidated, only one (1) access point/curb cut shall be retained for the consolidated lot. Any existing access point/curb cut beyond the one retained shall be abandoned.

(c) The provision of joint access shall be subject to the creation of an easement with the deed allowing cross-access between the two lots. The joint access arrangements shall include a recorded joint agreement with the deed defining the maintenance responsibilities of each of the property owners served by the access road.

3. Access to Different Types of Streets.

- (a) Access to lots abutting collector and local streets shall be provided from those streets. Such lots shall not be permitted to have more than one (1) access point from and onto an arterial street per 500 feet of lot frontage.
  - (b) Each lot with less than 250 feet of frontage on an arterial street within the Access Management Overlay shall have not more than one (1) access point from and onto such street involving left-hand turns, and no lot with 250 or more feet of total frontage on an arterial street shall have more than two (2) access points from and onto such street involving left-hand turns. If a lot has more than one (1) access point, the separation distance between access points should be maximized and in no case shall be under 100 feet, where reasonable considering other traffic safety concerns.
  - (c) The minimum distance to be provided between access points and a street intersection on the same and/or opposite side of the following types of streets (as measured from center line to center line) shall be provided as follows:
    - (1) From an intersection with an arterial street: 300 feet required;
    - (2) From an intersection with a collector street: 200 feet required; and
    - (3) From an intersection with a local street: 100 feet required.
4. Large-Scale Developments.

Developments consisting of three (3) or more principal structures shall make use of a carefully coordinated interior street system, subject to the following provisions:

- (a) Each principal building shall have its main vehicle access onto a common parking lot, access drive, service road, marginal access street, or other alternative method approved by the Borough, which shall then provide access to arterial or collector streets.
- (b) Vehicle access shall be provided to each use without causing congestion to, hazards upon or interference with traffic movement on public streets.
- (c) All access to outparcels of a development shall be provided using internal access drives. Separate access to outparcels from arterial streets shall be prohibited.

#### **Section 4.2 – Floodplain Overlay**

See Glenfield Borough Ordinance #451 and Haysville Borough Ordinance #128.

#### **Section 4.3 –Resource Protection Overlay**

- A. Purpose.

1. Protect the public health and safety by mitigating potential hazards such as land subsidence that may arise due to the inappropriate development of lands with sensitive natural resources.
2. Safeguard the public welfare by guiding future development patterns to prevent potential impacts on the region's water and stream quality.
3. Preserve the public health safety and welfare by protecting private property from potential damages that may occur due to uncontrolled development of lands with sensitive natural resources.
4. Promote and protect the community's existing level of quality of life by restricting development that could alter the quality and availability of ground water.

**B. Intent.**

1. The Resource Protection Overlay provides a rational methodology for:
  - a) Inventorying, mapping and evaluating the carrying capacity of a lot based on the existing natural resources found on said lot.
  - b) Establishing standards to define and determine the amount of development that a lot can reasonably support. The net buildable area, as determined by this overlay process, is the total acreage and general location(s) of permitted disturbance on a lot. Disturbance includes the portions of a lot where grading, construction activities and, subsequently, development occur.
2. The use of the Resource Protection Overlay process is intended to enable:
  - a) Developers to identify, early in the development process, the lot's development capacity and, subsequently, its development opportunities.
  - b) Protection of persons and lots from hazards resulting from the inappropriate development of land in areas that contain sensitive existing natural resources.

**C. Applicability.**

1. For the purpose of carrying out the provisions of this Ordinance, a Resource Protection Analysis shall be completed and submitted as part of any minor or major land development, subdivision, and/or any activity requiring excavation as defined by the Borough. Said information shall be accompanied by a sealed and signed letter by an engineer and/or landscape architect licensed within the Commonwealth acknowledging the review and submission of the related site information.
2. Development within the Natural Resource Protection Overlay requiring only a building permit such as, but not limited to, new buildings or any building addition, shall not be required to meet the minimum standards of this Article, but shall be reviewed using the provisions of §706, Steep slope conservation.

3. The Resource Protection Analysis shall be completed on the official Borough forms provided by the Borough Zoning Officer. The official forms required by this Article and other applicable analyses defined by the Borough shall be completed and submitted as part of any Application for Land Development (Preliminary Approval). No application shall be processed or accepted as administratively complete unless or until the Borough Zoning Officer determines that the Resource Protection Analysis has been properly completed.
4. The granting of any permit pursuant to the regulations of this section shall not constitute a representation, guarantee, or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees.
5. This section does not imply that areas outside those encumbered by steep slopes will always be totally free from the adverse effects of erosion or other effects of nearby steep slopes.
6. If any conflict exists between the provisions of the Natural Resource Protection Overlay and the provisions of Section 706, the provisions of Section 706 shall apply.
7. If a developer/property owner does not wish to utilize the cluster development regulations as outlined in Section 608, the net density for a land development contained within the boundaries of the Natural Resource Protection Overlay shall be calculated by multiplying the net buildable area, as defined by the Natural Resource Protection Worksheet, by the permitted gross density stated within the applicable base zoning district regulations.

D. Existing natural resources.

1. This Ordinance protects specific natural resources that are sensitive to development. These existing natural resources include:
  - a) Steep Slopes;
  - b) Floodplains and Floodways;
  - c) Springs;
  - d) Vernal Pools;
  - e) Wetlands;
  - f) Hydric soils;
  - g) Natural Drainage Ways;
  - h) Lakes/water bodies;
  - i) Colluvial Soils; and,

- j) Red Bed Soils.
2. Refer to the following agencies for information regarding the location of resources listed in 604.A for previous land disturbances of a lot. Additional contact information is available at the Borough office; however, the applicant is responsible for contacting or referencing all sources, listed below or otherwise, to obtain information related to the assessment of existing natural resources.
- a) Commonwealth of Pennsylvania;
  - b) Bureau of Topographic and Geologic Survey;
  - c) Pennsylvania Department of Environmental Protection, Southwest Regional Offices;
  - d) Allegheny County Division of Computer Sciences Geographic Information Systems Groups; and
  - e) National Wetland Inventory.
- E. Initial development ratios.
- 1. Protection of the Borough's existing natural resources is governed by the development ratio for each sensitive existing natural resource. Initial development ratios represent the maximum amount of disturbance or alteration that a sensitive existing natural resource can sustain without posing a hazard to persons or a lot. Development ratios are specific to the existing natural resources and are further affected by the slope of the natural topography where a sensitive existing natural resource may be found.
  - 2. For the purposes of this Article, slopes used in Table 4: Resource Protection Overlay Worksheet shall be at least twenty-five (25) feet in length, measured on a horizontal plane.
- F. Analysis procedures and implementation.
- 1. The Resource Protection Analysis is designed to determine the location and amount of development permitted within any given lot or contiguous lots under common ownership or control, which shall be determined in the following manner:
    - a) Create a 1" = 100' scale Slope Map based on a contour interval of not more than five (5) feet where the slope is greater than fifteen (15) percent and at intervals of not more than two (2) feet where the slope is fifteen (15) percent or less. The Slope Map shall delineate the location and extent of the following four (4) slope categories:
      - (1) 0-15%.
      - (2) 15-25%;
      - (3) 25-40%; and

- (4) 40% and greater.
  - b) Inventory floodways and wetlands/hydric soils,
  - c) Inventory natural drainage ways, streams and lakes/water bodies including all land within fifty (50) feet from the centerline of any natural drainage ways or fifty (50) feet from the normal pool elevation of any lakes or water bodies, whichever is greater.
  - d) Inventory natural springs and vernal pools including all land within fifty (50) feet from the waterline as established from a normal pool elevation.
  - e) Inventory any areas containing colluvial soils and red bed soils.
  - f) Indicate the location and extent of the existing natural resources defined in Subsections A (2), (3), (4) and (5) on the Slope Map. Each existing natural resource shall be uniquely illustrated on the Slope Map.
  - g) Official copies of Table 4: Resource Protection Worksheet of this Ordinance, as available through the Borough, shall be completed to determine the initial net buildable area of the lot.
2. The layout of all proposed buildings, structures, streets and utilities shall occur only within the portions of a lot that do not contain sensitive existing natural resources documented as part of this Article as well as determined by the Borough represented by the individual permitted disturbance ratios and the Total Net Buildable Area (Table 4: Resource Protection Worksheet).

Table 4: Resource Protection Worksheet

<b>Sensitive Existing Conditions</b>		<b>Gross Lot/Site Area (acres)</b>	<b>Permitted Disturbance Ratio</b>	<b>Net Buildable Area (acres)</b>
Line 1	All floodplains, wetlands, and hydric	_____ x	0.0	= 0.00
Line 2	All lakes and waterbodies, and natural drainageways/streams	_____ x	0.0	= 0.00
Line 3	All springs and vernal pools (including 100 ft. buffer)	_____ x	0.0	= 0.00
Line 4	Colluvial Soils and Red Beds on slopes	<25% _____ x	0.4	= 0.00
		>25% _____ x	0.1	= 0.00
Line 5	Other Areas on slopes 0-25% not calculated as part of Lines 1 through 4 above	_____ x	1.0	= 0.00
Line 6	Other Areas on slopes >25% but <40% not calculated as part of Lines 1 through 4 above	_____ x	0.4	= 0.00
Line 7	Other Area on slopes >40% not calculated as part of Lines 1 through 4 above	_____ x	0.1	= 0.00
Line 8	Sum of Lines 1+2+3+4+5+6+7	_____ 0.00		_____ 0.00
		(Total Gross Lot/Site Area)	(Total Net Buildable Area)	

G. Net buildable area increases.

1. Purpose. To promote the efficient use of land, infrastructure and economic resources; to provide development flexibility; and to enhance development quality and longevity, two (2) methods of increasing the net buildable area of a lot shall be available to a developer and/or landowner. Net buildable area increases shall be granted in return for development enhancements. The two (2) methods include the following:
  - a) Storm water run-off reduction measures;
  - b) Green roof construction.
2. Applicability
  - a) Net buildable area increases shall be permitted only in areas located on slopes between zero (0) percent and twenty-five (25) percent in gradient. Net buildable area increases shall utilize the existing natural resources in reverse order of sensitivity in accordance with Table 4 of this Ordinance, whereas least sensitive resource areas shall be utilized first.

- b) A developer and/or landowner may incorporate one (1) or more of the methods outlined in Subsection C to a land development plan.
- c) When multiple methods are combined as prescribed in §607(C), the combined total net buildable area increase shall not exceed twenty-five (25) percent of the lot's "Total Net Buildable Area" as calculated in Line 8 of the Resource Protection Worksheet.
- d) Net buildable area increases shall occur on the same lot where the development enhancement(s) are provided.
- e) Prior to receiving Borough Elected Body approval of a green roof related buildable area increase, the developer and/or landowner shall complete a preliminary and/or final slope stability investigation report in conformance with Borough standards.

**H. Methods**

1. Stormwater run-off reduction measures. Upon incorporating any two (2) of the following stormwater run-off reduction measures into a land development, a developer and/or landowner shall receive a maximum ten (10) percent net buildable area increase. No preliminary or final slope stability investigation report shall be required to obtain the ten (10) percent net buildable area increase.
  - a) Provide area(s) for groundwater recharge through on-site stormwater infiltration for an amount of impervious area equal to one (1) times the net buildable area increase. Unless otherwise defined by the Borough's Subdivision and Land Development Ordinance, the minimum required recharge volume shall be equal to one and one-half (1 ½) inches of run-off for the area defined.
  - b) Preserve existing trees whose combined canopy area is equal to one (1) times the net buildable area increase. A preserved tree shall be a minimum of ten (10) inches in diameter at breast height (dbh).
  - c) Install additional landscaping area(s) equal to one and one-half (1½) times the net buildable area increase. This additional landscaping may be used to treat any cut or fill slopes; to increase the habitat value of any on-site storm water management facility; to re-establish streamside buffers or for other on-site uses. Lawn or turf areas shall not constitute additional landscaping.
  - d) Utilize porous pavement to reduce storm water runoff. Porous paving, with proof by engineering calculation/soils analysis, may be used if the developer/landowner can demonstrate that this method will produce zero (0) increased storm water runoff. The Borough shall review proposed design and engineering of the pavement to verify construction is in accordance with acceptable industry standards and United States Environmental Protection Agency's (EPA) Porous Pavements Phase I – Design and Operational Criteria.
  - e) Propose on-site environmental mitigation of equal or greater environmental value. Mitigation shall include but may not be limited to the removal of landfilled



hazardous materials, the remediation and treatment of abandoned mine drainage, or the establishment of quality wetlands. When such mitigation measures are proposed, the Borough shall review the proposed mitigation measures and shall make a recommendation on the relative value of the proposed mitigation to the Planning Commission and the Borough Council.

I. Cluster lot development

1. Cluster lot development shall be permitted only within the boundaries of the Natural Resource Protection Overlay.
  - a) No portion of any Cluster Lot Development shall be outside the boundary of the Natural Resource Protection Overlay.
  - b) If a lot is situated in such a manner that only a portion of that lot is within the Natural Resource Protection Overlay only that portion located within the Overlay may utilize Cluster Lot Development as described in this section.
  - c) In no case may a lot contain more units than is prescribed by the base zoning district's maximum density regulations.
2. Cluster lot development is voluntary and not required.
3. Density Requirements.
  - a) Cluster lot developments shall utilize the development standards in Table 5 as to net density, minimum lot size, minimum lot frontage and minimum setbacks.

		R
Cluster Development	Gross Density	SFR - 5.8 2 Fam - 4.4 Townhouse - 10 MF - 10
	Net Density	7.9
	Min. Lot Size	5,000
	Min. Lot Frontage	SFR - 60 2 Fam - 65 Townhouse - 25 MF - 80
	Setbacks (F/S/R)	20/5/15

**ARTICLE 5**  
**Supplementary Regulations**

**Section 5.1 – Requirements for All Uses**

A. Application of District Regulations.

1. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
2. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
3. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
4. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
5. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

B. Buffers and Setbacks Across Municipal Boundaries.

If a lot, use, or structure extends across municipal boundaries, the buffer yard and setback requirements of this Ordinance shall still apply.

C. Annexed Territory.

All territory which may hereafter be annexed by the Borough shall be automatically included in the district which most nearly corresponds to the zoning classification of the land at the time of annexation, unless otherwise specified in the ordinance of annexation.

**Section 5.2 – Deviations from Dimensional Requirements**

A. Lot Size Reduction.

No lot shall be reduced in size or otherwise altered so that any nonconformity with this Ordinance or any other applicable ordinances shall be created. This Section, however, shall not prohibit lot size reductions when such reduction is the result of conveying a portion of a lot to a government, government agency, or public utility for public purposes in an easement or a taking.

**B. Permitted Encroachments in Required Yard Areas.**

The following encroachments are permitted in required yard areas, provided that they do not cause the maximum impervious surface area or lot coverage to be exceeded beyond what is permitted for a lot in the underlying zoning district or are required by law for the purpose of public safety:

1. Light fixtures, other than lighting poles for recreational uses;
2. Sidewalks or walkways on grade;
3. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure or when required by law;
4. Handrails along sidewalk or walkway steps;
5. Access drives;
6. Parking spaces for dwellings having three (3) or fewer dwelling units or for uses and/or districts otherwise exempted by this Ordinance;
7. Roof overhangs, egress window wells and doors, HVAC equipment, and emergency power generators, up to a maximum dimension of two (2) feet measured horizontally;
8. Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations specified in Subsection C;
9. Vegetation, including trees, landscaping, and vegetative buffering, provided that a clear sight triangle is maintained at intersections of public rights-of-way and/or public rights-of-way with private driveways;
10. Landscaping materials, excluding patios, decks, and porches not otherwise exempted by this Ordinance;
11. Outdoor seating areas permitted under the provisions of Section 5.15;
12. Awnings and canopies specifically permitted under the provisions of this Ordinance;
13. Decorative lawn ornaments and walls not exceeding 32 inches in height;
14. Bird feeders;

15. Stormwater management facilities not designed to retain a permanent standing pool of water;
16. Traffic control devices required by a government or government agency;
17. Structures required for maintaining the safe passage of vehicular or pedestrian traffic;
18. Utility structures not exceeding seven (7) feet in height, including emergency call stations, other than wireless communication facilities;
19. Railroad sidings;
20. Public transit stops involving surface improvements and shelters;
21. Containers for the collection by municipal authorities of residential solid waste, recyclables, or compost;
22. Functional rain barrels holding less than 65 gallons that are connected to a roof downspout system of a building or structure; and
23. Public bicycle racks, benches, planters, and similar public street furniture.

C. Maximum Height Exceptions.

1. The following structures, when erected with a principal or accessory building roof, may exceed the permitted height of the associated building by 50%, provided that in no situation shall structures associated with buildings of 100 feet in height or taller extend 25 feet vertically beyond the roof of the associated building:
  - (a) Chimneys;
  - (b) Spires;
  - (c) Belfries, steeples, minarets, and other similar structures associated with places of worship/assembly;
  - (d) Cupolas and domes;
  - (e) Silos associated with agricultural uses;
  - (f) Flagpoles;
  - (g) Utility poles, masts, and towers;
  - (h) Antennas, other than satellite antennas and antennas associated with wireless communication facilities;
  - (i) Skylights;

- (j) Tanks; and
  - (k) Penthouses for housing mechanical equipment.
2. The following freestanding structures are permitted to exceed the maximum height limitations specified in this Ordinance:
- (a) Utility poles, masts, and towers associated with a public utility under the jurisdiction of the Pennsylvania Public Utility Commission, when found by the Zoning Hearing Board to not adversely affect public health, safety, and welfare or the use and value of adjacent lots and when the applicant can demonstrate a public need for such structures that cannot be accommodated if the structures were not constructed to exceed the maximum height limitations of the underlying zoning district; and
  - (b) Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district by greater than 25 feet.

**Section 5.3 – Stormwater Management**

On record at Borough Office.

**Section 5.4 – Grading and Erosion Control**

On record at Borough Office.

**Section 5.5 – Slope Control**

On record at Borough Office.

**Section 5.6 – Buffer Areas and Screening**

A. Applicability.

- 1. Nonresidential Uses Abutting Residential Uses or Districts.
  - (a) When a nonresidential use is established which abuts a Residential District or a residential use, a landscaped buffer shall be established on the site of the nonresidential use immediately adjacent to and parallel to the residential use.
  - (b) The nature of the buffer area(s) permitted for the nonresidential use is specific to the zoning district of the use but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.

- (c) When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.
  - 2. Parking Lots Abutting Public Streets.
    - (a) When a parking lot containing five (5) or more parking spaces abuts a public street right-of-way, a landscaped buffer shall be established in the yard setback area between the parking lot and the public street.
    - (b) The nature of the buffer area(s) permitted is specific to the zoning district of the use associated with the parking lot but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.
    - (c) When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.
- B. Buffer Area Classes.

The following classes of buffer areas are hereby established and made reference to throughout this Ordinance whenever a buffer area is specifically required:

  - 1. Class A Buffer Area:
    - (a) The depth may be integral to the yard requirement for the zoning district but shall not be less than 5 feet.
    - (b) The buffer area shall include the following density of trees and shrubs located on the top or street side of such berm, per 100 linear feet of buffer area:
      - (1) At least four (4) deciduous shade trees or at least ten (10) evergreen trees, or some fractional combination of both; and
      - (2) At least ten (10) evergreen shrubs or at least twenty-five (25) deciduous shrubs, or some fractional combination of both.
- C. Existing Trees in Buffer Areas.
  - 1. Where trees of a minimum of two (2) inches in trunk diameter measured six (6) inches about the root collar already exist within a required buffer area, such trees shall remain undisturbed, except that diseased or dead material may be removed.
  - 2. Healthy existing trees retained within a buffer area may be credited toward buffer area requirements when such trees are shown on approved plans and are adequately protected during construction.
- D. Maintenance and Protection of Buffer Areas.

1. All required landscape buffer areas, including plantings and fences, shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops, or other features separating the buffer area from the areas improved for vehicle parking or circulation.
2. It shall be the continuing responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace diseased or dead landscaping. Fences must also be continually maintained and replaced when damaged. Failure to replace required landscaping or fencing shall be a violation of this Ordinance and shall be subject to the enforcement provisions in Article 11 and in any other applicable ordinance.

### **Section 5.7 – Landscaping and Tree Preservation**

#### **A. Landscaping Requirements.**

##### **1. General Requirements.**

- (a) Required buffer areas shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area, or any other type of physical land improvement shall be located in a required buffer; provided, that driveways or roads may cross required buffers if necessary, to provide access to the building site. Sidewalks, bikeways, and pedestrian paths may also be located within required buffers.
- (b) Selected trees and shrubs shall not include invasive plants as determined by the Pennsylvania Department of Conservation and Natural Resources (DCNR).
- (c) All landscaping, trees, and planting materials adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of three (3) feet from any curb.
- (d) Plant materials with seasonal diversity should be selected and distributed throughout the site where possible.
- (e) No tree, shrub, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection, or accessway intersecting a public right-of-way that would cause an obstruction to visibility.
- (f) The following standards shall apply to non-residential development.

##### **2. Landscaping Plan Requirements.**

When a site or land development plan requires the installation of landscaping, a landscaping plan shall be submitted along with the site or land development plan, subject to the following requirements:

- (a) The location of all buffer yards and planting areas shall be graphically depicted.
- (b) The plan must graphically depict the distribution, mature height, and spread of all required plant materials.



- (c) The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen, or other use. The table shall also identify the scientific and common name of each plant, the mature height and spread, and the symbol used for the plant.

3. Planting Standards.

All landscape material planted shall meet or exceed the following standards at the time of planting:

- (a) All deciduous shade trees shall reach a height of at maturity of at least 30 feet with a spread of at least 30 feet and shall have a trunk diameter of at least two (2) inches at planting when measured six (6) inches above the ground. Deciduous shade trees are to be planted such that the majority of the canopy is located on the lot of the planting.
- (b) All evergreen trees shall reach a minimum height of 20 feet at maturity and shall be a minimum of six (6) feet tall at planting.

4. All understory trees shall reach a minimum height of 10 feet at maturity and shall have a trunk diameter of 1.5 inches at planting. See the Borough's official plant list for a listing of permitted understory trees.

5. All deciduous or evergreen shrubs used for screening purposes shall reach a minimum height of five (5) feet at maturity and shall be at least three (3) feet tall at planting.

6. All deciduous or evergreen shrubs used for general or parking lot landscaping must be a minimum of two (2) gallons at planting.

7. Where plantings would result in an inappropriate or impractical design due to underground utilities, overhead wires, or other factors, the following substitutions may be made:

- (a) Two (2) understory trees meeting the requirements of Subsection 4 above may be substituted for one (1) deciduous shade tree.
- (b) Two (2) evergreen trees may be substituted for one (1) deciduous shade tree.
- (c) One (1) deciduous shade tree may be substituted for five (5) shrubs.

8. Maintenance Requirements.

- (a) The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials and screening fences or walls to maintain conformance with landscaping requirements.
- (b) Any plant material that is 50% dead or more shall be considered dead and must be replaced.

- (c) Replacements shall be of the same size and type of plant as shown on the landscaping plan.
- (d) All landscaped areas shall be kept free of litter and trash.

**B. Preservation of Existing Vegetation.**

As applied to any proposed non-residential development or redevelopment in the Borough, preservation of existing trees or groves of three (3) or more trees with a trunk diameter (caliper) of at least four (4) inches when measured at breast height shall enable an applicant to obtain credit toward lot coverage requirements. For every additional tree beyond the three (3) trees preserved, the square footage of the critical root zone circumference of the grove of trees preserved may be used to determine credit toward impervious surface requirements, up to a 15% increase in additional impervious surface beyond the base requirement.

For instance, if a one (1) acre development (43,560 square feet) is located in a part of the Borough that permits a lot coverage of 30% impervious surface (13,068 square feet) and there are 50 trees of a four (4) inch caliper or greater, the following calculations would be performed to determine the minimum additional site area that may be impervious beyond the 30% base requirement:

Trunk diameter (caliper): 4 inches;

Critical root zone ratio: 1 inch of trunk diameter (caliper) for every 18 inches of critical root zone radius;

Critical root zone radius: 4 inches × 18 inches = 72 inches (6 feet);

Critical root zone (in square feet): 6 feet squared × π (pi) = 113 square feet;

Additional permitted impervious surface: 50 qualifying trees × 113 square feet = 5,655 square feet;

Total permitted impervious surface with credit: 13,068 square feet + 5,655 square feet = 18,723 square feet (43% impervious surface).

Note that this example development would not be able to go beyond 45% impervious surface even if there were a substantially higher number of qualifying trees preserved, as 45% is equivalent to 15% in additional impervious surface beyond the base 30% minimum requirement.

**Section 5.8 – Fences and Walls**

**A. Fences in Residential Districts.**

Fences erected on lots in Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel in a front yard shall be four (4) feet.

2. The maximum height of a fence panel in a side or rear yard shall be six (6) feet,
3. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.
4. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.
5. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of the Borough.
6. Stockade fences shall not be permitted in front yards.
7. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

B. Fences in All Other Districts.

Fences erected on lots in districts other than those classified as Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel shall be ten (10) feet, except when the lot is located next to a Residential District or an alley, in which cases the maximum height shall be six (6) feet.
2. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.
3. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.
4. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of the Borough.
5. The Zoning Hearing Board may grant a variance to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative

impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

C. Retaining Walls.

Retaining walls necessary to support the geotechnical needs of a lot shall be permitted.

D. Screening of Trash Collection and Storage Areas.

All trash collection and storage areas for commercial and industrial uses shall be in screened in accordance with Section 5.11 B.

**Section 5.9 – Regulation of Nuisance Elements**

A. Noise Control.

1. No person shall operate or cause to be operated on public or private property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any 15-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use group in the following table when measured at or within the property boundary of the receiving land use:

<b>Sound Level Limits and Permitted Hours by Receiving Land Use Group</b>		
<b>Land Use Group(s) Receiving Noise</b>	<b>Hours and Days</b>	<b>Maximum Permitted Sound Level (dBA)</b>
<ul style="list-style-type: none"> <li>– Residential</li> <li>– Care-Related</li> </ul>	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	62
	<ul style="list-style-type: none"> <li>– Institutional</li> <li>– Conservation</li> </ul>	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays
<ul style="list-style-type: none"> <li>– Commercial</li> </ul>	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	67
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	62

<b>Sound Level Limits and Permitted Hours by Receiving Land Use Group</b>		
<b>Land Use Group(s) Receiving Noise</b>	<b>Hours and Days</b>	<b>Maximum Permitted Sound Level (dBA)</b>
<ul style="list-style-type: none"> <li>- Industrial</li> <li>- Infrastructure</li> </ul>	All times and days	70

2. The maximum permissible sound level limits set forth in Subsection A shall not apply to any of the following noise sources:
  - (a) Uses falling under the Agricultural land use group;
  - (b) The emission of sound for the purpose of alerting persons to the existence of an emergency;
  - (c) Emergency work to provide electricity, water, or other public utilities when public health or safety are involved;
  - (d) Domestic power tools, between the hours of 7:00 a.m. and 10:00 p.m.;
  - (e) Construction, including necessary blasting and explosives between the hours of 7:00 a.m. and 10:00 p.m., and street and utility repair operations;
  - (f) Motor vehicles traveling on public streets, except as otherwise specified by law;
  - (g) Public celebrations specifically authorized by The Boroughs;
  - (h) Railroads and airplanes; and
  - (i) The unamplified human voice.
  
3. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any 15-second interval), the sound level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use group.

**B. Vibration Control.**

No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration (detectable without instruments) above the vibration perception threshold of an average person on private property beyond the lot lines of the use generating the vibration or on public property (including the public right-of-way) 50 feet or greater beyond the lot lines of the use generating the vibration. This restriction shall not

apply to occasional non-routine blasting that may be necessary during construction or demolition of structures, streets, or utilities.

C. Dust, Dirt, Smoke, Vapor, Gas, and Odor Control.

1. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards set by the Pennsylvania Department of Environmental Protection (DEP), the Air Pollution Control Act of January 8, 1960 (and all amendments thereto), or any other applicable federal or state law or agency.
2. No use shall generate odors, smoke, vapors, or gases above the odor perception threshold of an average person on private or public property beyond the lot lines of the use generating the odors.
3. No use shall generate dust, dirt, smoke, vapors, or gases at any point for longer than five minutes in any hour of a visible color or shade darker than No. 3 on the Ringelmann Smoke Chart as distributed by the U.S. Department of the Interior, Bureau of Mines.

**Section 5.10 – Lighting and Glare**

A. General Provisions.

1. All uses shall direct, deflect, and shield lights and control the intensity of lights and illuminated signs to avoid nuisances and to prevent glare onto other properties and streets. Lights shall not shine directly into the normal line of sight of motorists.
2. Low-voltage and light-emitting diode (LED) lighting systems are encouraged.
3. All outdoor lighting shall be designed, installed, located, and maintained so that nuisance glare onto adjacent lots or streets shall be minimized and all direct illumination kept within the boundaries of the lot.
4. Lights on motion sensors shall not be triggered by movement or activity that occurs off-property from where the light is located.
5. Lighting associated with any canopy structure shall be installed as internal illumination of the canopy only.

B. Lighting Zones.

The following lighting zones are hereby established for the zoning districts designated in Article 3, with the following maximum illumination provisions for each lighting zone:

<b>Lighting Zone 1</b> <b>Zoning Districts: R-1 and R-2</b>	
<b>Provision</b>	<b>Measurement</b>
Maximum illumination at lot lines	0.10 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	3 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1 foot-candle, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	5% of the lighting fixtures lumens

<b>Lighting Zone 2</b> <b>Zoning Districts: MU, HC, CI</b>	
<b>Provision</b>	<b>Measurement</b>
Maximum illumination at lot lines	0.20 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	5 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1.5 foot-candles, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	10% of the lighting fixtures lumens

**Section 5.11 – Outdoor Storage**

A. Outdoor Storage of Materials.

All outdoor storage of fuel, raw materials, and products, except for finished products for retail sale to the public for a commercial or industrial use in any Mixed Use, Commercial, or Industrial district, unless organized in an orderly manner that does not create a public nuisance or create blight, shall be screened from view from any public right-of-way and any

residential use or Residential District by a sight-obscuring evergreen planting, fence, or wall at least six (6) feet in height.

**B. Outdoor Storage of Garbage.**

1. All organic refuse or garbage stored outdoors shall be placed in watertight, vermin-proof containers.

All trash dumpsters, compactors, and other refuse storage containers, other than those for single-family or two-family dwellings and other curbside collection, must be completely screened from view on all sides if abutting a residential use or a Residential District. The screening to be installed must be sight-obscuring and shall be installed to at least the height of the dumpster, compactor, or refuse storage container. The permitted screening materials are as follows: a fence, evergreen plantings in combination with deciduous shrubs, or a wall. Plants installed for screening are required to be the height of the dumpster, compactor, or refuse storage container at the time of planting. Dumpsters, compactors, and refuse storage containers other than those for single-family or two-family dwellings and other curbside collection shall not be permitted in the front yard of any property. Garbage shall not be permitted outside of the trash dumpsters, compactors, and other refuse storage containers and must be kept in good shape.

**C. Outdoor Storage of Trailer, Mobile Homes, and Recreational Vehicles.**

1. The parking and storage of trailers, mobile homes, motor homes, campers, and recreational vehicles shall be prohibited within the right-of-way of any public street.
2. Trailers, mobile homes, motor homes, motor homes, campers, and recreational vehicles shall be parked entirely behind the front face of the principal building, unless completely screened from view by a sight-obscuring evergreen planting, fence, wall, or gate.

**Section 5.12 – Sewage Disposal**

- A. Where required, a copy of a sewage permit shall be submitted to the Borough for record.

**B. Mobile Homes.**

1. Mobile home parks, where such use is permitted, shall be served by a public sewer system.
2. Individual mobile homes not located in a mobile home park and not located in an area with an available public sewer system may be served by an on-lot sewage disposal system, provided such system meets the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code.



C. On-Lot Sewage Disposal.

Any on-lot system proposed shall meet the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code, as amended.

**Section 5.13 – Accessory Structures**

- A. Accessory uses, buildings, and structures are permitted only in conjunction with an established principal use and must be located on the same lot as said principal use.
- B. No structure accessory to a nonresidential use, other than signs and lighting fixtures, shall be located in the front yard setback.
- C. Setbacks for accessory structures shall comply with the requirements specified in each zoning district, unless otherwise regulated in this Ordinance.
- D. No object exceeding a height of three (3) feet, unless otherwise permitted by this Ordinance, shall be temporarily or permanently placed, erected, installed, or parked within the clear sight triangle required at the intersection of streets or the intersection of a driveway or private lane with a public street.
- E. Specific types of accessory structures named in this Ordinance shall be regulated by applicable sections in this Ordinance governing such accessory structures. It is the responsibility of the landowner to abide by any provisions for such structures as may be found in this Ordinance or any other ordinances of The Boroughs.

**Section 5.14 – Keeping of Household Animals Other than Pets**

A. General Provisions.

- 1. The keeping of household animals for private, noncommercial use and enjoyment may be permitted in Agricultural/Conservation/Recreational and Residential districts wherever it is demonstrated that the dimensional and density provisions in this Section can be met.
- 2. No animals shall be allowed to stray so as to create any health or safety hazards. Animals shall be maintained as to be free from objectionable behavior. Noise shall not exceed the maximum permitted levels found in Section 5.9, Subsection A.
- 3. All animal structures and roaming areas shall be maintained as to comply with the odor standards found in Section 5.9, Subsection C. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties, contaminating any stream, or otherwise having an adverse impact on the human and natural environment.
- 4. Any fencing associated with pasture, grazing, and exercise areas for animals shall be constructed of materials of sufficient height, strength, and density to adequately confine said animals. See also Section 5.8.

5. All animals shall be properly immunized.
6. Every owner engaged in the keeping of animals shall provide facilities maintained with best management practices so as to be clean and well-maintained and to avoid attracting vermin.
7. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Title 3, Chapter 23, Section 2352 of the Pennsylvania Code. Dead animals shall be disposed of within 48 hours after death.
8. Permitting Process.

Applicants proposing the keeping of animals covered by this Section must submit an application to the Zoning Officer.

**B. Chickens, Ducks, and Rabbits.**

1. Up to six (6) chickens, ducks, or rabbits can be raised or kept on lots measuring 3,000 square feet or greater in size. For every additional 1,000 square feet of lot size, the household is permitted one (1) additional chicken, duck, or rabbit.
2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:
  - (a) All shelters shall have a roof and at least three (3) enclosed sides.
  - (b) Shelters must be located not less than 20 feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
  - (c) Shelters shall provide a minimum of two (2) square feet per animal.

**C. The keeping of roosters shall be prohibited in lots measuring less than two (4) acres.**

**D. Miniature Goats.**

1. Up to two (2) dehorned, adult female or neutered male goats can be raised or kept on lots measuring 10,000 square feet or greater in size. For every additional 5,000 square feet of lot size, the resident is permitted one (1) additional dehorned, adult female or neutered male goat.
2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:
  - (a) All shelters shall have a roof and at least three (3) enclosed sides.
  - (b) Shelters must be located not less than 30 feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
  - (c) Shelters shall provide a minimum of 10 square feet per animal.

E. European Honeybees.

1. Colonies shall be maintained in moveable frame hives, with hives being no closer than 25 feet to any property line and at least 50 feet from any dwelling located on an adjacent property.
2. All hives shall have access to an on-site water supply, whether it be a water-filled tank or natural water sources located on the property.
3. Swarm management techniques shall be employed to maintain gentle colonies.
4. Beekeeping practices must be consistent with the Pennsylvania Apiary Advisory Board's "Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania."
5. Any beekeeper shall provide documentation that they are in compliance with Pennsylvania's Bee Law, 3 Pa.C.S.A. §§ 2101-2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.
6. Ownership, care, and control of the honeybees shall be the responsibility of a resident of the dwelling on the lot or the individual listed on the state registration form.

F. Other Animals.

1. Animals other than chickens, ducks, rabbits, miniature goats, or European honeybees that do not meet the definition of a household pet may only be kept on lots greater than three (3) acres in size.
2. The total number of additional animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse. One (1) sheep may be kept on a lot of three (3) acres. One-half (0.5) acre is required for each additional sheep.

<b>Additional Required Lot Area for Additional Animals</b>	
Equine	2.0 acres
Bovine	2.0 acres
Swine	1.5 acres
Sheep	0.5 acres

Poultry and fowl other than chickens and ducks (such as but not limited to geese, turkeys, ostriches, and pea fowl)	0.1 acres
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3. Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

### **Section 5.15 – Outdoor Seating Areas**

Outdoor seating areas may be proposed for restaurants, bars or taverns, and brewpubs subject to the following provisions:

- A. A clear pedestrian passageway of five (5) feet or greater shall be maintained. Street furniture, such as light poles, kiosks, mailboxes, tree pits, planters, public benches, and fire hydrants, shall not be located in the clear pedestrian passageway.
- B. No part of the outdoor seating area, including canopy umbrellas, planters, barriers, signage, and freestanding menu displays, shall extend into the required clear pedestrian passageway or into/over the street.
- C. A mobile freestanding menu display may be placed at the edge of the outdoor seating area in lieu of a sandwich board sign (as defined in this Ordinance and provided for in Article 8) but not both.
- D. Outdoor seating areas that extend three (3) feet or less into the public right-of-way or clear pedestrian passageway and that do not include the service of alcohol are not required to be enclosed by a barrier. Otherwise, a barrier between three (3) and four (4) feet in height is required to be erected between the clear pedestrian passageway and the outdoor seating area. Such barrier, which may consist of planters or fencing, shall be at least 60% opaque.
- E. Chairs and tables shall be weather-resistant to sun, rain, and wind and must be freestanding.
- F. Canopy umbrellas shall be between seven (7) and ten (10) feet in height.
- G. Outdoor seating areas shall be subject to any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.
- H. No outdoor seating area shall be located closer than 100 feet from a Residential District.

### **Section 5.16 – Short-Term Rentals**

- A. The dwelling associated with a short-term rental must be the permanent address of the owner, and the owner must occupy the dwelling for at least six (6) months of the calendar year.
- B. All activity at the short-term rental shall be subject to enforcement of any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.

- C. If a house guest is convicted for any disturbance of the peace on the premises, the owner of the dwelling shall not be permitted to continue the use of the dwelling as a short-term rental.

### **Section 5.17 – Solar Energy Systems**

A. Intent.

It is the intent of this Section to promote the safe, effective, and efficient use of installed solar energy systems that reduce on-site consumption and demand of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and lots. This Section seeks to:

1. Provide property owners and businessowners/operators with flexibility in satisfying their energy needs;
2. Reduce overall energy demands within the community and to promote energy efficiency; and
3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing the quality of life of the community.

B. Applicability.

1. This Section applies to building-mounted and ground-mounted solar energy systems installed and constructed after the effective date of this Ordinance.
2. Solar energy systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Section.
3. Any upgrade, modification, or structural change that materially alters the size and placement of an existing solar energy system shall comply with the provisions of this Section.
4. Building-integrated solar energy systems, as defined in this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.
5. This Section does not apply to principal solar energy systems (PSES), as defined in this Ordinance.

C. Location on a Property.

1. Building-mounted solar energy systems are permitted to face any front, rear, or side yard as defined in this Ordinance. Such systems may only be mounted on lawfully permitted principal and accessory buildings.
2. Ground-mounted solar energy systems are permitted based on the requirements for accessory uses and structures in the property's zoning district.

D. Design and Installation Standards.

1. Solar energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as administered by the Pennsylvania Department of Labor and Industry (DLI).
2. All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. For ground-mounted solar energy systems, all exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.

E. Dimensional Requirements.

1. Setback Requirements for Ground-Mounted Solar Energy Systems.

Ground-mounted solar energy systems are subject to the accessory use setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted solar energy system shall extend into the required setbacks, including in the case of tracking systems or other adjustments of related equipment or parts.

2. Height Requirements.

Notwithstanding the height limitations of the underlying zoning district:

- (a) For a building-mounted solar energy system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- (b) For a building-mounted solar energy system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance, as measured perpendicular to the roof, of 18 inches between the roof and the highest edge of or surface of the system.
- (c) For a building-mounted solar energy system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
- (d) Ground-mounted solar energy systems may not exceed the permitted height of principal structures in the zoning district where the system is to be installed.

F. Screening and Visibility.

1. Building-mounted solar energy systems installed on a sloped roof shall not be required to be screened.
2. Building-mounted solar energy systems mounted on a flat roof shall not be visible from the public right-of-way within a 50-foot radius of the lot, exclusive of an alley, at a level of five (5) feet from the ground. Such systems shall be screened in a similar manner

as other rooftop HVAC and mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the edge of the roof.

G. Impervious Lot Coverage Restrictions.

The surface area of any ground-mounted solar energy system, regardless of the mounted angle of any portion of the system, shall be considered an impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. However, if the ground-mounted solar energy system is mounted above an existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

H. Nonconformance.

1. Building-Mounted Solar Energy Systems.

(a) If a building-mounted solar energy system is to be installed on any building or structure that is nonconforming because its height exceeds the maximum height limitations of the zoning district in which it is located, the building-mounted system shall be permitted so long as the system does not extend above the highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.

(b) If a building-mounted solar energy system is to be installed on a building or structure on a nonconforming lot that does not meet the setback requirements or exceeds the lot coverage limits for the zoning district in which it is located, the building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this Section.

2. Ground-Mounted Solar Energy Systems.

(a) If a ground-mounted solar energy system is to be installed on a lot containing a structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the required setback for the lot.

(b) If a ground-mounted solar energy system is to be installed on a lot that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation following the procedures found in Article 10.

I. Signage and/or Graphical Content.

No signage or graphical content may be displayed on the solar energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.

J. Performance Requirements.

All solar energy systems are subject to compliance with any applicable performance standards found elsewhere in this Ordinance.

**K. Permit Requirements.**

Before any construction or installation of any solar energy system shall commence, a permit issued by the Zoning Officer shall be obtained to document compliance with this Section.

**L. Inspection, Safety, and Removal.**

1. The Borough reserves the right to inspect a solar energy system for fire or building code compliance and safety.
2. If upon inspection, the Borough determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the Borough may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
3. If the property owner fails to repair or remove a solar energy system as ordered and any appeal rights have been exhausted, the Borough may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.
4. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated, abandoned, or decommissioned solar energy system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the Borough in connection with the removal work and filing of the municipal claim.

**Section 5.18 – Swimming Pools**

- A. All outdoor swimming pools and impoundments of water 18 inches in depth or greater with a surface area of 72 square feet or greater shall be properly fenced so as to not become a hazard to any person. The top of such fence or wall shall be at least five (5) feet above the ground. No opening in the fence or wall shall be larger than two (2) inches in width, and all gates shall close with self-catching latches.
- B. Swimming pools shall be designed and constructed to the applicable standards of the Pennsylvania Uniform Construction Code (UCC).



- C. **No** outdoor swimming pool may be located in any front or side yard setback area. If located in the rear yard setback area, no part of the pool shall be located within ten (10) feet of the rear lot line.

### Section 5.19 – Temporary Uses, Buildings, and Structures

- A. Temporary Construction Buildings or Trailers.

The parking of construction vehicles and temporary construction offices on a site that is necessary for construction that is actively underway on the same lot is permitted by right, provided that such vehicles or offices shall be removed immediately once the construction they relate to is completed or suspended.

- B. Temporary Real Estate Sales Offices.

A temporary real estate sales office may be established within a dwelling unit not occupied for residential purposes in a residential development having more than 10 dwelling units, if the real estate sales office is used only to market the real estate offered within the development. A temporary real estate office shall be removed within 14 days of the sale or lease of the last property in the development.

- C. Tents and Membrane Structures.

1. In addition to the special exception procedure provided for in this Ordinance, the Zoning Officer may allow the temporary erection of a tent, membrane, or similar temporary structure that is not totally enclosed for a maximum of seven (7) consecutive days in any four (4) month period for clearly routine customarily accessory uses such as a wedding in the rear yard of a dwelling, a festival by a place of worship, or a special sale within the lot of a lawful commercial use.
2. The Zoning Officer may allow the temporary erection of a tent, membrane structure, or similar temporary structure for a period of up to a maximum of 180 days in any given calendar year, for clearly routine customary accessory uses.
3. All tents, membrane structures, or similar temporary structures to be erected for a total of more than seven (7) consecutive days shall require the submission of a site plan and an application for a zoning permit. The fee shall be established by resolution of The Boroughs Council.

- D. Food Trucks and Food Carts.

A permitted accessory use on lots of more than 20,000 square feet may include the temporary use of a food and nonalcoholic beverage cart for on-site sales, provided that the following requirements are met:

1. The cart is used for a maximum period of four (4) consecutive days once in any six (6) month period.
2. The cart is removed within 48 hours after sales are complete.

3. The applicant submits a site plan showing that the cart will be well-located to avoid traffic conflicts.

E. Other Temporary Uses.

A temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses, other than those specifically listed in this Ordinance, subject to the following additional provisions:

1. Duration.

The Zoning Hearing Board shall establish a limit on the duration of the use. In most cases, a temporary approval should have a maximum term of no longer than two (2) years. In the case of a special event, except under special circumstances, this term should be a maximum of six (6) consecutive days in any sixty (60) day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

2. Fee.

Either the Zoning Hearing Board or The Boroughs Council may waive and/or return the required application fee if the applicant is a 501(c)(3) nonprofit corporation and if the applicant clearly shows that the proposed use is temporary and will be used to serve a charitable or public service purpose.

3. Special Events.

For a new special event (not including annual reoccurrences of a previously held event) that will attract significant numbers of the public, the Zoning Hearing Board shall deny the use if it determines that the following will not be generally appropriate for the provision of the temporary use: sanitary and water service, traffic control, off-street parking, and protection of public health, safety, and welfare.

### **Section 5.20 – Wind Energy Systems**

- A. Only one wind energy system shall be permitted as an accessory structure on any lot.
- B. The lowest part of the rotor blade must be a minimum of 30 feet higher than the surrounding structures and/or obstructions.
- C. Setbacks from all lot lines, utility lines, and structures shall be 1.5 times the total height of the wind energy system.
- D. Permitting Requirements.

In addition to a zoning permit, applications to construct a wind energy conversion system shall be accompanied by a plot plan package that includes the following:

1. Property lines and physical dimensions of the lot;

2. Location of the wind energy system tower on the lot;
  3. Location, dimensions, and types of existing principal and accessory structures on the lot;
  4. The right-of-way delineation of public streets adjacent to the lot;
  5. The presence of any overhead utility lines;
  6. Any easements;
  7. A map of the 200-foot area surrounding the slot showing all affected lands and structures at a legible scale;
  8. Specifications of the wind energy system, including manufacturer and model, rotor diameter, tower height, and tower type (e.g., freestanding, or guyed);
  9. Standard installation drawings shall be submitted showing the wind turbine structure, including the tower, the base, and the footings, stamped, and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania;
  10. An engineering analysis of the tower showing compliance with the Uniform Construction Code and certified by a licensed professional engineer;
  11. A site-specific wind resource assessment by a qualified professional; and
  12. Drawings, plans, and/or narratives demonstrating that the wind energy conservation system is equipped with manual braking and meets all building and electrical codes.
- E. When an application is made for approval of a wind energy system, all property owners within 200 feet of the lot on which the system is to be constructed shall be notified in written form.
- F. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission (PUC) governing generation of electricity for private use and shall provide evidence that he or she has notified the incumbent utility provider of his or her desire to install an interconnected wind energy system.
- G. Artificial lighting is not permitted, whether directly or indirectly, except as required by the Federal Aviation Administration.
- H. The owner/operator shall make all reasonable efforts to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and to described proposed mitigation measures when called upon, including but not limited to, a change in siting of the wind energy system, a change in the operation of the wind energy system, or grading or landscaping mitigation measures.
- I. Noise levels for the wind energy system shall not exceed the permitted decibel levels for the underlying zoning district prescribed in Section 5.9.

- J. The wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within 90 days of being notified of the problem.
- K. The wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects.
- L. The wind energy system shall have an automatic overspeed control to render the system interoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- M. All ground-mounted electrical and control equipment shall be labelled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground elevation. Safety fencing is required if the wind energy system has climbing features below 12 feet.
- N. All electrical wires associated with a wind energy system shall be located underground when practicable. All wires not located underground, including but not limited to wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be contained within an appropriate conduit suitable for the same.
- O. A wind energy system is considered abandoned if it is inoperable or unsafe or unattended for a period of 12 months. Non-function or lack of operation may be proven by reports from the interconnected incumbent utility provider. Wind energy systems must be immediately removed at the expense of the property owner if deemed abandoned.
- P. Wind energy systems cannot be used to support signage, satellite dishes, or antennas.

**Section 5.21 – Wireless Communication Facilities**

- A. Purposes.

The purposes of this Section include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal, and replacement of wireless communication facilities (WCFs) in The Boroughs, in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. Moreover, the Borough desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communication needs of the Borough's residents, businesses, and emergency service providers. While the Borough recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers,

the Borough also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

**B. Zoning District Regulations.**

1. Tower-based WCFs are permitted on all municipally owned property regardless of zoning district. Otherwise, the use provisions of Section 3.4 shall apply.
2. Non-tower WCFs are permitted by right subject to application requirements stated herein in all districts, except that no non-tower WCF shall be located, in any zoning district, on a single-family or two-family dwelling.
3. Eligible facilities requests that do not substantially change the tower, base station, or wireless support structure are permitted by right in all zoning districts.

**C. Area and Bulk Requirements.**

The following table shall reflect the height, lot size, setback, and locational requirements for tower-based and non-tower WCFs:

<b>TOWER-BASED WCFs</b>	<b>Outside of ROW</b>	<b>Within ROW</b>
<b>Height</b>	<p>Shall be designed to minimum functional height but not to exceed 100 feet. Applicants must submit documentation justifying the total height.</p> <p>Equipment buildings, cabinets and accessory structures shall not exceed 15 feet in height.</p>	<p>Shall be designed to minimum functional height, not to exceed 55 feet in non-residential districts. Applicants must submit documentation justifying the total height.</p>
<b>Lot Size</b>	<p>Subject to underlying zoning district. Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting must not extend outside the lot.</p>	Not applicable
<b>Setback – Towers</b>	<p>Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.</p>	Not applicable
<b>Setback – Equipment Buildings/Cabinets</b>	<p>Subject to applicable minimum building setback in the underlying zoning district.</p>	Not applicable

<b>TOWER-BASED WCFs</b>	<b>Outside of ROW</b>	<b>Within ROW</b>
<b>Location</b>	Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.	Not applicable

<b>NON-TOWER WCFs</b>	<b>Outside of ROW</b>	<b>Within ROW</b>
<b>Height – On a Building or Similar Structure</b>	Shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a variance.	Not applicable
<b>Height – On Electrical Transmission Towers, Streetlights, Utility Poles, Traffic Signals, Signs, and Similar structures</b>	Shall not exceed a height of 5 feet above the electrical transmission tower, streetlight, utility pole, traffic signal, sign and similar structure, unless the WCF applicant obtains a variance.	WCFs located above the surface grade shall consist of equipment components designed at the minimum functional height.
<b>Setback – Mounted Antennas</b>	Not applicable	Not applicable
<b>Setback – Equipment Buildings/Cabinets</b>	Shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not applicable
<b>Lot Size</b>	Subject to applicable minimum lot size in the underlying zoning district.	Not applicable
<b>Setback – Towers</b>	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not applicable
<b>Setback – Equipment Buildings/Cabinets</b>	Subject to applicable minimum building setback in the underlying zoning district.	Not applicable
<b>Location</b>	Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.	Not applicable

D. Permit Application Requirements.

1. Collocation Analysis.

An application for a new tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall not be approved unless the applicant demonstrates that the wireless communication equipment planned for the proposed WCF cannot be collocated on an existing structure or building within a 0.25-mile radius of the proposed WCF location to achieve the coverage or capacity objectives of the applicant.

2. Gap in Coverage or Lack of Adequate Capacity.

An applicant for a tower-based WCF more than 40 feet in height must demonstrate that a significant gap in wireless coverage exists or a lack of adequate capacity at the proposed location is likely to exist within one (1) year of the filing of its application.

3. Authorization.

An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and to maintain the proposed WCF on the subject lot.

4. Licensing and Applicable Regulations.

If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

5. Emissions.

The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the FCC governing human exposure to electromagnetic emissions.

6. Insurance.

The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

7. Application Fees.

(a) The Borough may assess appropriate and reasonable permit application fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.

(b) The Borough may assess to the applicant, in addition to application fees, appropriate and reasonable review fees directly related to the costs incurred by

the Borough, including but not limited to professional/consultant fees to review the WCF application.

- (c) For special exception applications, the Borough's regular special exception application fees shall apply.

8. Review Timeframes.

All reviews shall be conducted in accordance with applicable telecommunications law, Pennsylvania Uniform Construction Code Act (UCC) requirements and Pennsylvania Municipalities Planning Code (MPC) requirements.

E. Design, Construction, and Operations.

- 1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed, and replaced in strict compliance with all current applicable federal and state technical and safety codes.
- 2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.
- 3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

4. Collocation.

All tower-based WCFs where the wireless communication tower will be more than 40 feet in height shall be designed to accommodate both the applicant's antennas and comparable antennas for future users. As a condition of approval for all tower-based WCFs where the tower will be more than 40 feet in height, the applicant shall agree to allow other service providers to collocate antennas on the tower where technically and economically feasible.

5. Signage.

- (a) All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and FCC registration number (if applicable). Such signage shall not include commercial advertising, shall not protrude from the tower or WCF, and is subject to approval by the Borough.
- (b) For tower-based WCFs outside of the right-of-way, the posted sign shall not exceed two (2) square feet in area.
- (c) For all other WCFs, the sign shall be limited to the maximum necessary size to provide the required information in a readable manner.

6. Lighting.



WCFs shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect to surrounding properties as is permissible while still meeting state or federal requirements.

7. Noise.

All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established in Section 5.9 of this Ordinance. The use of a backup generator is prohibited except that in emergency situations and for periodic maintenance and testing by the wireless communications provider's technicians, such use shall be permitted, where such noise standards may be exceeded on a temporary basis.

8. Vehicular Access.

- (a) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all tower-based WCFs located outside of the right-of-way.
- (b) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
- (c) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.
- (d) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
- (e) An applicant shall present documentation to the Borough that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.
- (f) Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.
- (g) Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

9. Fencing.

A security fence, which may include barbed wire, with a minimum height of eight (8) feet may be required to surround any tower-based WCF located outside the right-of-way, where the wireless communication tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. The applicant may request a variance for all or any of the requirements herein for a security fence may be by the Zoning Hearing Board when the fence would not be appropriate or feasible.

10. Safety in Rights-of-Way.

(a) Schedule of Operations.

The Borough shall determine the time, place, and manner of siting, design, construction, maintenance, repair, modification, removal, and/or replacement of all WCFs located in the right-of-way, based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the requirements of the Pennsylvania Public Utility Code or other applicable ordinances or laws.

(b) Alteration of a WCF.

Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under any one of the following circumstances:

- (1) The construction, repair, maintenance, or installation of any municipal or other public improvement located in the right-of-way;
- (2) The operations of any governmental entity in the right-of-way;
- (3) Vacation of a street or the release of a utility easement; or
- (4) An emergency as determined by the Borough.

No permit is required for such removal, relocation, change or alteration ordered by the Borough.

(c) Visual Obstruction.

All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, to create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In no case shall ground-mounted equipment, walls, screening, or landscaping be located within 18 inches of the face of the curb or, in an area in which there are no curbs, within (3) feet of the edge of cartway.

11. Maintenance.

An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs, and equipment needs, and the traffic, safety, and noise impacts of such maintenance.

12. Soil Report.

An applicant for a tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall submit a soil report complying with the ANSI/EIA-222-G standards for geotechnical investigations to the Borough Engineer prior to construction to document and verify the design specifications of the foundation for the wireless support structure and anchors for the guy wires, if used.

13. Aviation Safety.

All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

14. Inspections.

Inspections are required for all WCFs where the new wireless communication tower will be more than 40 feet in height. Copies of all inspection reports shall be provided to the Borough following the inspection. Any repairs advised by the report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Borough.

15. Equipment Storage.

The storage of unused equipment or supplies is prohibited on any WCF site.

16. Historic Sites.

No WCF may be located on a building or structure that is listed on either the National Register of Historic Places, county or state lists, or any Borough-maintained historic resources inventory. This prohibition may be waived by the Zoning Hearing Board.

F. Visibility, Landscaping, and Screening.

1. Stealth Technology.

(a) All WCFs shall employ the most current stealth technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

(b) In the case of a tower-based WCF, compliance with this Subsection may be evidenced by the following:

(1) The tower shall have a galvanized finish or be painted silver above the top of surrounding trees and green below treetop level.

(2) The tower shall comply with FAA and PennDOT Bureau of Aviation lighting standards and shall not be artificially lighted unless required by those agencies.

2. Landscaping and Screening.

An applicant for tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall submit a landscaping and screening design complying with the following:

- (a) The applicant shall ensure that the existing vegetation, trees, and shrubs located within close proximity of the WCF support structure shall be preserved to the maximum extent possible.
- (b) Ground mounted equipment must be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the Borough. Where the site abuts a Residential district, public property, or street, a buffer area shall be provided along the perimeter abutting the affected district, property, or street to include at minimum two (2) staggered rows of evergreen trees a minimum of six (6) feet in height, which trees shall be replaced with trees of equivalent height when dead or damaged.

G. Replacement, Collocation, and Modification of Existing Wireless Support Structures.

1. Notwithstanding the requirements for all WCFs, as set forth herein, an application for replacement, collocation, or modification of a previously approved wireless support structure shall be reviewed for conformance with the Borough's building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change to the structure.
2. Replacement of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the Borough.
3. Any substantial change to an existing WCF shall require approval of the Borough in accordance with the terms of this Section.

H. Discontinuation, Abandonment, and Removal.

In the event that use of a WCF is planned to be discontinued, the owner/operator shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.
2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough. The Borough's costs in connection with removal, including professional or consultant fees

and the cost of removal work and site remediation, may be assessed against the owner of the WCF or the lot upon which the WCF was located.

I. Reimbursement for Use of the Right-of-Way.

In addition to permit application fees, every WCF in the right-of-way is subject to the Borough's right to impose annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such annual fee shall be directly related to the Borough's costs of owning, maintaining, and managing the right-of-way and to the loss of use to the Borough of that portion of the right-of-way consumed by the WCF.

J. Special Exception Criteria and Procedures.

An application for approval by special exception for any tower-based WCF shall, in addition to meeting other applicable requirements in this Ordinance, meet the following criteria:

1. The applicant shall provide to the Borough, prior to issuance of a zoning permit for construction, financial security to guarantee the removal of any tower-based WCF. Such financial security shall be in an amount determined by the Borough Engineer based upon industry standards for removal and shall be acceptable in form and content to the Borough Engineer.
2. No tower-based WCF shall be located or within 100 feet of an area in which all utilities are located underground.
3. The applicant shall provide a propagation study evidencing the need for the proposed WCF, a description of the type and manufacturer of the proposed transmission and receiving equipment, the frequency range assigned to the WCF applicant, the power in watts at which the WCF will transmit, and the results of any relevant tests conducted by the applicant to determine the need for the proposed WCF.
4. The applicant shall supply documentation demonstrating that the proposed WCF complies with all state and federal requirements regarding aviation safety.
5. Where the WCF is located on a property with another principal use, the applicant shall present documentation that the property owner has granted an appropriate lease or easement for the WCF and for access to the WCF.
6. The special exception procedures and criteria in sections 6.3 and 10.4 shall apply and be satisfied by the applicant. In addition, the applicant shall, at his or her expense, mail written notice of the scheduled public hearing for the WCF to all owners of record of property located within 500 feet of the proposed WCF. Such notice shall be mailed at least 14 days prior to the scheduled public hearing, and the applicant shall provide a copy of such notice and proof of such mailing to the Borough prior to the hearing.

**ARTICLE 6**  
**Specific Criteria, Conditional Uses, and Special Exceptions**

**Section 6.1 – Process for Uses Permitted by Right**

The following provisions shall apply, unless otherwise amended by the Pennsylvania Municipalities Planning Code (MPC). Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by right (notated with the letter 'P') shall comply with all applicable performance standards and supplementary regulations in this Ordinance. Applications for a zoning permit, a certificate of use and occupancy, and a building permit must be submitted to the Zoning Officer following the provisions and procedures found in Section 11.1.

**Section 6.2 – Process for Conditional Uses**

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific conditional use have been met.

B. Procedure.

1. An application form prescribed by the Borough shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of The Boroughs Council.
2. The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Borough. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
  - (a) That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
  - (b) That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;

- (c) That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
  - (d) That the proposed conditional use is in general conformity with The Boroughs Comprehensive Plan; and
  - (e) That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Boroughs Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
3. If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.
4. The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Borough approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Borough ordinance.
5. The Boroughs Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of The Boroughs Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
6. Public Hearings.
- (a) Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by The Boroughs Planning Commission. The Planning Commission and Borough Engineer shall be given an opportunity to provide written recommendation to Borough Elected Body concerning whether to approve, conditionally approve, or deny the application.
  - (b) A minimum of one (1) public hearing shall be held by the Borough Elected Body at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
  - (c) Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted by the Borough at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

**ARTICLE 6**  
**Specific Criteria, Conditional Uses, and Special Exceptions**

The Boroughs  
Zoning Ordinance

- (d) If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.
- (e) The Borough Elected Body shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.
- (f) If the Borough Elected Body denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Allegheny County Court of Common Pleas.

**C. Duration of Conditional Use Permit.**

- 1. If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Borough Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.
- 2. If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the Borough Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

**D. Conditions for Approval.**

- 1. For each conditional use, the use shall meet the following requirements:
  - (a) The Borough Council shall find that the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.
  - (b) The Borough Council shall find that the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.
  - (c) The Borough Council shall find that the proposed conditional use meets all other requirements for the zoning district in which the use is proposed.
  - (d) The Borough Council shall find that the proposed conditional use is in general conformity with The Boroughs Comprehensive Plan.
  - (e) The Borough Council shall find that the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Borough Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.



### **Section 6.3 – Process for Uses by Special Exception**

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific use by special exception have been met.

B. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in Section 10.6 of this Ordinance.

C. Conditions for Approval.

1. For each use by special exception, the use shall meet the following requirements:

- (a) The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.
- (b) The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.
- (c) The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.
- (d) The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with The Boroughs Comprehensive Plan.
- (e) The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

2. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

**ARTICLE 7 –**  
**Off-Street Parking and Loading**

Parking and loading: To encourage vehicular circulation and avoid congestion on public streets, unless precluded by topography, there shall be provided for a lot measuring 2,500 square feet or greater in area, at the time of the erection or increase by units or dimensions of any building or structure or at the time of creation or change of any use not involving a building or structure, minimum off-street motor vehicle parking spaces plus adequate space for ingress, egress, and general vehicular circulation. Minimum off-street parking and other such provisions shall be provided as follows. If the minimums cannot be met, the Applicant may apply for a Conditional Use related to development subject to Borough review and determination:

- A. For one- and two-family dwellings, one off-street parking space for each family dwelling unit. For single and two-family dwellings, no vehicle parking shall obstruct circulation on the lot.
- B. For any other type of land use that is residential, one parking space for each family dwelling unit, plus one additional parking space for every two dwelling units.
- C. For non-residential uses in the C/I, district, parking shall be a minimum of 1 parking space per 500 square feet of development or 1 space for each 4 seats within an establishment serving food and/or beverages or 1 seat for each 4 seats within the main congregational space of a place of worship as applicable.
- D. For any and all uses not addressed above, buildings or structures not specifically provided for other, one parking space for every 500 square feet of floor area or 1 space for each 4 seats within an establishment serving food and/or beverages or 1 space for each 4 seats within the main congregational space of a place of worship/place of assembly as applicable.
- E. Driveways.
  - 1. All private garages, carports and all off-street parking enclosed within a principal building must be connected directly to a public street, or a public alley by a private driveway. Where there are multiple off-street parking spaces in a private garage, carport or enclosed within the principal building, the driveway may be widened to access said parking spaces.
  - 2. The entire flare of any return radius on a driveway must fall within the right-of way.

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**ARTICLE 8  
Signs**

**Section 8.1 – Purpose**

The sign regulations, controls and provisions set forth in this Ordinance are made in accordance with an overall plan and program related to residential and nonresidential uses. The regulations, controls and provisions are intended to guide public safety, area development, preservation of lot values and the general welfare of the Boroughs'. To maintain the Boroughs' established historic integrity, within all zoning districts, all proposed signage shall seek to promote compatibility with existing surrounding development and activity. The regulations, controls and provisions are also intended to:

- A. Aid in traffic control and traffic safety.
- B. Establish reasonable standards for nonresidential and other advertising through the use of signs in order to maintain and encourage business activity and economic development.
- C. Avoid uncontrolled proliferation of signs.
- D. Recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads (sidewalks), streets, highways and sidewalks.
- E. Preserve the wholesome and attractive character of the Boroughs.
- F. To recognize that the general welfare includes a community plan that shall be attractive as well as healthy and safe, spacious, clean and well balanced in its growth and development.

**Section 8.2 – Permits**

Permit Required - Except for the following, no person may erect, alter, or relocate within the Borough any sign without first obtaining a sign permit from the Zoning Officer and paying the required fee:

- A. Decorative Flags/Flag Signs
- B. Real estate and temporary construction signs.
- C. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.
- D. Temporary Signs, stated in Section 8.8.

Permit Application - Applications for sign permits shall be submitted to the Zoning Officer and shall contain or have attached thereto the following information:

- A. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the

person to be erecting or affixing the sign.

- B. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
- C. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
- D. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
- E. Any other information outlined in the application or by the Zoning Officer of the Borough's.

Issuance of Permits - Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and other applicable ordinances of the Borough and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.

Permit Fees - Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution by the Borough Councils.

Revocation of Permit - All rights and privileges acquired under the provisions of this Ordinance are mere licenses and, as such, are at any time revocable for just cause by the Borough's. All permits issued pursuant to this Section are hereby subject to this provision.

### **Section 8.3 – Prohibited Signs**

The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation within the Borough's.

- A. Electronic Signs
- B. Internally Illuminated Signs
- C. Moving or Flashing Signs
- D. Portable or Wheeled Signs
- E. Neon or Other Gas Tube Illumination Signs
- F. Signs and Parked Vehicles, Trailers and/or Containers
- G. Roof Signs

**Section 8.4 – Permanent Signs**

All permanent signs permitted by this Ordinance shall be constructed in accordance with the provisions of this Section.

- A. Information to be Affixed on Signs - All signs erected after the effective date of this Ordinance shall have affixed in a conspicuous place thereon, the following information:
1. the date of erection;
  2. the sign permit number; and
  3. the sign permit expiration date
- B. Auxiliary Specifications - All signs permitted by this Ordinance shall be constructed in accordance with the following provisions:
1. Obstruction to Exit - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
  2. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
  3. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
  4. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
  5. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
  6. Intersections - No sign shall be erected which creates a traffic hazard at any street intersection and all signs shall comply with §8.3 - Clear View at Street Intersections.
  7. Wind Loads - All signs, except those attached flat against the wall of a building shall be constructed to withstand minimum wind loads as set forth in the Uniform Construction Code.

Signs Permitted in all Districts

The following signs shall be permitted by right in all districts.

A. Activity Restriction Signs

1. Each sign shall not exceed two (2) square feet.
2. The maximum number of signs shall be one (1) sign per 50 feet of frontage.

B. Name, Address or Plaque plates

1. There shall be no more than two (2) name, address or plaques for each principal use.
2. Each plate shall not exceed four (4) square feet.
3. The sign shall only be permitted on the front façade of the principal structure.

C. Decorative Flags/Flag Signs

1. There shall be no more than two (2) flags for each principal use. On holidays or holiday weekends, such as Memorial Day, Fourth of July, Veterans Day, etc. this limit shall be extended to no more than four (4) flags for each principal use.
2. Each flag shall not exceed six (6) square feet.
3. All parts of decorative flags/flag signs, inclusive of flags, poles, staffs and all wall mounts and hardware, shall be maintained in a proper and safe condition so as not to constitute a hazard to persons or property.
4. The maximum height shall not exceed the height of the principal structure, except if the flag is attached to a flagpole. The height of a flagpole shall not exceed 20 ft in height.
5. Flag signs shall be inserted on a wall mount properly affixed to the building within which such use is conducted.
6. The lowest portion of any flag sign projecting or hanging no less than seven feet above the public sidewalk or grade.
7. Flag signs shall not extend more than six feet from the facade of the structure or extend into a vehicular roadway, whichever is less.
8. Flag signs may be displayed only during business hours.

D. Home Based Business Sign

1. There shall only be one sign permitted for each Home-Based Business.
2. Each sign shall not exceed six (6) square feet.

Signs Permitted in the Commercial-Industrial District

The following signs shall be permitted in the CI District, subject to the associated conditions.

A. Wall Signs

1. There shall be no more than one (1) wall sign for each principal use.
2. Wall signs shall not exceed 50% of the area of the facade on which the sign is mounted or 64 square feet, whichever is smaller.
3. Wall signs shall not protrude more than 12 inches from the facade on which the sign is mounted.
4. There shall be no external illumination of the sign from 10 p.m. to 6 a.m. and shall provide an automatic timer to comply with the intent of this Section
5. The sign shall not project higher than the wall on which the sign is mounted.

B. Window Signs

1. There shall be no more than two (2) window signs for each principal use.
2. The combined maximum area of the sign(s) shall be sixty-four (64) square feet.
3. Ground Window signs shall not exceed eighty (80) percent of the area of the ground floor window on which the sign is mounted.
4. Window signs shall be permitted only in windows facing the front façade of the building.

C. Ground Signs

1. There shall be no more than one (1) wall sign for each principal use.
2. Ground Signs shall not exceed 12 square feet.
3. The maximum height is four (4) feet.
4. There shall be no external illumination of the sign from 10 p.m. to 6 a.m. and shall provide an automatic timer to comply with the intent of this Section

D. Awning Signs

1. There shall be no more than one (1) awning sign for each principal use.
2. An awning shall not project more than two (2) feet from the façade in which the awning is mounted.
3. The area of the sign is calculated based on the area of the content printed, stitched, pasted or attached to the awning. This area shall not exceed 20 square feet.



### Section 8.5 – Billboards

Billboards are only permitted in the Commercial – Industrial District, subject to the following criteria:

- A. There shall be no Billboards within one thousand (1,000) feet from another billboard.
- B. The billboard shall not exceed 150 square feet.
- C. The billboard height shall not exceed the maximum height of the property's Zoning District.
- D. No Electronic Billboards shall be permitted.
- E. Externally Illuminated Billboards shall be subject to the following criteria:
  1. Off-premise signs shall not be illuminated between 12:00 Midnight and 5:00 a.m. and shall provide an automatic timer to comply with the intent of this Section.
  2. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
  3. No more than 0.2 foot-candle of light shall be detectible at the boundary of any abutting property.
  4. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set forth herein.
  5. All applications shall include certification that the sign will comply with luminance level standards at the time of application and must certify again that the sign is operating in compliance with the standards prior to issuance of an occupancy permit.
- F. The geometric relationship of a sign face shall be calculated by:
  1. extending a line at a right angle from a point on the river's mean normal pool water line to the center point of a sign face;
  2. measuring the angle between the plane of the sign face and the perpendicular line from the river;
  3. if the measured angle is between 10 degrees and 90 degrees, the sign face shall be considered parallel to the river.

### Section 8.6 – Temporary Signs

The following temporary signs are permitted for all land uses within all zoning districts subject to the following criteria:

- A. Temporary Signs with no permit required.
  - 1. One nonilluminated temporary sign shall be permitted for each front yard,
  - 2. The sign shall not exceed 20 square feet.
  - 3. The sign shall be removed within 14 days of the completed activity for which the sign was erected.
  - 4. The sign shall not exceed six feet in height when located on a lot with any residential use and shall not exceed eight (8) feet in height on any other lot.
- B. Temporary Signs with permit required.
  - 1. One nonilluminated temporary sign shall be permitted on the face of the lot's principal structure
  - 2. The sign shall not exceed 32 square feet.
  - 3. The sign is not displayed for a period longer than the permit defines and is removed no later than three (3) days following the activity for which it was erected.

**Section 8.7 – Construction, Maintenance and Removal of Signs**

- A. Sign Installation.
  - 1. All signs shall be installed in accordance with and shall meet applicable Borough building codes, and it the responsibility of the sign owner to so comply. Upon installation, the Zoning Officer (and Building Code Inspector for commercial signs) shall issue a certificate of occupancy.
- B. Sign Placement.
  - 1. No sign shall be placed, erected or located so that:
    - a. It is pasted, stapled or otherwise attached, to public utility poles, trees or official traffic control devices or it is painted on, attached to, or supported by a tree, stone, cliff or other natural object.
    - b. It is on a public lot or public right-of-way, unless erected by a governmental body, or unless required and/or approved to be so located by order of a governmental body.
    - c. It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on the lot.
  - 2. Sign fonts and logos shall not be legible from the rear of the sign.
  - 3. Building signs in nonresidential zoning districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on

the side or the rear of the building or the building is located on a corner lot.

4. Sign location. Except for permitted billboards or off-premises signs, in conformance with this Ordinance, all signs shall be located on the premises which they are intended to serve.

C. Sign Size.

1. The square footage of the sign shall refer to the graphics area of the sign facing.
2. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos.
3. Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a building shall be measured from the outermost length and height dimensions of the sign.
4. Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face.
5. Double-faced signs that are erected at an angle to each other will be subject to the following as to whether they are intended as two signs or for all intents and purposes only constitute one sign:
  - a. For north/south, east/west orientation on the serving street. If the interior angle formed by the two faces of the double-faced sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
6. Wall signs shall not exceed the width of the wall on which it is located and shall not protrude more than 12 inches from the facade on which the sign is mounted.
7. Gasoline service stations shall be allotted 10 additional square feet to display price-per-gallon figures, divided as they select between logo and prices on the one ground sign permitted on the lot.
8. Automobile dealers are permitted one "used car" ground sign not to exceed 12 feet in height and 10 square feet in area; or the 10 additional square feet can be incorporated into the existing sign to advertise used cars, divided as the sign owner selects.
9. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A nonilluminated sign placed on an awning shall be measured as if it is placed on any other architectural element.

D. Sign Maintenance.

1. Every permitted sign must be constructed of durable material, kept in good condition and repair and otherwise comply with the Borough Building Code and Property Maintenance Code. If the durability and/or condition of said sign is not repaired or

- improved within the time specified by the Zoning Officer, the Borough may remove the sign at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the property owner and/or the responsible party with a certified letter prior to any removal action being taken by the Borough, unless the said sign poses an imminent danger to persons or property.
2. Any damaged sign shall be repaired within 60 days, unless ordered by the Zoning Officer to be repaired or replaced and/or an imminent danger exists.
  3. Any sign which has been damaged to such extent or installed in a dangerous manner that it may pose an imminent danger to the public, as determined by the Zoning Officer, shall be repaired or removed immediately by the property owner and/or other known responsible parties.
  4. Failure to comply with these sign maintenance requirements shall constitute a violation of the Borough Zoning Ordinance.

E. Liability.

1. The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, or any agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a zoning permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the Borough or its offices or employees, any responsibility or liability by reason of approval of any sign's structural integrity, construction methods, materials, electrical or mechanical devices or other components which shall be the sole responsibility of the person, firm, or corporation erecting, owning, repairing, or removing such sign.

**Section 8.8 – Nonconforming Signs**

A. Legally Recognized Signs.

1. Any sign lawfully existing at the time of the passage of this Ordinance that does not conform with the regulations of the zoning district in which such sign is located shall be considered nonconforming. Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, except an interchange of content or poster panels shall be permitted.
2. Nonconforming signs may be repaired or reconstructed, provided that structural alterations shall not be made which increase the gross surface area of the sign, however nonconforming signs which are damaged or destroyed to an extent of more than 50% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Nonconforming signs may continue subject to the following provisions:

- a. Signs which are nonconforming by reason of their absolute prohibition shall be removed within five years following enactment of this Ordinance or from any other date of the establishment of their nonconformity.
  - b. Signs which are nonconforming by reason of dimensions may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Ordinance.
- B. Repair, Maintenance, Replacement or Removal.
1. 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 public safety.

**ARTICLE 9  
Nonconformities**

**Section 9.1 – Intent and Applicability**

- A. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.
- B. A lawful nonconforming use, structure, or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this Section and subject to the following criteria and standards:
  - 1. The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
  - 2. The alteration or extension does not constitute the addition of a new nonconforming use or structure.
  - 3. The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.
  - 4. The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

**Section 9.2 – Nonconforming Uses**

- A. Expansion of Nonconforming Residential Uses.

An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:

- 1. The number of dwelling units is not increased;
- 2. The expansion meets all applicable setbacks;
- 3. No new types of nonconformities are created; and
- 4. A nonconformity is not made more severe (including the building area within the required setback area).

**B. Expansion of Nonconforming Nonresidential Uses.**

A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

1. An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 10.
2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
3. The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
4. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

**C. Abandonment of Nonconforming Uses.**

If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.

**D. Nonconforming Outdoor Storage Activities.**

If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.

**E. Change from One Nonconforming Use to Another.**

1. Once changed to a conforming use, such use shall not revert to a nonconforming use.
2. A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
  - (a) Traffic generation (especially truck traffic);
  - (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, and explosive hazards;
  - (c) Amount and character of outdoor storage;
  - (d) Hours of operation if the use would be close to dwellings; and

(e) Compatibility with the character of the surrounding area.

F. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

**Section 9.3 – Nonconforming Structures**

A. Reconstruction or Expansion of Nonconforming Structures.

1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:
  - (a) Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and
  - (b) Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.
2. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

B. Damaged or Destroyed Nonconforming Structures.

1. A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.
2. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.
3. Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

C. Abandonment of Nonconforming Structures.

If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.



D. New Construction and Building Permits.

1. New Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. Building Permits and Nonconformities.

When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit

**Section 9.4 – Nonconforming Lots of Record**

A. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1. Has a minimum width of 100 feet measured at the minimum building setback line;
2. Has a minimum lot area of 0.5 acres;
3. Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and
4. Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger.

B. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners,

unless specifically approved as a subdivision under the adopted subdivision and land development regulations of The Boroughs.

**Section 9.5 – Registration of Nonconformities**

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

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**ARTICLE 10**  
**Zoning Hearing Board**

**Section 10.1 – Organization and Procedure**

A. The following provisions shall apply to the Zoning Hearing Board, unless otherwise amended by the Pennsylvania Municipalities Planning Code (MPC).

B. Organization.

1. The Boroughs Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but 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 as provided in Subsection E.
2. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of The Boroughs and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of The Boroughs. The Zoning Hearing Board shall submit reports of its activities to The Boroughs Council when requested.

C. Membership, Terms, and Vacancies.

The membership of the Zoning Hearing Board shall consist of a member of three (3) residents of The Boroughs appointed by The Boroughs Council by resolution. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify The Boroughs Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in The Boroughs.

D. Removal of Members.

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

E. Appeals and Applications to the Zoning Hearing Board.

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

1. The name and address of the applicant;

2. The name and address of the owner of the real estate involved in the appeal;
3. A brief description and location of the real estate involved in the appeal;
4. A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;
5. Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;
6. An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;
7. A plot plan of the involved real estate as required to accompany applications for permits; and
8. An application fee, in an amount as established from time to time by resolution of The Boroughs Council, payable to The Boroughs.

F. Conduct of Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

G. Expenditures for Services.

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

**Section 10.2 – Zoning Hearing Board Functions**

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

- A. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before The Boroughs Council;
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;
- C. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any

- cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;
- D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
  - E. Applications for variances from the terms of this Ordinance;
  - F. Applications for uses by special exception under the terms of this Ordinance;
  - G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;
  - H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
  - I. Appeals from any determination of the Borough Engineer or the Zoning Officer 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 applications or applications for a planned residential development.

### **Section 10.3 – Variances**

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances 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 lot 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 lot 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 lot;
  - 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 lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and

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.
- B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.
- C. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

#### **Section 10.4 – Uses by Special Exception**

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of The Boroughs Comprehensive Plan, and in accordance with the provisions set forth in Article 6. The Zoning Hearing 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 Section 6.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

#### **Section 10.5 – Parties Appellant Before the Board**

Appeals under Section 10.2, subsections A, B, C, D, G, H, and I, may be filed in writing with the Zoning Hearing Board by:

- A. The landowner affected;
- B. Any officer or agency of the Borough; or
- C. Any person aggrieved.

#### **Section 10.6 – Hearings and Decisions**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

- A. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail

to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

- B. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.
- C. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.
- E. Formal rules of evidence shall not apply, and irrelevant or redundant evidence may be excluded.
- F. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
- G. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
- H. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
- I. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.
- J. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
- K. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning



Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an 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.

- L. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
- M. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- N. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.
- O. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date 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.
- P. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing 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 Allegheny County Court of Common Pleas.
- Q. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

**Section 10.7 – Mediation**

- A. Parties to proceedings authorized in this Section 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 Section once they have been formally initiated. Nothing in this Section 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 Borough, 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:
1. Funding mediation;
  2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
  3. Completing mediation, including time limits for such completion;
  4. Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the Borough, if either is not a party to the mediation;
  5. Identifying all parties and affording them the opportunity to participate;
  6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
  7. 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 or the Pennsylvania Municipalities Planning Code (MPC).
- C. 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.

**Section 10.8 – Time Limitations**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, 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. The failure of anyone other than the landowner to

appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.

- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

**Section 10.9 – Appeals to Court and Other Administrative Proceedings**

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

**ARTICLE 11**  
**Administration and Enforcement**

**Section 11.1 – Permits and Certificates**

A. Applications for Zoning Permits, Certificates of Use and Occupancy, and Building Permits.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the Borough to review said applications for full compliance with the provisions of this and other applicable ordinances. The Borough reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

B. Permits.

1. Zoning Permits.

(a) A zoning permit shall be required prior to:

- (1) A change in use of land or structure;
- (2) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain, regardless of cost;
- (3) The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;
- (4) The alteration or development of any improved or unimproved real estate; and
- (5) The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

(b) No zoning permit shall be required for the following:

- (1) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;
- (2) Ordinary repair to existing structures, except signs;

- (3) Light fixtures for single-family and two-family dwellings complying with the provisions of Section 5.10;
  - (4) Sidewalks or walkways on grade;
  - (5) Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;
  - (6) Handrails along sidewalk or walkway steps;
  - (7) Access drives;
  - (8) Parking spaces for dwellings having three (3) or fewer dwelling units;
  - (9) Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;
  - (10) Vegetation, including trees, landscaping, and vegetative buffering;
  - (11) Landscaping materials, excluding patios, decks, and porches;
  - (12) Decorative lawn ornaments and walls not exceeding 32 inches in height;
  - (13) Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;
  - (14) Stormwater management facilities;
  - (15) Traffic control devices located within a public right-of-way or governmental easement;
  - (16) Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;
  - (17) Railroad sidings;
  - (18) Public transit stops involving surface improvements only;
  - (19) Signs specifically exempted from permit; and
  - (20) Temporary construction buildings or trailers as permitted in Section 5.19, Subsection A.
- (c) A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:
- (1) All applicable regulations of this Ordinance;

- (2) Any conditions imposed upon the site by The Boroughs Zoning Hearing Board or The Boroughs Council; and
  - (3) Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of The Boroughs.
- (d) Application Procedures.
- (1) Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.
  - (2) An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.
  - (3) The Zoning Officer may consult with or call upon other Borough staff and/or Borough-appointed consultants in the review of submitted materials for applications.
  - (4) Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application in a timeframe set by the Borough, in accordance with review periods set by the Pennsylvania Uniform Construction Code (UCC) and the Pennsylvania Municipalities Planning Code (MPC). If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the Borough Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.
  - (5) The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.
  - (6) No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of The Boroughs Council, is paid to The Boroughs. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use

is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of The Boroughs Council shall be doubled to reflect the additional expense incurred by The Boroughs resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

- (7) In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.
  - (8) An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
  - (9) The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.
  - (10) The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.
  - (11) All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.
- (e) General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the

structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

- (1) The actual dimensions and shape of the lot to be developed;
  - (2) The exact location and dimensions of any structures to be erected, constructed, and/or altered;
  - (3) Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;
  - (4) The location and number of off-street parking and loading spaces;
  - (5) Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;
  - (6) Alteration or development of any improved or unimproved real estate;
  - (7) Two (2) copies of any approved highway occupancy or driveway permits;
  - (8) Any supplementary information required as a condition for use or development in the Floodplain Overlay as detailed in Article 4;
  - (9) Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and
  - (10) Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.
- (f) Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

- (1) A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;
- (2) A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;
- (3) A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or noxious matter or radiation;



- (4) Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;
- (5) The proposed number of shifts to be worked and the maximum number of employees on each shift; and
- (6) Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

2. Certificates of Use and Occupancy.

- (a) It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.
- (b) The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.
- (c) The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.
- (d) The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.
- (e) Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the temporary permit has been requested from and granted by the Zoning Officer.
- (f) A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the Borough or which abuts upon a street which has been paved with a base wearing course.

- (g) The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.
  - (h) If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.
3. Building Permits.
- (a) Building permit administration shall be governed by provisions of the current building code adopted by The Boroughs; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.
  - (b) The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.
  - (c) The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

### **Section 11.2 – Zoning Officer**

#### **A. Appointment and Powers of the Zoning Officer.**

It shall be the duty of the Zoning Officer to:

1. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 9;
2. Initiate enforcement proceedings;
3. Receive all fees to the Borough as required by this Ordinance and to post a schedule of fees in The Boroughs Building;
4. Receive complaints and notify persons of violations of the provisions of this Ordinance;
5. Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;
6. Present to The Boroughs Council, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;

7. Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of The Boroughs Council and other The Boroughs officials;
8. Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and
9. To perform other duties in the administration and enforcement of this Ordinance as may be directed by The Boroughs Council.

### **Section 11.3 – Fees**

- A. The Boroughs Council shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.
- B. The schedule of fees shall be available in The Boroughs Building.
- C. All such fees shall be payable to The Boroughs.
- D. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.

### **Section 11.4 – Violations, Penalties, and Remedies**

- A. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, The Boroughs Council or an officer of the Borough, with the approval of The Boroughs Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon Borough at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on The Boroughs Council. No such action may be instituted until such notice has been given.

- B. Enforcement Notices.

1. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive

enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall be in writing and shall state at least the following:
  - (a) The name of the owner of record and any other person against whom the Borough intends to take action;
  - (b) The location of the property in violation;
  - (c) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;
  - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
  - (e) A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and
  - (f) A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.
5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

C. Penalties and Remedies.

1. District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.
2. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this 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 each day that a violation continues shall constitute a separate violation.

3. The Allegheny County 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.
4. Nothing contained in this Ordinance 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 Ordinance.

### **Section 11.5 – Planning Commission**

The Boroughs Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to The Boroughs Council in the administration of this Ordinance and the adopted subdivision and land development regulations of The Boroughs. The following provisions shall apply, unless otherwise amended by the Pennsylvania Municipalities Planning Code (MPC).

#### **A. Membership.**

1. The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of Borough. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Borough.
2. The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.
3. When any vacancies occur, the chairman of the Planning Commission shall promptly notify The Boroughs Council, upon which a member of The Boroughs Council shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

#### **B. Duties.**

The Planning Commission shall, at the request of The Boroughs Council, have the power and shall be required to, at the request of The Boroughs Council:

1. Represent the Borough in the development of The Boroughs Comprehensive Plan and any future comprehensive plan;
2. Maintain and keep records of its actions, which shall be in the possession of The Boroughs Council;
3. Make recommendations to The Boroughs Council concerning adoption or amendment of an official map;
4. Prepare and present to The Boroughs Council a zoning ordinance and make recommendations to The Boroughs Council on proposed amendments to it; and

5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

**Section 11.6 – Amendments**

- A. Publication, Advertisement, and Availability of Ordinances and Amendments.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

- B. Zoning Map Amendments (Rezoning).

1. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of The Boroughs Comprehensive Plan.

2. Rezoning Applications.

Rezoning is legislative function of the Borough Elected Body and the Borough is not required to consider a rezoning request. Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

- (a) Statement of existing and proposed base and overlay zoning districts;
- (b) Conceptual site development plan;
- (c) Topographic survey;
- (d) Site conditions report;
- (e) Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;
- (f) Off-street parking projections (number of parking spaces) available on site;
- (g) A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;
- (h) Other related studies that the Borough may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:

- (1) Traffic impact study;
    - (2) Fiscal impact analysis;
    - (3) Density comparison between existing and proposed zoning districts; and/or
    - (4) Geotechnical/stormwater analysis.
  3. Review of Rezoning Applications.
    - (a) The Zoning Officer will:
      - (1) Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the applicant. A completed application and packet will be forwarded to the Borough and Allegheny County planning commissions for review;
      - (2) Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and
      - (3) Submit a written recommendation to the Planning Commission and The Boroughs Council, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of The Boroughs Comprehensive Plan;
    - (b) As part of the rezoning approval process, The Boroughs Council and Planning Commission can consider the motivation and implications of each plan, analysis, and report.
    - (c) The Planning Commission will:
      - (1) Consider any projected beneficial and/or detrimental effects on the Borough and hold a public hearing on the application, if deemed applicable; and
      - (2) Forward to The Boroughs Council a recommendation for the nature of action regarding rezoning.
    - (d) The Allegheny County Planning Commission shall review such requests and provide comments as necessary to The Boroughs Council and Planning Commission.
    - (e) The Boroughs Council will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.
- C. Zoning Ordinance Amendments.

The Boroughs Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

D. Curative Amendments.

1. Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to The Boroughs a curative amendment, any fees established by resolution of the Borough, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The Boroughs Council shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

2. Municipal Curative Amendments.

If The Boroughs Council determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).