

**BOROUGH OF BRIDGEVILLE**

*Allegheny County, Pennsylvania*

**ZONING ORDINANCE**

**Ordinance No. 984**

**BOROUGH OF BRIDGEVILLE**  
**ORDINANCE NO. 984**

**AN ORDINANCE OF THE BOROUGH OF BRIDGEVILLE,  
IN THE COUNTY OF ALLEGHENY, PENNSYLVANIA,  
AMENDING MISCELLANEOUS PROVISIONS OF ITS  
ZONING ORDINANCE, AS CODIFIED AT CHAPTER 27  
OF THE BOROUGH'S CODE OF ORDINANCES.**

WHEREAS, the Bridgeville Borough Council is authorized by the Municipalities Planning Code to regulate zoning and land use within the Borough through its Zoning Ordinance, as embodied in the current Zoning Ordinance, as codified at Chapter 27 of the Bridgeville Borough Code of Ordinances;

WHEREAS, the Bridgeville Borough Council desires to amend various provisions of its Zoning Ordinance, providing miscellaneous new or updated definitions and/or regulations, including but not limited to those pertaining to the following: This periodic zoning update includes a series of amendments and revisions, including new or updated Definitions for Kennel, Medical Clinic, Mixed Use (Residential/Non-Residential), Multi-Family Dwelling, Mixed Use District, Mixed Use Residential, Place of Worship, Theatre; replacing the Business District with a Mixed Use District; providing for a Baldwin Street-McLaughlin Run Road Neighborhood Overlay District; providing a Table of Land Uses to replace recited Authorized Uses under each Zoning District provision; providing for revised Bulk, Area and Density requirements in the Mixed-Use District, including a max. density of 55 units per acre, with no front, side and rear setbacks within the District, providing for a maximum building height of 45 feet by right and above 45 feet by Conditional Use with objective criteria; providing Conditional Use rules/criteria for Kennels, Light Manufacturing, Medical Clinics, Multi-Family Dwellings, Nursing Homes, Personal Care Boarding Homes, and for Warehouse and Wholesale facilities, within the Mixed-Use District; repealing rules providing for conversion of non-conforming single-family homes within the Mixed-Use District; providing revised rules for overhanging signs and canopy signs; revising parking requirements to include outside seating; and other misc. revisions, corrections, and stylistic edits, as more fully set forth and depicted in the marked draft proposed amended Zoning Ordinance, which is attached hereto as Exhibit "A" [marked copy] and Exhibit "B" ['clean' copy], both incorporated and made part hereof;

WHEREAS, by letters dated September 11, 2015, and October 30, 2015, the Borough has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to the Allegheny County Planning Agency (ACED) for review and comment, in response to which the Borough did receive a comment letter from ACED;

WHEREAS, the Borough has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting(s);

WHEREAS, on October 12, 2015, Bridgeville Borough's Council held a duly noticed and advertised public hearing to take public comments on the proposed amendments, And has duly advertised this ordinance for consideration and enactment; and

WHEREAS, Bridgeville Borough's Council, having received the public's comments and the recommendations of the Borough's Planning Commission, finds that enactment of the proposed amendments to the Borough Zoning Ordinance will be beneficial to the Borough and consistent with the Pennsylvania Municipalities Planning Code.

NOW THEREFORE, be it Ordained and Enacted by the Bridgeville Borough Council, and it is hereby Ordained and Enacted by authority of same, as follows:

**SECTION 1: AMENDMENTS TO THE BOROUGH ZONING ORDINANCE, AS CODIFIED AT CHAPTER 27 THE BOROUGH CODE OF ORDINANCES:**

That the Borough of Bridgeville hereby adopts and enacts those several and miscellaneous amendments to the Borough Zoning Ordinance, Chapter 27, as amended, as depicted and described in Exhibit "A" hereto (a 'marked draft' reflecting both the current Zoning Ordinance and including and marking thereon all proposed amendments enacted hereby), such that the Borough's Zoning Ordinance shall hereafter read precisely as reflected in said Exhibit "A" hereto, including all additions, deletions, amendments, and other changes as noted in said Exhibit "A", and such that, upon enactment, a 'clean copy' of same, as reflected in Exhibit "B" hereof, incorporating all of said changes marked thereon, shall hereafter constitute the official, operative text of the amended Zoning Ordinance, superseding and replacing all prior Ordinances or parts thereof.

**SECTION 2: EFFECTIVE DATE.**

That the Municipal Manager/Secretary of Bridgeville Borough shall certify to the adoption of this Ordinance and cause the same to be published as required by law, and this Ordinance shall take effect and be in force immediately from and after its enactment as required by law.

**SECTION 3: REPEALER.**

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

**SECTION 4: VALIDITY, SEVERABILITY**

That the provisions of this Ordinance are severable and if any of its provisions or any part of any provision or individual amendment enacted hereby shall be held to be unconstitutional or otherwise invalid, the decision of the court so holding shall not affect or impair any of the remaining provisions or amendments. It is hereby declared to be the intent of the Borough of Bridgeville that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

ORDAINED AND ENACTED THIS 14<sup>th</sup> DAY OF DECEMBER, 2015.

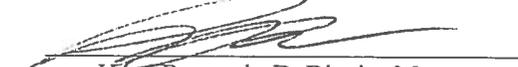
ATTEST:

BOROUGH OF BRIDGEVILLE

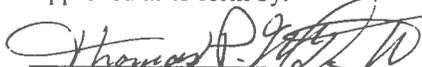
  
Lori Collins, Borough Secretary

By:   
Michael Tolmer, President  
Bridgeville Borough Council

Examined and approved this 31<sup>st</sup> day of December, 2015.

  
Hon. Pasquale DeBlasio, Mayor

Approved as to form by:

  
Thomas P. McDermott, Solicitor

**CLEAN COPY  
AND  
LAND USE TABLE**

**EXHIBIT "B"**

**Table 1: Principal Land Use Table**

- p Land Use Approval is Permitted by Right
- c Land Use Approval is through Conditional Use Process
- s Land Use Approval is through Special Exception process

Principal Land Use	Zoning District				
	Conservation	R-1	R-2	Mixed Use	Industrial
1 Adult Business					c
2 Assisted Living Facility			c	c	
3 Automobile Service Station				c	c
4 Bakery				p	
5 Bed & Breakfast				p	
6 Beverage Distributor				p	
7 Business or Professional Offices				p	p
8 Business Services				p	
9 Car Wash				c	c
10 Catering Service, including Rental Hall				p	
11 Cemetery	p				
12 Check Cashing Facility					p
13 Commercial Recreation				p	p
14 Commercial School				p	
15 Community Club		c	c		
16 Comparable Uses Not Specifically Listed					c
17 Contracting Business					p
18 Contractor's Yard					p
19 Convenience Store				p	
20 Day Care Center or Pre-school Facility		c	c	p	
21 Day Spa				p	
22 Eating and Drinking Establishments				p	p
23 Educational Studio				p	p
24 Equipment Storage yard					p
25 Essential Services	p	p	p	p	p
26 Financial Institution				p	
27 Fire and Emergency Medical Services				c	
28 Forestry	p	p	p	p	p
29 Funeral Home				c	
30 Grocery Store				p	
31 Group Care Facilities				c	
32 Heavy Manufacturing					p
33 High Technology Industries				c	
34 Hospitals			c	c	
35 Independent Living Facility			c	c	
36 Indoor Entertainment				p	
37 Junk Yards, Salvage Yards					p
38 Kennel				c	
39 Landscaping Contractor					p

**Table 1: Principal Land Use Table**

- p Land Use Approval is Permitted by Right
- c Land Use Approval is through Conditional Use Process
- s Land Use Approval is through Special Exception process

**Principal Land Use**

40	Laundromat
41	Light Manufacturing
42	Medical Clinic
43	Mini-Warehouses or Self-Storage Facilities
44	Mixed Use (Residential/Non-Residential)
45	Motel/Hotel
46	Multi-Family Dwelling
47	Nursing Homes
48	Personal Care Boarding Home, Large
49	Personal Care Boarding Home, Small
50	Personal Services
51	Pet Crematorium
52	Pet Services; Pet Grooming
53	Places of Assembly
54	Place of Worship
55	Planned Business Developments
56	Post Secondary Schools
57	Private Recreation
58	Public Buildings
59	Public Open Space
60	Public Parking Gargage
61	Public Parking Lot
62	Public Recreation
63	Public Utility Buildings or Structures
64	Repair Shop
65	Research and Development
66	Retail Stores
67	Schools, Public or Private
68	Single Family Dwelling
69	Supply Yard
70	Swimming Pools, Public & Semi-Public
71	Temporary Use or Structure other than a Construction Trailer
72	Theatres
73	Truck and Heavy Equipment Rental
74	Truck Terminals
75	Two Family Dwelling
76	Vehicle Accessories, Sales and Installation
77	Vehicle Rental, Sales and Services
78	Vehicle Repair Garage

**Zoning District**

Conservation	Zoning District			
	R-1	R-2	Mixed Use	Industrial
			p	
			c	p
			c	
				p
			p	
		c	c	
	c	c	c	
	c	c	c	
	p	p	p	
			p	
			c	
			p	
c				
	c	c	p	p
p	p	p	p	p
			p	
			p	
p	p	p	p	p
	c	c	p	p
				p
			c	p
			p	
	p	p		
	p	p	*	
				p
	c	c	c	
c	c	c	c	c
			p	
				p
		p		
			p	p
			c	c
			c	c

**Table 1: Principal Land Use Table**

- p Land Use Approval is Permitted by Right
- c Land Use Approval is through Conditional Use Process
- s Land Use Approval is through Special Exception process

	<b>Principal Land Use</b>
79	Veterinary Clinic
80	Warehouses
81	Wholesale Businesses
82	Wholesale Distributors

Notes: \* See Baldwin St. Neighborhood Overlay

		<b>Zoning District</b>			
Conservation	R-1	R-2	Mixed Use	Industrial	
			p		
			c	p	
			c	p	
			c	p	

Borough of Bridgeville

# Zoning Ordinance Review and Update

December 14, 2015

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**ARTICLE I**  
**BASIC PROVISIONS**

**§100 TITLE**

The official title of this Chapter is "Bridgeville Borough Zoning Ordinance."

**§101 EFFECTIVE DATE**

This Chapter shall take effect immediately upon adoption by Borough Council. This Chapter shall not prohibit the use of land or structures to be erected thereon for which Building Permits have been issued prior to the effective date of this Chapter.

**§102 AUTHORITY**

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

**§103 INTERPRETATION**

In the event of conflicts between the provisions of this Chapter and any other ordinance or regulation, the more restrictive provisions shall apply.

In their interpretation and application, the provisions of this Chapter shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

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

**§104 COMMUNITY DEVELOPMENT OBJECTIVES**

Community Development Objectives are set forth in the Bridgeville Borough Comprehensive Plan adopted by Borough Council on March 14, 2005. In addition to the specific objectives stated in the Comprehensive Plan Update, The general community development objectives on which this Chapter are based are:

- A. To promote the interest of public health, safety, morals and the general welfare;
- B. To secure safety from fire and to provide adequate open spaces for light and air;
- C. To conserve and stabilize property values;

**ARTICLE I**  
**BASIC PROVISIONS**

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- D. To preserve woodlands, open space, recreational, and environmental sensitive lands from conflict with urban development;
- E. To facilitate the economic provision of adequate transportation, water, sewage, parks and other public requirements;
- F. To prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers;
- G. To promote stormwater management, soil and water conservation;
- H. To set forth population density controls;
- I. To promote coordinated and practical community development; and
- J. To promote the utilization of renewable energy sources.

**§105 COMPLIANCE**

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter.

**§106 SEVERABILITY**

If any of the provisions of this Chapter or the application of any provision to particular circumstances is held to be invalid, the remainder of the Chapter or the application of such provision to other circumstances shall not be affected.

**ARTICLE II**  
**DEFINITIONS**

**§200 GENERAL INTERPRETATIONS**

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

**§201 PARTICULAR MEANINGS**

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

**ACCESS:** A means of providing vehicular or pedestrian ingress and egress to and from a property.

**ACCESSORY USE OR STRUCTURE:** A use or structure, located on the same lot with the principal use or structure, that is subordinate and incidental to the principal structure or use of the property and that may occupy a separate structure and/or area on or in the ground, including, but not limited to storage sheds or other storage structures, off-street parking, signs, off-street loading, gazebos, children's playhouses, greenhouses for personal use, garages, carports, swimming pools, decks, fences, patios, walls, antennas and similar structures.

**ADJACENT; ADJOINING:** Sharing common property lines uninterrupted by any alley, public street or private street right-of-way.

**ADULT ARCADE:** Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images displayed are sexually explicit or depict nudity or sexual conduct, as defined herein.

**ADULT BOOKSTORE OR VIDEO STORE:** An establishment having a substantial or significant portion of its stock in trade, including but not limited to, video cassettes, movies, books, magazines and other periodicals which is distinguished or characterized by its emphasis on matters depicting, describing or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

## ARTICLE II DEFINITIONS

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**ADULT BUSINESS:** Any of the following uses, as defined herein: adult arcade, adult bookstore or video store, adult novelty store, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel, adult newsrack, adult nightclub, bathhouse, body painting studio, escort service, massage parlor, nude model studio or sexual encounter or meditation center, and any other use of a premises, not specifically defined herein, that includes or primarily offers to its patrons or members retail goods, commercial services or entertainment that is characterized by an emphasis on matter or activities depicting, describing or relating to nudity or sexual conduct, as defined herein.

**ADULT ENTERTAINMENT:** Movies, videos, still or motion pictures, photographs, slides, films or other visual representation, books, magazines or other printed material or live dramatic, musical or dance performances that are sexually explicit or depict nudity or sexual conduct, as defined herein.

**ADULT LIVE THEATER:** Any commercial establishment which features live shows for public viewing in which all, or some, of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

**ADULT MINI-MOTION PICTURE THEATER:** A completely enclosed building, as defined herein, with a capacity for accommodating fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.

**ADULT MOTEL:** A hotel or motel presenting adult motion pictures by means of closed circuit television, the material being presented having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** A completely enclosed building, as defined herein, with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct, as defined herein, for observation by patrons therein.

**ADULT NEWSRACK:** Any coin-operated machine or device that dispenses printed material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.

**ADULT NIGHTCLUB:** Any nightclub, as defined herein, that offers adult entertainment, as defined herein.

**ADULT NOVELTY STORE:** Any commercial establishment offering one (1) or more of the following items for sale to the general public: apparel, accessories and performance aids used to enhance or participate in sexual conduct.

**ADULT THEATER:** A theater (live, motion picture or mini-motion picture), tavern, banquet hall, party room, conference center, restaurant, nightclub, hall, auditorium, club, recreation center, indoor entertainment center or other commercial establishment that, as one of its principal business purposes, offers adult entertainment.

**ADULT VIDEO STORE:** Any commercial establishment where more than five percent (5%) of the inventory offered for sale or rental to the public consists of films, tapes, DVDs or other visual media that depict nudity or sexual conduct.

**ADVERTISING SIGN:** See SIGN AND BILLBOARD.

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

**ALLEY:** A permanent service way providing secondary means of access to abutting lands.

**ALTERATIONS:** All incidental changes in or replacement of the parts of a building or other structure; enlargements whether by extending on a side or by increasing the height; or the moving from one (1) location to another.

**AMENDMENT:** See ZONING AMENDMENT.

**APARTMENT:** See "C" MULTIFAMILY, DWELLING under DWELLING TYPES.

**APARTMENT IN COMBINATION WITH BUSINESS:** A dwelling unit located in the same building with an office and/or retail business.

**APPLICANT:** A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for zoning approval of a development plan. Every application for development must include the form designated by the Borough Manager and all other plans and information required by the Code of the Borough.

**ARCHITECT:** A registered professional architect licensed as such by the Commonwealth of Pennsylvania.

**AREA OF LOT:** SEE LOT AREA.

**ARTERIAL STREET:** See STREET, ARTERIAL.

**ASSEMBLY:** See PLACE OF ASSEMBLY.

**ASSISTED LIVING FACILITY:** A residential building or group of buildings designed to provide multifamily dwelling units for elderly or physically or mentally disabled persons who are independently mobile and are not in need of the level of service provided by a personal care home, but that provides on-site supervision and assistance available to the residents on an occasional, "as-needed" basis, and where at least one (1) meal each day is provided in a common dining area and that includes certain design features associated with the needs of the elderly that are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal

## ARTICLE II DEFINITIONS

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housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

**AUTHORIZED USE:** See USE, AUTHORIZED.

**AUTOMOBILE SERVICE STATION:** A retail establishment that provides for one (1) or more of the following activities:

- A. The servicing of motor vehicles and operations incidental thereto and limited to the retail sale of petroleum products, and that may include one (1) or more of the following activities: retail sales and installation of automotive accessories; automobile washing by hand; undercoating and rustproofing; waxing and polishing of automobiles; tire changing and repairing (excluding recapping); battery service, changing and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; installation of accessories; and State Inspection; and/or
- B. The following operations, if conducted within a completely enclosed building, as defined by this Chapter: lubrication of motor vehicles; replacement of exhaust systems; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; and/or
- C. The operation of a convenience store, as herein defined, provided retail sales of petroleum products is a part of the operation.

**BAKERY:** A retail establishment that sells baked goods and confections to businesses and the general public and that may involve on-site processing of the goods offered for sale on the premises, but which shall not include on-site processing of goods for delivery to other retail or wholesale outlets.

**BAR OR TAVERN:** See EATING OR DRINKING ESTABLISHMENT.

**BASEMENT OR CELLAR:** An enclosed area partly or completely below grade. It shall be considered a building story if more than one-third (1/3) of the perimeter walls are five (5) feet or more above the average exterior grades. (No basement or cellar in a dwelling may contain a separate housekeeping unit with kitchen and sleeping facilities.)

**BATH HOUSE:** An establishment that provides baths of all kinds, including methods of hydrotherapy involving nudity or sexual conduct, but not including hydrotherapy treatment practiced by or under the supervision of a medical practitioner, such as a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

**BED AND BREAKFAST:** A dwelling which may or may not be the principal residence of the operator where sleeping rooms are offered to transient overnight guests for compensation and where the only meal included with the overnight accommodations is breakfast.

**BED AND BREAKFAST INN:** A dwelling which is not the principal residence of the operator where sleeping rooms are offered to transient overnight guests for compensation and where breakfast is included with the overnight accommodations and where other meals may be served or provided to the guests and the general public.

**BEVERAGE DISTRIBUTOR:** An establishment, licensed by the Commonwealth for retail and wholesale sales by the case to businesses and the general public of beer and other malt beverages, soft drinks and snacks, but not including the sale of wine or liquor.

**BILLBOARD:** Any off-premises sign with a changeable or permanent advertising face that advertises an establishment, person, activity, product or service that is unrelated to or not available on the premises on which the sign is located.

**BOARD:** The Zoning Hearing Board of the Borough of Bridgeville.

**BODY PAINTING STUDIO:** Any establishment that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body in a state of nudity, as defined herein.

**BOROUGH:** The Borough of Bridgeville, Allegheny County, Commonwealth of Pennsylvania.

**BUFFER AREA:** A landscaped area of a certain depth specified by this Chapter which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material which meets the standard of providing a compact year round visual screen at least six (6) feet in height and within which no structure or building is permitted except a wall or fence.

**BUILDING:** Any structure having enclosing walls and roofs and having a permanent location on the land intended for the shelter, housing and/or enclosure of persons, animals or other property. (See also COMPLETELY ENCLOSED BUILDING.)

**BUILDING FOOTPRINT:** The area of the lot expressed in square feet that is covered by the ground floor of a building, measured between exterior faces of walls. If the floor area of any upper floor exceeds the floor area of the ground floor by more than ten percent (10%), the upper floor shall be used to determine the building footprint.

**BUILDING HEIGHT:** See HEIGHT OF BUILDING.

**BUILDING LINE, FRONT:** A line parallel to or concentric with the front lot line, the minimum measurement of which is the front yard depth required by this Chapter. See also, BUILDING SETBACK LINE.)

**BUILDING PERMIT:** A permit issued by the Borough Building Inspector pursuant to the authority granted by and in conformance with the requirements of the Uniform Construction Code (UCC).

**BUILDING SETBACK LINE:** An established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent street right-of-way or property line, the minimum measurement of which is the yard depth required by this Chapter.

**BULK:** The volume of a building or structure indicating the total space enclosed by the exterior walls and roof.

## ARTICLE II DEFINITIONS

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**BUSINESS OR PROFESSIONAL OFFICES:** Any office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions. (See also MEDICAL OFFICES AND MEDICAL CLINIC.)

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

**CANDY OR ICE CREAM STORE:** See STORE, CANDY OR ICE CREAM.

**CAR WASH:** A facility, whether automatic, semi-automatic or manual, where the principal use is washing and polishing vehicles.

**CARPORT:** An attached or detached structure to house or protect motor vehicles that is open to the weather for at least forty percent (40%) of the total area of its sides.

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

**CATERING SERVICE, INCLUDING RENTAL HALL:** A service providing meals or refreshments and a venue for public or private entertainment for a fee.

**CELLAR:** See BASEMENT OR CELLAR.

**CEMETERY:** Property used for interring of dead persons or domestic pets, including mausoleums, columbariums, crematories and funeral homes when operated in conjunction with and within the boundaries of the cemetery.

**CENTERLINE OF STREET:** See STREET CENTERLINE.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Zoning Officer indicating that a premises for which a Zoning Compliance Certificate has been issued is ready for occupancy and is in compliance with the provisions of this Chapter.

**CHANGE IN USE OR OCCUPANCY:** The discontinuance of a use of a building or lot followed by the establishment of a different use whether by the same owner or tenant or by a new owner or tenant.

**CHECK CASHING FACILITY:** A business establishment, other than a financial institution, as defined herein, where the principal use is exchanging checks written to individuals for cash and/or offering cash advances or short-term loans against anticipated paychecks.

**CHURCH:** A building or buildings, other than a dwelling, used primarily as a place of worship on a regular basis by a religious denomination that may also include, as accessory uses, rooms for

religious education, social and recreational activities and administrative offices, rectories, parsonages, convents, pre-school programs and elderly or child day care centers.

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

**CLINIC:** See MEDICAL OFFICE/CLINIC.

**CLINIC, VETERINARY:** See VETERINARY CLINIC.

**COLLECTOR STREET:** See STREET, COLLECTOR.

**COMMERCIAL:** A business, enterprise, activity or other undertaking engaged in for a profit.

**COMMERCIAL GREENHOUSE:** A retail business that sells flowers, plants, shrubs, trees and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot.

**COMMERCIAL RECREATION:** See RECREATION, COMMERCIAL.

**COMMERCIAL SCHOOL:** See SCHOOL, COMMERCIAL.

**COMMERCIAL VEHICLE:** A motor vehicle licensed by the Department of Transportation, Commonwealth of Pennsylvania, having a gross vehicle weight in excess of ten thousand (10,000) pounds; or any other vehicle either motorized, self-propelled or designed to be towed by another vehicle for use in commercial or industrial enterprises, such as air compressors, welding units and the like; or any and all earthmoving equipment, such as bulldozers, hi-lifts, backhoes, ditching equipment and the like.

**COMMON AREA:** That area in a subdivision, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the development and, if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owners.

**COMMON OPEN SPACE:** See OPEN SPACE, COMMON.

**COMMONWEALTH:** The Commonwealth of Pennsylvania.

**COMMUNICATIONS ANTENNA:** Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, 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 EQUIPMENT CABINET:** An unmanned structure that contains the equipment necessary to maintain and operate communications antennas.

## ARTICLE II DEFINITIONS

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**COMMUNICATIONS TOWER:** Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side-arm mounts and pipe mounts for microwave dish antennas.

**COMMUNITY CLUB:** An organization comprised of residents in the neighborhood in which it is located, the primary purpose of which is the advancement of its members' interests in recreation, education, cultural or civic pursuits and activities.

**COMPARABLE USE NOT SPECIFICALLY LISTED:** A use which is not specifically listed in a particular Zoning District, but which is determined by the Zoning Hearing Board in accordance with the express standards and criteria set forth in this Chapter to be similar in characteristics and impacts to another use which is specifically listed in the same Zoning District as a permitted use, conditional use or use by special exception.

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

**COMPREHENSIVE PLAN:** The Comprehensive Plan of the Borough which guides the physical development of the Borough and which consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

**CONDITIONAL USE:** A use permitted in a particular zoning district by the Borough Council pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et. seq.

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

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

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

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

**CONVENIENCE STORE:** See STORE, CONVENIENCE.

**CORNER LOT:** See LOT, CORNER.

**COUNCIL:** The Borough Council of the Borough of Bridgeville, Allegheny County, Pennsylvania.

**COUNTY:** The County of Allegheny, Commonwealth of Pennsylvania.

**COVERAGE:** See LOT COVERAGE.

**CREMATORIUM:** An establishment containing a furnace designed to cremate or reduce to ashes human remains of the deceased.

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

**DAY CARE CENTER:** A facility, licensed by the Commonwealth, located within a building which is not used as a dwelling unit, for the care during part of a twenty-four (24) hour day of children under the age of sixteen (16) or individuals with disabilities or elderly individuals sixty (60) years of age or older.

**DAY CARE HOME:** See FAMILY DAY CARE HOME.

**DAY SPA:** A business establishment which provides one (1) or more of the following services to customers who do not stay overnight on the premises: massage therapy, facials, body wraps, tanning, steam or sauna baths, herbal treatments, hair styling, manicure, pedicure, nutritional counseling, Yoga, exercise, aromatherapy, reflexology and relaxation therapy.

**DECIDUOUS TREE:** Any of a number of tree species that lose their leaves seasonally.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the County and Judicial District where the Borough lies.

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

**DENSITY, DWELLING UNIT:** See DWELLING UNIT DENSITY.

**DEPTH OF LOT:** See LOT, DEPTH OF.

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

- A. The Borough Council
- B. The Zoning Hearing Board
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision or preliminary or final plans under the Subdivision and Land Development Ordinance. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

## ARTICLE II DEFINITIONS

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**DEVELOPER:** Any landowner, or agent of such landowner, or tenant, with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate including, but not limited to: construction; the placement of mobile homes, streets and other paving utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**DEVELOPMENT PLAN:** The provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking areas, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

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

**DISABILITY:** Handicap as defined by the Fair Housing Act, 42, U.S.C. §3601 et. seq.

**DISSEMINATE:** To manufacture, issue, publish, sell, lend, distribute, transmit, broadcast, exhibit or present material or to offer or agree to do the same, or to have in one's possession with intent to do the same.

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

**DISTRICT:** See ZONING DISTRICT.

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

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

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

**DWELLING:** A residential building designed exclusively as living quarters for one (1) or more families, including single family, two-family and multifamily dwellings, but not including hotels, motels or personal care boarding homes.

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

- A. **SINGLE FAMILY DWELLING:** A residential building containing only one (1) dwelling unit that is the only principal structure on the lot and is surrounded on all sides by open space.
- B. **TWO FAMILY DWELLING:** A residential building that is the only principal structure on the lot, designed exclusively for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, each with a separate entrance directly to the outside, including double houses and duplexes.
- C. **MULTIFAMILY DWELLING:** A residential building designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, including townhouses, garden apartments, mid-rise apartments and high-rise apartments.
- D. **MODULAR DWELLING:** A factory fabricated single family dwelling that is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for manufactured housing in Pennsylvania. Modular dwellings shall be permitted wherever single family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.

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

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

**EASEMENT:** A grant of one (1) or more property rights by the property owner to and for use by the public, a utility, a corporation or any other person, for access, utilities, slope or other purposes in which no permanent structure shall be erected.

**EATING AND DRINKING ESTABLISHMENT:** Retail businesses selling food and/or drink for consumption on the premises, including bars or taverns, fast service restaurants and full service restaurants.

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

**EFFECTIVE DATE:** The date on which this Chapter is duly adopted by Borough Council or as specified in the Chapter so adopted.

## ARTICLE II DEFINITIONS

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**ENGINEER:** A registered professional engineer licensed as such by the Commonwealth of Pennsylvania.

**ENLARGEMENT:** An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

**EQUIPMENT STORAGE YARD:** An area of land devoted to the storage, whether temporary or permanent, of construction equipment, farm equipment or other heavy equipment or vehicles in excess of twenty-six thousand (26,000) pounds GVW.

**EROSION:** The removal of surface materials by the action of natural elements.

**ESCORT:** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY:** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**ESCORT SERVICE:** A business that provides a service by appointment or upon request where individuals leave one premises and go to another premises for a specified period of time for the purpose of engaging in nudity or sexual conduct, as defined herein.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution, collection, communication, supply or disposal systems. The term shall not include communications tower, communications antenna or communications equipment cabinet which are separately defined and regulated by this Ordinance.

**ESTABLISH AN ADULT BUSINESS:** Includes any of the following:

- A. The opening or commencement of any adult business as a new business;
- B. The conversion of an existing business, whether or not an adult business, to any adult business;
- C. The addition or change of any adult business to any other existing adult business or to a non-adult business; or
- D. The relocation of any adult business.

**FAMILY:** An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit, or not more than eight (8) persons living together in a group living arrangement with supervision, provided that the group living arrangement meets all of the following criteria:

- A. It provides non-routing support services, including supervision, personal care, social or counseling services, and transportation, to persons who need such assistance in order to

use and enjoy a dwelling or to avoid being placed within an institution, because of physical disability, old age, mental retardation, or other "handicap" or "disability", as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;

- B. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;
- C. It does not involve the housing of persons on a transient basis;
- D. It does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of corrections or similar institution.

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

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

**FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of land and/or dividing one area of land from another. This definition shall not include retaining walls that are designed and approved in accordance with the Uniform Construction Code (UCC).

**FINANCIAL INSTITUTION:** A bank, savings and loan association or similar institution that lends money or is engaged in a finance-related business, excluding check cashing facilities, as defined herein.

**FINANCIAL SECURITY:** Surety, in a form acceptable to the Borough Solicitor, in the form of cash, a certified check or irrevocable letter of credit or escrow account or set aside agreement from a Federal or Commonwealth chartered lending institution, or a corporate performance bond or a labor and material payment bond from a surety company authorized to conduct business in the Commonwealth, which may be classified as the following:

- A. **IMPROVEMENT SECURITY** – A financial security which guarantees the satisfactory completion of improvements required by this Chapter.
- B. **MAINTENANCE SECURITY** – A financial security which guarantees the structural functioning and integrity of improvements required by this Chapter for a specified period after their completion and acceptance by the Borough.

## ARTICLE II DEFINITIONS

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**FIRE AND EMERGENCY MEDICAL SERVICES:** Facilities owned and operated by a public agency or nonprofit corporation used for the storage of fire trucks, fire-fighting equipment, ambulances and other emergency medical equipment and for the training of firefighters, paramedics and other medical rescue personnel and that may or may not include offices, meeting rooms, exercise rooms, sleeping quarters for the employees and volunteers, kitchen facilities and a social hall.

**FLOOD PLAIN:** Areas adjoining any rivers, streams, ponds or lakes subject to the 100-year-recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a 100-year-recurrence-interval flood, as well as any areas identified in the future by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines subject to the review and approval of a professional engineer selected by the Borough. (See also IDENTIFIED FLOODPLAIN AREA.)

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

**FLOOR AREA, HABITABLE:** The total floor area of all rooms in a dwelling excluding laundry, kitchen, bathrooms, closets, pantries or other storage areas, hallways, garage and basement recreation areas.

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

**FOOTPRINT:** See BUILDING FOOTPRINT.

**FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes which does not involve any land development.

**FRONT BUILDING LINE:** See BUILDING LINE, FRONT.

**FRONT LOT LINE:** See LOT LINE, FRONT.

**FRONT YARD:** See YARD, FRONT.

**FRONT YARD LINE:** See YARD LINE, FRONT.

**FUNERAL HOME:** A building used for the embalming of the deceased for burial, the display of the deceased and ceremonies connected therewith before burial or cremation and which may include a crematorium as an accessory use.

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

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

**GARAGE, VEHICLE REPAIR:** A building, or part thereof, used for the servicing and repair of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside a completely enclosed building, as defined by this Chapter.

**GOVERNING BODY:** The Borough Council, Bridgeville Borough, Allegheny County, Pennsylvania.

**GRADING PERMIT:** A permit for activities regulated under Chapter 9 of the Code of Ordinances of the Borough entitled, "Grading and Excavating."

**GREENHOUSE, COMMERCIAL:** See COMMERCIAL GREENHOUSE.

**GROCERY STORE:** STORE, GROCERY.

**GROSS FLOOR AREA:** See FLOOR AREA, GROSS.

**GROSS LEASABLE AREA:** See LEASABLE AREA, GROSS.

**GROUP CARE FACILITY:** A dwelling or other premise used as a supervised long-term group living arrangement licensed by the Commonwealth for any of the following:

- A. Persons who do not meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act, excluding those regulated by the definition of TRANSITIONAL DWELLING;
- B. Persons who do meet the definition of mentally or physically handicapped provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household;
- C. Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution.

**HABITABLE FLOOR AREA:** See FLOOR AREA, HABITABLE.

**HALF STORY:** A story with a cubic content of not more than fifty percent (50%) of the cubic content of the first, or ground, story of the building.

**HAZARDOUS MATERIALS:** Any material designated as a hazardous material under the terms and provisions of the Pennsylvania Solid Waste Management Act of 1980 and/or any regulations promulgated thereunder by the Pennsylvania Department of Environmental Protection (PA DEP) and designated as "hazardous materials".

## ARTICLE II DEFINITIONS

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**HEAVY MANUFACTURING:** See MANUFACTURING, HEAVY.

**HEIGHT OF BUILDING:** The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided, that chimneys, spires, towers, mechanical penthouses, tanks, and similar projections of the building not intended for human occupancy shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

**HEIGHT OF SIGN:** The vertical distance measured from the average elevation of the finished grade around the sign to the highest point on the sign and its supporting structure, including the foundation of the sign, if it is elevated above the ground level.

**HEIGHT OF STRUCTURE:** For structures other than buildings or signs, the vertical distance measured from the average elevation of the finished grade around the structure to the highest point on the structure.

**HIGH RISE APARTMENT:** See "F" under DWELLING TYPES.

**HIGH TECHNOLOGY INDUSTRIES:** The assembly of component parts or the production of finished products, excluding any process that involves toxic or highly volatile substances, including computer components and accessories; electrical parts, accessories and equipment; laboratory apparatus; robotics; optical instruments; precision instruments; surgical, medical and dental instruments and supplies; timers and timepieces; search detection and navigational equipment; musical instruments and photographic equipment and accessories.

**HOME-BASED BUSINESS, NO IMPACT:** A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use of a dwelling for residential purposes and that involves no customer, client or patient traffic, whether vehicular or pedestrian, and no pick-up, delivery or removal functions to or from the premises in excess of those normally associated with residential use.

**HOME OCCUPATION:** A business or commercial activity that does not meet the definition of a no impact home-based business conducted as an accessory use entirely within a dwelling by the residents thereof, which use is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the character of the dwelling.

**HOSPITAL:** A facility licensed by the Commonwealth for the short term care, including ambulatory care, of human persons suffering from physical or mental illnesses, but not including narcotics addiction caused by the current or illegal use of a controlled substance or those whose presence would constitute a direct threat to the health or safety of other individuals or whose presence would result in substantial physical damage to the property of others where there are not reasonable means to accommodate the disability that would eliminate any direct threat, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

**HOTEL:** See MOTEL OR HOTEL.

**ICE CREAM STORE:** See STORE, CANDY OR ICE CREAM.

**IDENTIFIED FLOODPLAIN AREA:** An area as defined in Chapter 8 of the Code of Ordinances of the Borough, entitled, "Floodplains".

**IMPERVIOUS MATERIAL:** Surfacing material with a coefficient of runoff greater than 0.85, applied to parking areas, driveways, streets, sidewalks and areas paved in concrete and asphalt and any other areas determined by the Borough Engineer to be impervious within the meaning of this definition.

**IMPROVEMENT:** See DEVELOPMENT.

**IMPROVEMENTS, PRIVATE:** All improvements to be owned, maintained or operated by a private entity such as an individual, corporation or homeowners' association, including roads, streets, walkways, parking areas, gutters, curbs, waterlines, sewers, stormwater management facilities, landscaping, lighting, traffic control devices and other facilities for which plans and specifications must comply with the minimum requirements of Chapter 22 of the Code of Ordinances of the Borough, "Subdivision and Land Development", and/or conditions attached to the granting of zoning approval or conditional use approval, including temporary erosion and sedimentation control and stormwater management control methods undertaken during construction.

**IMPROVEMENTS, PUBLIC:** All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Borough for which plans and specifications must comply with the minimum requirements of Chapter 22 of the Code of Ordinances of the Borough, "Subdivision and Land Development".

**INDEPENDENT LIVING FACILITY:** A residential building or group of buildings designed to provide housing for elderly or senior citizens, who are independently mobile and not in need of supervision, but that includes certain design features associated with the needs of elderly or senior citizens not customary in the construction of conventional multifamily dwellings, such as emergency call systems, handicapped facilities, minimal housekeeping and laundry services, common leisure and recreational services, personal services (beauty or barber shop or cleaner's valet), transportation services and similar support services for the convenience of the residents.

**INDOOR ENTERTAINMENT:** A commercial establishment located within a completely enclosed building, as defined by this Chapter, where customers or patrons engage in non-athletic leisure activities as spectators or participants, including, but not limited to: theaters (live and motion picture), arenas, virtual reality and simulation gaming parlors, video arcades, dance halls and similar facilities, but excluding any adult business, as defined herein.

**INTERIOR LOT:** SEE LOT, INTERIOR.

**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 papers, 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. A salver yard or establishment which recycles parts for vehicles or machinery shall be deemed to be included in the definition of junkyard. The deposit or storage on a lot of one (1) or more

## ARTICLE II DEFINITIONS

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unlicensed or currently uninspected, wrecked or disabled vehicles, or the major part thereof, also shall be deemed to constitute a junkyard.

**KENNEL:** An establishment within a completely enclosed building, licensed by the Pennsylvania Department of Agriculture for the boarding, breeding or training of domestic pets for compensation.

**KNOWING:** Having general knowledge of, or reason to know or a belief or grounds for belief, which warrants further inspection or inquiry of the character and content of any material described therein which is reasonably susceptible of examination by the defendant.

**LAND DEVELOPMENT:** Land development as defined in Chapter 22 of the Code of Ordinances of the Borough, entitled, "Subdivision and Land Development".

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

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

**LANDSCAPE ARCHITECT:** A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

**LANDSCAPING CONTRACTOR:** A retail business that includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products that aid their growth and care and that may include one (1) or more of the following activities as accessory uses only: storage of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; storage of mulch, reddog, sand or gravel to be used in landscaping; and/or shredding, screening or storage of topsoil.

**LANDSCAPING PLAN:** A plan prepared by a person knowledgeable in the characteristics of plant materials and the proper techniques for installing and maintaining them, including a registered architect or landscape architect or a member of the American Nurserymen's Association, identifying each tree and shrub by size, type and scientific name; the location of each, including a planting diagram; and such other diagrams or reports as are necessary to show the method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees to be preserved, if any.

**LAUNDROMAT:** A retail business equipped with a number of individual clothes washing machines, clothes dryers and that may include individual dry cleaning machines for use by the general public, excluding laundry facilities provided as an accessory use in a multifamily residential building.

**LEASABLE AREA, GROSS:** The floor area of a building excluding floors outside dock service areas, boiler (HVAC system) rooms, freight tunnels or corridors, elevator shafts and stairways, public restrooms, public lobbies, common mall areas, atriums and courtyards provided solely for

pedestrian access to the building from the exterior or primarily intended for aesthetic enhancement or natural lighting purposes.

**LIGHT MANUFACTURING:** See MANUFACTURING, LIGHT.

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

**LOCAL STREET:** See STREET, LOCAL.

**LOT:** A designated parcel, tract or area of land established by a plat or described in a deed or other instrument recorded pursuant to the laws of the Commonwealth to be used, developed or built upon as a unit.

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

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.

**LOT, INTERIOR:** A lot other than a corner lot or a through lot.

**LOT, NONCONFORMING:** See NONCONFORMING LOT.

**LOT, THROUGH:** A lot that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the lot.

**LOT AREA:** The total area of a lot or site measured on a horizontal plane between the front, side and rear lot lines, excluding any street rights-of-way.

**LOT COVERAGE:** That percentage of the lot area covered by all principal and accessory structures on a lot.

**LOT FRONTAGE:** That portion of the lot that adjoins the street right-of-way or through which access is provided to a public street.

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

**LOT LINE, REAR:** The line generally parallel to the front lot line, which defines the rear of the lot.

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

**LOT LINES:** The lines that bound a lot and separate it from the street and adjacent properties.

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

ARTICLE II  
DEFINITIONS

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**LOT WIDTH:** The horizontal distance between side lot lines measured along the front building line.

**MANUFACTURED HOUSING UNIT:** See MOBILE HOME.

**MANUFACTURING, HEAVY:** The mechanical or chemical transformation of raw materials or substances into new products or other raw materials or any manufacturing process not included in the definition of "Light Manufacturing" or "High Technology Industries".

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

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

**MEDICAL CLINIC:** An establishment or office where human patients are examined, diagnosed and treated by doctors or dentists, but not hospitalized overnight. A clinic shall consist of offices for members of the medical staff of the clinic and a series of treatment rooms, including recovery rooms.

**MID-RISE APARTMENT:** See "E" under DWELLING TYPES.

**MINI-WAREHOUSE OR SELF STORAGE FACILITY:** A building or group of buildings consisting of individual self-contained, self-service storage spaces, where each unit is not greater than five hundred (500) square feet, and the units are rented for the storage of business and household goods.

**MIXED USE (RESIDENTIAL/NON-RESIDENTIAL):** A building or development that combines residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections.

**MINOR:** Any person under the age of eighteen (18) years of age.

**MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MODULAR DWELLING:** See "G" under DWELLING TYPES.

**MOTEL OR HOTEL:** An establishment that offers transient overnight lodging accommodations, including extended stays, to the general public and that also may provide additional supporting

services such as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

**MULTI-FAMILY DWELLING**: See "C" under DWELLING TYPES.

**MUNICIPAL AUTHORITY**: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authority Act of 1945".

**MUNICIPALITIES PLANNING CODE (MPC)**: Act of 1968, P.L. 805, No. 247 as reenacted and amended. (53 P.S. §10101, et. Seq.)

**NET FLOOR AREA**: See FLOOR AREA, NET.

**NO IMPACT HOME-BASED BUSINESS**: See HOME BASED BUSINESS, NO IMPACT.

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

**NONCONFORMING SIGN**: Any lawful sign which does not conform to the applicable sign regulations of the district in which it is located, either on the effective date of this Chapter or as a result of subsequent amendments thereto.

**NONCONFORMING STRUCTURE**: A structure or part of a structure manifestly not designed to comply with the applicable area and bulk regulations or supplementary provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter 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 a structure, that does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or an amendment thereto, or prior to the application of this Chapter or amendment to its location by reason of annexation.

**NUDE MODEL STUDIO**: Any place where a person who appears in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- B. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

## ARTICLE II DEFINITIONS

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C. Where no more than one (1) nude model is on the premises at any one time.

**NUDITY:** The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

**NURSING HOME:** A facility licensed by the Commonwealth for the short term or long term care of patients requiring full-time intermediate or skilled nursing care or both, but not including facilities for major surgery or institutions for the care and treatment of narcotics addiction caused by the current and illegal use of a controlled substance or for individuals whose presence would constitute a direct threat to the health or safety of other individuals or whose presence would result in substantial physical damage to the property of others where there are no reasonable means to accommodate the disability that would eliminate any direct threat.

**OFF-STREET PARKING AREA:** See PARKING AREA.

**OFFICES:** See BUSINESS OR PROFESSIONAL OFFICES.

**OFFICES, BUSINESS OR PROFESSIONAL:** See BUSINESS OR PROFESSIONAL OFFICES.

**OFFICES, MEDICAL:** See MEDICAL OFFICES.

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

**OFFICIAL DATE OF FILING:** The date of the Planning Commission meeting at which an application is first considered after filing of an application that is determined to be complete and properly filed.

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

**OPEN SPACE, PUBLIC:** Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for use by the general public.

**OUTDOOR SALES:** Any display of merchandise outside an enclosed building which is offered for sale, regardless of whether the purchase is completed indoors or outdoors.

**OWNER:** See LANDOWNER.

**PA DEP:** Pennsylvania Department of Environmental Protection, or its successor agency.

**PARKING AREA:** A paved, open off-street area, accessory to the principal use of the lot containing two (2) or more parking spaces, including the aisles and/or driveways which provide access to the parking spaces.

**PARKING GARAGE:** See GARAGE, PUBLIC PARKING.

**PARKING LOT:** See PUBLIC PARKING LOT.

**PARKING SPACE:** An open or covered, paved area with a dust-free or all-weather surface (or space in a private garage or other structure) for the storage of one (1) motor vehicle.

**PAROCHIAL SCHOOL:** See SCHOOL, PUBLIC OR PRIVATE.

**PATIO:** See DECK OR PATIO.

**PAVED AREA:** A percentage of the total lot area permitted to be covered with an impervious material, as defined herein.

**PERFORMANCE:** Any live or reproduced exhibition including, but not limited to, any play, motion picture film, dance or appearance presented to or performed before an audience.

**PERMITTED USE:** See USE, PERMITTED.

**PERSON:** Any individual, partnership, firm, association, corporation or other legal entity.

**PERSONAL CARE BOARDING HOME:** A premises licensed by the Commonwealth in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medications prescribed for self-administration, and not including care and treatment of narcotics addiction caused by the current and illegal use of a controlled substance or care for individuals whose presence would constitute a direct threat to the health or safety of other individuals or whose presence would result in substantial physical damage to the property of others where there are no reasonable means to accommodate the disability that would eliminate any direct threat.

**PERSONAL CARE BOARDING HOME, LARGE** – A personal care boarding home for more than twelve (12) adults, who are not relatives of the operator.

**PERSONAL CARE BOARDING HOME, SMALL** – A personal care boarding home for a minimum of four (4) and a maximum of twelve (12) adults, who are not relatives of the operator.

**PERSONAL SERVICES:** Any enterprise conducted wholly within an enclosed structure for gain, which primarily offers to the general public services to individuals, their apparel or personal effects such as shoe repair, valet service, watch repairing, barber shop, beauty parlors and related activities, but not including the repair of automobiles or other heavy equipment or machinery.

**PET CREMATORIUM:** An establishment containing a furnace designed to cremate or reduce to ashes animal remains of the deceased.

**PET GROOMING:** Any establishment that offers services for domestic pets, including, but not limited to bathing, trimming, manicuring, massaging or other services to maintain the animals' well-being and which may sell pet care products and pet supplies as an accessory use, but not including a veterinary clinic or kennel, as defined herein.

## ARTICLE II DEFINITIONS

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**PET SERVICES:** A business establishment that sells pet food and other pet care products to the general public and that may offer pet grooming, a boarding kennel and/or limited veterinary services as accessory uses; or a business establishment that offers services for the care during part of a twenty-four (24) hour day of domestic pets as a principal use and which may sell food or other pet care products as an accessory use.

**PETS, DOMESTIC:** See DOMESTIC PETS.

**PLACE OF ASSEMBLY:** An indoor or outdoor space with or without fixed seating used for public gatherings for religious, recreational, educational, cultural, political, social or entertainment purposes.

**PLACE OF WORSHIP:** A building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

**PLANNED BUSINESS DEVELOPMENT:** A commercial development in which the building, streets, walkways, planted areas, parking, loading and related activities are integrated and designed in accordance with an overall plan for an entire site under single ownership.

**PLANNING COMMISSION:** The Planning Commission of Bridgeville Borough, Allegheny County, Pennsylvania.

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

**POST SECONDARY SCHOOL:** See SCHOOL, POST SECONDARY.

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

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

**PRINCIPAL USE:** See USE, PRINCIPAL.

**PRIVATE:** Any facility or establishment limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

**PRIVATE GARAGE:** See GARAGE, PRIVATE.

**PRIVATE IMPROVEMENTS:** See IMPROVEMENTS, PRIVATE.

**PRIVATE RECREATION:** See RECREATION, PRIVATE.

**PRIVATE SCHOOL:** See SCHOOL, PRIVATE.

**PRIVATE SWIMMING POOL:** See SWIMMING POOL, PRIVATE.

**PRIVATE STREET:** See STREET, PRIVATE.

**PROFESSIONAL ENGINEER:** A qualified individual who is licensed as a professional engineer in a state or commonwealth in the United States.

**PROFESSIONAL OFFICES:** See BUSINESS OR PROFESSIONAL OFFICES.

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

**PUBLIC BUILDING:** Any building owned or operated by a government agency, Federal, State, County or local, used to provide services to the public including administrative offices, public works buildings and storage yards, libraries, museums, senior centers, recreation buildings, government service centers and similar facilities.

**PUBLIC GARAGE:** See GARAGE, PUBLIC PARKING.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

**PUBLIC IMPROVEMENTS:** See IMPROVEMENTS, PUBLIC.

**PUBLIC MEETING:** A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act", 53 P.S. §§271 et. seq.

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first (1<sup>st</sup>) publication shall not be more than thirty (30) days and the second (2<sup>nd</sup>) publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC SCHOOL:** See SCHOOL, PUBLIC OR PRIVATE.

**PUBLIC OPEN SPACE:** See OPEN SPACE, PUBLIC.

**PUBLIC PARKING GARAGE:** See GARAGE, PUBLIC PARKING.

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

**PUBLIC PLACE OR VEHICLE:** Any street, alley, park, school or other public place or any dance hall, rental hall, theater, amusement area, liquor establishment, store, place of public accommodation or other private property in the Borough generally frequented by the public for the purposes of education, recreation, amusement, entertainment, sport, shopping or travel; or any vehicle for public transportation, owned or operated by the government, either directly or through a public corporation or authority or owned or operated by any nongovernmental agency for the use, enjoyment or transportation of the general public.

**PUBLIC SCHOOL:** See SCHOOL, PUBLIC OR PRIVATE.

## ARTICLE II DEFINITIONS

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**PUBLIC STREET:** See STREET, PUBLIC.

**PUBLIC RECREATION:** See RECREATION, PUBLIC.

**PUBLIC SANITARY SEWER:** See SANITARY SEWER, PUBLIC.

**PUBLIC UTILITY BUILDING OR STRUCTURE:** Any administrative building, maintenance building, garage or other building intended for human occupancy or storage of movable equipment owned or operated by a utility company regulated by the Public Utility Commission (PUC); or any building or structure owned or operated by a utility company regulated by the Public Utilities Commission (PUC) or any governmental agency or municipal authority that is necessary for the generation, treatment, regulation or inter-municipal distribution of essential services, as defined herein, including, but not limited to, long distance transmission facilities such as electrical power lines or high pressure natural gas or petroleum lines, switching facilities, substations, treatment plants, reservoirs, water towers, transmission towers and similar facilities.

**REAR LOT LINE:** See LOT LINE, REAR.

**REAR YARD:** See YARD, REAR.

**REAR YARD LINE:** See YARD LINE, REAR.

**RECREATION, COMMERCIAL:** An indoor or outdoor recreation facility which is operated as a business for profit and which is open to the general public for a fee including, but not limited to, such facilities as parks, playing fields, swimming pools, tennis centers, skating rinks, bowling alleys, pool halls, miniature golf, driving ranges, fitness centers and similar facilities. (See also INDOOR ENTERTAINMENT.)

**RECREATION, PRIVATE:** Recreational facilities, whether operated for profit or not, which are open only to bona fide members and their guests, and where no advertisement or inducement has been made to the general public including, but not limited to such facilities as golf clubs, tennis clubs, riding academics, parks, pavilions, and playing fields, but not including sportsman's clubs and any other facility involving the use of any type of weapon.

**RECREATION, PUBLIC:** Recreation facilities which are operated by a governmental agency and which are open to the general public, whether or not a fee is charged, including, but not limited to, such facilities as parks, playgrounds, playing fields, swimming pools and tennis courts.

**REPAIR SHOP:** A service establishment providing maintenance and repairs of items that can be carried in by hand, including personal effects (such as jewelry, watches, bicycles), small household appliances, office equipment, small gasoline engines and similar items, but not including repair of large appliances, motorized vehicles or heavy equipment.

**REPORT:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other

parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RESEARCH AND DEVELOPMENT:** Any establishment, including laboratories, that carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and that may include supporting storage and transportation facilities and pilot manufacturing as accessory uses, but not including the mass production of such products.

**RESTAURANT:** See EATING OR DRINKING ESTABLISHMENT.

**RETAIL STORE:** See STORE, RETAIL.

**RIGHT-OF-WAY:** Land reserved or dedicated for use as a street, crosswalk or other means of travel, or other public or private purposes, including existing and future rights-of-way.

**SANITARY SEWER, PUBLIC:** Any sewer system owned by a municipality or municipal authority in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant.

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

**SCHOOL, PAROCHIAL:** See SCHOOL, PUBLIC OR PRIVATE.

**SCHOOL, POST SECONDARY:** An educational institution that provides training beyond the secondary school curriculum and which is authorized by the Commonwealth to award associate, baccalaureate or higher degrees.

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

**SEAT:** The area required for one (1) individual to sit on as regulated by the Uniform Construction Code.

**SELF-STORAGE FACILITY:** See MINI-WAREHOUSE OR SELF-STORAGE FACILITY.

**SEMI-PUBLIC SWIMMING POOL:** See SWIMMING POOL, SEMI-PUBLIC.

**SERVICE STATION, AUTOMOBILE:** See AUTOMOBILE SERVICE STATION.

**SETBACK:** See BUILDING SETBACK LINE.

**SEXUAL CONDUCT:** Acts of masturbation, homosexuality, sexual intercourse, actual or simulated, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

**SEXUAL ENCOUNTER OR MEDITATION CENTER:** A business, agency or person which, for consideration, provides for commercial purposes a place where persons, not all members of the

## ARTICLE II DEFINITIONS

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same family, may congregate, assemble or associate for the purpose of engaging in nudity or sexual conduct, as defined herein.

**SEXUAL EXCITEMENT**: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**SIDE LOT LINE**: See LOT LINE, SIDE.

**SIDE YARD**: See YARD, SIDE.

**SIDE YARD LINE**: See YARD LINE, SIDE.

**SIGN**: Any display of any letters, numerals, figures, emblems or pictures displayed for the purpose of conveying information or attracting attention, whether attached to or displayed on any structure or the surface of any thing including, but not limited to, the ground or any rock, tree or other natural object, and which display is visible beyond the boundaries of the lot on which the sign is located.

**SIGN, NONCONFORMING**: See NONCONFORMING SIGN.

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

**SIGN FACE**: The entire area upon which graphic or written material or information is placed for viewing from a single direction.

**SIGN HEIGHT**: See HEIGHT OF SIGN.

**SIGN TYPES AND CLASSES**: See definitions for various types and classes of signs in Article XII.

**SINGLE FAMILY DWELLING**: See "A" under DWELLING TYPES.

**SITE**: A lot or lots which is the subject of an application for development.

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

**SITE PLAN**: An accurate drawing of a site prepared by a surveyor, engineer, architect or landscape architect, in accordance with the laws of the Commonwealth of Pennsylvania, now and as they are amended in the future, and showing all information required by this Chapter for an application for development.

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

**STORE, CONVENIENCE:** A retail store offering a limited selection of grocery, household and personal items for quick purchase and that may include the dispensing of gasoline.

**STORE, CANDY OR ICE CREAM:** A retail establishment that sells candy and/or ice cream and which may include on-site processing of the products sold on the premises, but which shall not include on-site processing of products for delivery off the premises.

**STORE, GROCERY:** A retail establishment that primarily sells meat, food and household products, but that may also include as accessory uses a pharmacy, a florist, a travel agency, a video rental (excluding an adult video store), a coffee shop, a delicatessen, banking and copy/fax services.

**STORE, RETAIL:** Any retail sales establishment conducted wholly within an enclosed structure which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for retail sale.

**STORY:** That portion of a building, other than the basement, as defined by this Chapter, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it.

**STREET:** A public or private way which affords vehicular access to abutting properties, but not including alleys, driveways, parking lots or walkways. Street includes the entire right-of-way.

**STREET, ARTERIAL:** A public street that serves large volumes of high speed and long distance traffic. Streets classified as arterial in the Borough for the purposes of interpreting this Chapter are: Bower Hill Road, Chartiers Street, Lesnett Road and Washington Avenue

**STREET, COLLECTOR:** A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. For the purposes of interpreting this Chapter, streets classified as collector in the Borough are: Baldwin Street, Bank Street, Dewey Avenue, McLaughlin Run Road, Prestley Road, Ridge Road and Station Street.

**STREET, LOCAL:** Any public street not defined herein as an arterial or a collector street.

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

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

**STREET CENTER LINE:** A line which is at an equal distance from both street lines, or right-of-way lines.

**STREET LINE:** See LOT LINE, FRONT.

## ARTICLE II DEFINITIONS

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

**STRUCTURE, HEIGHT OF:** See HEIGHT OF STRUCTURE.

**STRUCTURE, NONCONFORMING:** See NONCONFORMING STRUCTURE.

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

**SUPPLY YARD:** A commercial establishment which stores or offers for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**SURFACE AREA OF SIGN:** See SIGN, SURFACE AREA OF.

**SURVEYOR:** A professional surveyor registered in the Commonwealth of Pennsylvania.

**SWIMMING POOL:** Any outdoor body of water in an artificial or semi-artificial receptacle or other container, whether in-ground or above ground, used as a recreational facility for swimming, bathing, soaking or wading or any natural or man-made receptacle which is capable of containing water at a depth at any point of more than eighteen (18) inches or a surface area of more than one hundred (100) square feet, including apparatus and equipment necessary to maintain the swimming pool and the healthful condition of the water. This definition includes permanent in-ground or above ground pools, hot tubs, exercise pools, decorative ponds or any other similarly constructed confinement for retaining water of the specified depth and area. This definition does not include temporary inflatable pools that are not left in place for the entire summer.

**SWIMMING POOL, PRIVATE:** A swimming pool which is accessory to a single family dwelling, the use of which is restricted to the residents of the dwelling and their invited guests.

**SWIMMING POOL, SEMI-PUBLIC:** A swimming pool which is owned and operated by a homeowners association, a community corporation or other community association for the benefit of the residents of a residential subdivision or multi-family development.

**TAVERN:** See EATING OR DRINKING ESTABLISHMENT.

**TEMPORARY CONSTRUCTION TRAILER:** See CONSTRUCTION TRAILER, TEMPORARY.

**TEMPORARY USE OR STRUCTURE:** Any use or structure that is intended to be used either on a seasonal basis, during the time of construction and completion of an approved development or for any other period of time that is six (6) months or less, including, but not limited to: tents, air-supported structures, bleachers, portable bandstands, reviewing stands, mobile office units, construction trailers, model homes or sales offices and similar uses or structures.

**THEATRE:** A business establishment, other than an adult movie theater or adult movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances on a paid admission basis. A theater usually contains an auditorium in addition to other performance-related facilities. This term shall not refer to a place of assembly.

**THROUGH LOT:** See LOT, THROUGH.

**TOWNHOUSE:** See "H" under DWELLING TYPES.

**TRAFFIC IMPACT STUDY:** An analysis prepared, signed and sealed by a qualified traffic engineer analyzing the expected trip generation expected to result from a proposed development based on the ratios and methodology contained in the current edition of the manuals of the Institute of Transportation Engineers (ITE), including current and projected capacities and levels of service of all streets and intersections within one thousand (1,000) feet of the site proposed for development or the next nearest intersection and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the boundaries of the site.

**TRANSITIONAL DWELLING:** A dwelling unit or other premises occupied on a short term basis as a supervised group living arrangement by persons assigned by a Court of Law, or assigned, self-referred or referred by a public agency, semi-public agency, non-profit entity, or for-profit entity and managed by a public agency, semi-public agency, non-profit entity, or for profit entity responsible for the occupants' care, safety, conduct, counseling and supervision for a specified period of time, including, but not limited to: alcoholic recovery, shelters for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest, juvenile personal care/child residential facilities or other Court ordered treatment and other such short-term supervised assignments or occupancies, but not including juvenile incarceration facilities.

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

**TRUCK TERMINAL:** A building and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles.

**TWO FAMILY DWELLING:** See "M" under DWELLING TYPES.

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

**USE, AUTHORIZED:** Any use allowed by this Chapter as a use by right, conditional use, use by special exception. The term "authorized use" or its equivalent shall not be deemed to include any nonconforming use.

**USE, NONCONFORMING:** See NONCONFORMING USE.

**USE, PERMITTED:** An authorized use specifically allowed as a matter of right upon review and approval by the Zoning Officer subject to compliance with all applicable requirements of this Chapter and land development plan approval, if applicable.

## ARTICLE II DEFINITIONS

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

**USE BY RIGHT:** An authorized use permitted by administrative decision of the Zoning Officer.

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

**VARIANCE:** Relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et. seq.

**VEHICLE ACCESSORIES SALES AND INSTALLATION:** An establishment engaged in the retail sales and installation of accessories for trucks, automobiles and motorcycles, including, but not limited to such items as tires, hubcaps, mirrors, seat covers, floor mats, tonneau covers, truck caps, windshield wipers, trim packages, running boards and the like, but not including any mechanical parts.

**VEHICLE RENTAL, SALES AND SERVICE:** The rental, sales and service of automobiles, motorcycles and trucks under twenty-six (26,000) pounds Gross Vehicle Weight (GVW), but not including any heavy equipment or any other vehicle or equipment that is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code.

**VEHICLE REPAIR BAY:** An area within a building, designated for mechanical or body repair of a vehicle and being a minimum size of twelve (12) feet wide by eighteen (18) feet long with additional three (3) foot aisle in front or back of the vehicle repair bay.

**VEHICLE REPAIR GARAGE:** See GARAGE, VEHICLE REPAIR.

**VETERINARY CLINIC:** An establishment where animals are examined and treated by veterinarians and which may include indoor kennels for temporary boarding of animals during treatment.

**VIEWING BOOTHS:** Booths, stalls, partitioned portions of a room, cubicles, compartments, rooms or other enclosures which are available to members of the public, patrons or members for viewing (1) films, movies, videos or visual reproduction of any kind depicting or describing "nudity" or "sexual conduct," or (2) persons who appear in a state of nudity or who offer performances or presentations characterized by the exposure of "nudity" or by "sexual conduct," as defined by this Ordinance.

**WAREHOUSE:** A building used primarily for the storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles.

**WATER SURVEY:** An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough.

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

**WHOLESALE DISTRIBUTOR:** A wholesale business which includes the warehousing of merchandise and distribution of such merchandise from the site of the principal business to other wholesale or retail businesses or institutional customers.

**YARD:** An open space between a structure and an adjoining lot line, unoccupied and unobstructed by any portion of any structure other than a fence from the ground upward, except as otherwise provided herein.

**YARD, FRONT:** A yard extending across the full width of the lot and adjoining the front lot line. The depth measurement required by this Chapter for the front yard shall be the horizontal distance between the front lot line and line parallel thereto known as the building setback line.

**YARD, REAR:** A yard extending across the width of the lot between the side yards and adjoining the rear lot line. The minimum depth measurement required by this Chapter shall be the horizontal distance between the rear lot line and a line parallel thereto.

**YARD, SIDE:** A yard extending between the building setback line and the rear yard line parallel to the side lot line. The minimum width measurement required by this Chapter shall be the horizontal distance between the side lot line and a line parallel thereto.

**YARD LINE:** A line drawn parallel to the corresponding lot line at a distance specified for the required depth of yard in each respective case.

**YARD LINE, FRONT:** A line which bounds the front yard and is parallel to the front lot line.

**YARD LINE, REAR:** A line which bounds the rear yard and is parallel to the rear lot line.

**YARD LINE, SIDE:** A line which bounds the side yard and is parallel to the side lot line.

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

**ZONING COMPLIANCE CERTIFICATE:** A document issued by the Zoning Officer indicating that the proposed use of property is in compliance with the provisions of this Chapter.

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

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

**ZONING HEARING BOARD:** The Zoning Hearing Board of the Borough of Bridgeville, Allegheny County, Pennsylvania.

**ZONING OFFICER:** The person appointed by the Borough to administer this Chapter, as required by the Pennsylvania Municipalities Code, who shall have all the powers and duties and be subject to all the provisions set forth in the Pennsylvania Municipalities Planning Code with respect to Zoning Officers.

ARTICLE II  
DEFINITIONS

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**ARTICLE III**  
**DISTRICT REGULATIONS**

**§300 ZONING DISTRICT MAP**

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

The Official Zoning District Map shall be identified by the signature of the Chairman of Borough Council, attested to by the Borough Secretary and certified by the Borough Engineer, and shall bear the seal of the Borough under the following words: "This is to certify that this is the Official Zoning District Map referred to in Article III of Ordinance Number \_\_\_\_\_, as amended, of Bridgeville Borough, Allegheny County, Pennsylvania," together with the date of adoption of this Ordinance.

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

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

The Official Zoning District Map, that shall be located in the Borough Municipal Building, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Borough.

**§301 ZONING DISTRICTS**

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

- C Conservation District
- R-1 Single Family Residential District
- R-2 Multifamily Residential District
- M Mixed Use District
- I Industrial District
- BNO Baldwin St. - McLaughlin Run Road Neighborhood Overlay District

ARTICLE III  
DISTRICT REGULATIONS

---

**§302 DISTRICT BOUNDARIES**

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

- A. District boundaries indicated as appearing to follow the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. District boundaries indicated as appearing to follow platted lot lines shall be construed as following such lot lines;
- C. District boundaries indicated as appearing to follow municipal boundaries shall be construed as following municipal boundaries;
- D. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. District boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow centerlines, and in the event of change in the location of streams, rivers and other bodies of water, shall be construed as moving with the actual body of water and following the centerline;
- F. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

**§303 GENERAL DISTRICT REGULATIONS**

The following regulations shall apply in all Zoning Districts:

- A. In the C, R-1 and R-2 Districts, any use not specifically listed as an Authorized Use in the Zoning District shall not be permitted in that Zoning District.
- B. In the M and I Districts, any use not specifically listed in the Authorized Uses for the Zoning District shall not be permitted in that Zoning District, unless such use is authorized by the Zoning Hearing Board as a use by special exception in accordance with the applicable express standards and criteria for "Comparable Uses Not Specifically Listed" in §903.7 of this Chapter.
- C. In the Zoning Districts where such uses are authorized by this Chapter, two (2) or more multifamily or nonresidential buildings may occupy the same lot, provided each building can independently meet the applicable area and bulk regulations and parking requirements to accommodate the possibility of subdivision of the property in the future to separate the buildings.
- D. In the M and I Districts, two (2) or more authorized uses may occupy the same building, provided all applicable area and bulk regulations and parking requirements for each of the uses can be met on the lot.

- E. In all Zoning Districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory. Any accessory structure shall not be built unless or until the principal structure it serves exists on the lot.

**ARTICLE III  
DISTRIC REGULATIONS**

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**ARTICLE IV**

**C - CONSERVATION DISTRICT**

**§400 PURPOSE**

The purpose of this District is to preserve natural features, including steep slopes and floodplains and to protect them from disturbance and encroachment by intensive development.

**§401 AUTHORIZED USES**

In the C, Conservation District, only the following uses are authorized:

**A. PERMITTED USES**

1. Principal Uses. See Table 1: Land Use
2. Accessory Uses
  - a. Fences, subject to Section 1003
  - b. Off-Street Parking and Loading, subject to Article XI
  - c. Signs, subject to Article XII
  - d. Temporary Construction Trailer, subject to Section 1006
  - e. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

**B. CONDITIONAL USES**

1. Principal Uses - See Table 1: Land Use
2. Accessory Uses
  - a. Shared Parking, subject to §903.37

**C. USES BY SPECIAL EXCEPTION**

1. Principal Uses. See Table 1: Land Use
2. Accessory Uses None

ARTICLE IV  
C – CONSERVATION DISTRICT

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**§402 AREA AND BULK REGULATIONS**

In the C, Conservation District, all uses shall be subject to the following regulations except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article IX.

- A. MINIMUM LOT AREA:** 1 acre
  - B. MINIMUM LOT WIDTH:** 150 feet
  - C. MAXIMUM LOT COVERAGE:** 15%
  - D. MINIMUM FRONT YARD:**
    - Principal and Accessory Structure: 40 feet
  - E. MINIMUM REAR YARD:**
    - Principal Structures: 30 feet
    - Accessory Structures: See Section 1003
  - F. MINIMUM SIDE YARD:**
    - Principal Structures: 20 feet
    - Accessory Structures: See Section 1003
  - G. SPECIAL YARD REQUIREMENTS:** See Section 1003
  - H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section 1004
  - I. MAXIMUM HEIGHT:**
    - Principal Structures: 3 stories, but no more than 35 feet
    - Accessory Structures: 1 story, but no more than 20 feet
  - J. HEIGHT EXCEPTIONS:** See Section 1005
- §403 PARKING AND LOADING** See Article XI
- §404 SIGNS** See Article XII
- §405 BUFFER AREAS AND LANDSCAPING** See Section 1002
- §406 STORAGE** See Section 1008

**ARTICLE V**

**R-1, SINGLE FAMILY, RESIDENTIAL DISTRICT**

**§500 PURPOSE**

The purpose of this District is to preserve existing single family neighborhoods and to protect them from encroachment by incompatible land uses while providing for customary permitted accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

**§501 AUTHORIZED USES**

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

**A. PERMITTED USES**

1. Principal Uses - See Table 1: Land Use
2. Accessory Uses
  - a. Fences, subject to Section 1003
  - b. Keeping of Domestic Pets
  - c. No Impact Home Based Business, subject to Section 1010
  - d. Off-street Parking and Loading, subject to Article XI
  - e. Private Garages and Storage Buildings, subject to Section 1003
  - f. Private Residential Swimming Pools, subject to Section 1003
  - g. Signs, subject to Article XII
  - h. Temporary Construction Trailer, subject to Section 1006
  - i. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District

**B. CONDITIONAL USES**

1. Principal Uses. See Table 1: Land Use
2. Accessory Uses
  - a. Family Day Care Home, subject to §903.13
  - b. Home Occupation, subject to §903.21

ARTICLE V  
R-1, SINGLE FAMILY, RESIDENTIAL DISTRICT

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c. Off-Site Parking, subject to §903.30

d. Shared Parking, subject to §903.39

**C. USES BY SPECIAL EXCEPTION**

1. Principal Uses. See Table 1: Land Use

2. Accessory Uses

None

**§502 AREA AND BULK REGULATIONS**

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

**A. MINIMUM LOT AREA:** 6,000 sq. ft.

**B. MINIMUM LOT WIDTH:** 60 feet

**C. MAXIMUM LOT COVERAGE:** 35%

**D. MINIMUM FRONT YARD:** 25 feet

**E. MINIMUM REAR YARD:**

Principal Structures: 5 feet

Accessory Structures: 5 feet

**F. MINIMUM SIDE YARD:**

Single Family Dwellings: 10 feet

All Other Principal Structures: 20 feet

Accessory Structures: 8 feet

**G. SPECIAL YARD REQUIREMENTS:** See Section 1003

**H. PERMITTED PROJECTIONS  
INTO REQUIRED YARDS:** See Section 1004

**I. MAXIMUM HEIGHT:**

All Principal Structures: 3 stories, but no more than 35 feet

All Accessory Structures: 1 story, but no more than 20 feet

**J. HEIGHT EXCEPTIONS:** See Section 1005



**ARTICLE V**  
**R-1, SINGLE FAMILY, RESIDENTIAL DISTRICT**

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**ARTICLE VI**

**R-2, MULTIFAMILY, RESIDENTIAL DISTRICT**

**§600 PURPOSE**

The purpose of this District is to preserve existing neighborhoods that are comprised of a mix of single family and two family dwellings; to provide opportunities for medium density multifamily development in appropriate locations on arterial or collector streets; and to provide for customary accessory uses and compatible public and semi-public uses as conditional uses or uses by special exception.

**§601 AUTHORIZED USES**

**A. PERMITTED USES**

1. Principal Uses - See Table 1: Land Use
2. Accessory Uses
  - a. Fences, subject to Section 1003
  - b. Keeping of Domestic Pets
  - c. No Impact Home Based Business, subject to Section 1010
  - d. Off-street Parking and Loading, subject to Article XI
  - e. Private Garages and Storage Buildings, subject to Section 1003
  - f. Private Residential Swimming Pools, subject to Section 1003
  - g. Signs, subject to Article XII
  - h. Temporary Construction Trailer, subject to Section 1006
  - i. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

**B. CONDITIONAL USES**

1. Principal Uses - See Table 1: Land Use
2. Accessory Uses
  - a. Family Day Care Home, subject to §903.13
  - b. Home Occupations, subject to §903.21

ARTICLE VI  
R-2, MULTIFAMILY, RESIDENTIAL DISTRICT

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c. Off-Site Parking, subject to §903.30

d. Shared Parking, subject to §903.39

**C. USES BY SPECIAL EXCEPTION**

1. Principal Uses

a. Structures that are in excess of thirty-five (35) feet in height, subject to §903.36

2. Accessory Uses

None

**§602 AREA AND BULK REGULATIONS**

In the R-2, Multifamily, Residential District, all uses shall be subject to the following express standards and criteria for the specific conditional uses and uses by special exception contained in Article IX.

**A. MINIMUM LOT AREA:**

Single Family Dwellings:	4,000 sq. ft.
Two Family Dwellings:	4,000 sq. ft.
Multifamily Dwellings:	20,000 sq. ft.
All Other Principal Uses:	10,000 sq. ft.

**B. MINIMUM LOT WIDTH:**

Single Family Dwelling:	40 feet
Two Family Dwelling:	40 feet
All Other Principal Structures:	100 feet

**C. MAXIMUM LOT COVERAGE:** 40%

**D. MINIMUM FRONT YARD:** 20 feet

**E. MINIMUM REAR YARD:**

Single Family Dwellings:	5 feet
Two Family Dwellings:	5 feet
All Other Principal Structures:	20 feet
Accessory Structures:	5 feet

**F. MINIMUM SIDE YARD:**

Single Family Dwellings:	8 feet
Two Family Dwellings:	8 feet
All Other Principal Structures:	20 feet
Accessory Structures:	5 feet

**G. SPECIAL YARD REQUIREMENTS:** See Section 1003

**H. PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section 1004

**I. MAXIMUM HEIGHT:**

Multifamily Dwellings:	11 stories, but no more than 110 feet
All Other Principal Structures:	3 stories, but no more than 35 feet
All Accessory Structures:	1 story, but no more than 20 feet

**J. HEIGHT EXCEPTIONS:** See Section 1005

**§603 PARKING AND LOADING:**

See Article XI

**§604 SIGNS:**

See Article XII

**§605 BUFFER AREAS AND LANDSCAPING:**

See Section 1002

**§606 STORAGE:**

See Section 1008

ARTICLE VI  
R-2, MULTIFAMILY, RESIDENTIAL DISTRICT

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**ARTICLE VII**  
**M, MIXED USE DISTRICT**

**§700 PURPOSE**

The purpose of this District is to provide for a centralized urban area that hosts a mixture of land uses where people can live, work and play along a network of arterial and collector streets with convenient access and where said uses minimize traffic impacts on neighborhoods and surrounding residential streets.

**§701 AUTHORIZED USES**

**A. PERMITTED USES.**

1. Principal Uses. See Table 1: Land Use Table
2. Accessory Uses
  - a. Fences, subject to Section 1003
  - b. No Impact Home Based Business or Home Occupation in a Dwelling that is a Nonconforming Use, subject to Section 1010
  - c. Off-street Parking and Loading, subject to Article XI
  - d. Signs, subject to Article XII
  - e. Temporary Construction Trailer, subject to Section 1006
  - f. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

**B. CONDITIONAL USES**

1. Principal Uses. See Table 1: Land Use Table
2. Accessory Uses
  - a. Crematorium accessory to a Funeral Home, subject to §903.9
  - b. Off-Site Parking, subject to §903.30
  - c. Shared Parking, subject to §903.39

**C. USES BY SPECIAL EXCEPTION**

1. Principal Uses. See Table 1: Land Use Table

**§702 AREA AND BULK REGULATIONS**

In the M, Mixed Use District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article IX.

**A. MINIMUM LOT AREA:** 3,000 sq. ft. \*

\* Nonconforming lots of record may be developed without a variance, subject to compliance with §1503.1.

**B. MINIMUM LOT WIDTH:** 30 feet \*

\* Nonconforming lots of record may be developed without a variance, subject to compliance with §1503.1.

**C. MAXIMUM LOT COVERAGE:** 100%

**D. MINIMUM FRONT YARD:**

Washington Avenue between Bower Hill Road  
and the Collier Township boundary: 25 feet  
All Others: 0 feet

**E. MINIMUM REAR YARD:**

All Principal and Accessory Structures:  
Adjoining any "R" District: 20 feet  
Adjoining All Other Districts: 0feet

**F. MINIMUM SIDE YARD:**

All Principal and Accessory Structures:  
Adjoining any "R" District: 20 feet  
Adjoining All Other Districts: 0feet

**G. MAXIMUM DWELLING UNIT DENSITY:**

55 units per acre

**H. MINIMUM DISTANCE BETWEEN BUILDINGS:** 0 feet  
(Where two (2) or more buildings are on the same lot)

**I. SPECIAL YARD REQUIREMENTS:** See Section 1003

**J. PERMITTED PROJECTIONS  
INTO REQUIRED YARDS:** See Section 1004



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**ARTICLE VII-A**  
**OVERLAY DISTRICTS**

**§708 PURPOSE - BALDWIN ST. - MCLAUGHLIN RUN ROAD NEIGHBORHOOD  
OVERLAY DISTRICT**

- A. The purpose of this Overlay District is to encourage development of and preserve existing residential uses in appropriate locations in the Borough's Mixed Use District, consistent with sound planning and environmental controls.
- B. The Overlay shall be defined as follows:
  - 1. All parcels with frontage on Baldwin Street and McLaughlin Run Road.

**§709 AUTHORIZED USES - BALDWIN ST.-MCLAUGHLIN RUN ROAD NEIGHBORHOOD  
OVERLAY DISTRICT**

All authorized uses in this district are the same as those in the M, Mixed Use district, with the addition of permitting Single-Family Dwellings as a principal use, and also authorizing multi-family dwelling units on any floor of a building.

**§710 AREA AND BULK REGULATIONS- BALDWIN ST.-MCLAUGHLIN RUN ROAD  
NEIGHBORHOOD OVERLAY DISTRICT**

Refer to Section 702 for the base zoning district's area and bulk regulation requirements.

ARTICLE VII-A  
OVERLAY DISTRICTS

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**ARTICLE VIII**  
**I, INDUSTRIAL DISTRICT**

**§800 PURPOSE**

The purpose of this District is to encourage development of industrial uses in appropriate locations in the Borough, consistent with sound planning and environmental controls.

**§801 AUTHORIZED USES**

In the I, Industrial District, only the following uses are authorized:

**A. PERMITTED USES**

1. Principal Uses - See Table 1: Land Use
2. Accessory Uses
  - a. Communications Antenna mounted on an approved Communications Tower, subject to Section 1007
  - b. Fences, subject to Section 1003
  - c. No Impact Home Based Business or Home Occupation in a Dwelling that is a Nonconforming Use, subject to Section 1010
  - d. Off-street Parking and Loading, subject to Article XI
  - e. Signs, subject to Article XII
  - f. Temporary Construction Trailer, subject to Section 1006
  - g. Other Accessory Uses customarily incidental to and on the same lot with any permitted use, conditional use or use by special exception authorized in this District.

**B. CONDITIONAL USES**

1. Principal Uses - See Table 1: Land Use
2. Accessory Uses
  - a. Off-Site Parking, subject to §903.30
  - b. Shared Parking, subject to §903.39

ARTICLE VIII  
I, INDUSTRIAL DISTRICT

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**C. USES BY SPECIAL EXCEPTION**

1. Principal Uses
  - a. Structures in excess of forty-five (45) feet in height, subject to §903.36
2. Accessory Uses
  - None

**§802 AREA AND BULK REGULATIONS**

In the I Industrial District, all uses shall be subject to the following regulations, except as they may be modified by the express standards and criteria for the specific conditional uses and uses by special exception contained in Article IX.

- A. **MINIMUM LOT AREA:** 10,000 sq. ft.
- B. **MINIMUM LOT WIDTH:** 100 feet
- C. **MAXIMUM LOT COVERAGE:** 75%
- D. **DISTANCE BETWEEN BUILDINGS:** 20 feet  
(Where two or more buildings occupy the same lot)
- E. **MINIMUM FRONT YARD:** 30 feet
- F. **MINIMUM REAR YARD:**
  - Principal Structures:
    - Adjoining Any "R" District: 70 feet
    - Adjoining All Other Districts: 20 feet
  - Accessory Structures: 5 feet
- G. **MINIMUM SIDE YARD:**
  - Principal Structures:
    - Adjoining Any "R" District: 70 feet
    - Adjoining All Other Districts: 20 feet
  - Accessory Structures: 5 feet
- H. **SPECIAL YARD REQUIREMENTS:** See Section 1003
- I. **PERMITTED PROJECTIONS INTO REQUIRED YARDS:** See Section 1004
- J. **MAXIMUM HEIGHT:** None

**§803 PARKING AND LOADING**

See Article XI

**§804 SIGNS**

See Article XII

**§805 BUFFER AREAS AND LANDSCAPING:**

See Section 1002

**§806 STORAGE**

See Section 1008

ARTICLE VIII  
I, INDUSTRIAL DISTRICT

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**ARTICLE IX**

**EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES  
AND USES BY SPECIAL EXCEPTION**

**§900 APPLICABILITY**

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

**§901 PROCEDURE FOR APPROVAL**

**§901.1 Approval of Conditional Uses**

Borough Council shall hear and decide requests for conditional uses; however, Borough Council shall not approve a conditional use application unless and until:

- A. A written application for conditional use approval is submitted to the Zoning Officer or his/her designated representative no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Chapter under which conditional use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:
  - 1. A preliminary land development plan, if required by the Borough Subdivision and Land Development Ordinance or, if a land development plan is not required, a current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Chapter.
  - 2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
  - 3. A Traffic Impact Study, as defined herein, for any use that, according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, will generate one hundred (100) or more additional trips during the adjacent arterial or collector street's peak hours.
  - 4. The applicable fee required by Section 1508 of this Chapter.
- B. A written recommendation is received from the Borough Planning Commission or forty-five (45) days has passed from the date of the Planning Commission meeting at which the application is first (1<sup>st</sup>) considered as complete and properly filed for approval.
- C. A public hearing is conducted by Borough Council pursuant to public notice and said hearing is scheduled no more than sixty (60) days following the date of submission of a complete and properly filed application, unless the applicant has agreed in writing to an extension of time.

ARTICLE IX  
EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND  
USES BY SPECIAL EXCEPTION

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- D. Each subsequent hearing before Borough Council shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first (1<sup>st</sup>) hearing. Upon the request of the applicant, Borough Council shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first (1<sup>st</sup>) hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first (1<sup>st</sup>) hearing held after the completion of the applicant's case-in-chief. And the 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.
- E. Borough Council shall render a written decision within forty-five (45) days after the last public hearing. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon. Conclusions based on any provision of this Chapter or any other applicable rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him no later than the day following the date of the decision.
- F. Where Borough Council fails to render a decision within the required forty-five (45) days or fails to commence, conduct or complete the required hearings as specified in Subparagraphs "c" and "d", above, 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. When a decision has been rendered in favor of the applicant because of the failure of Borough Council to meet or render a decision as provided herein, Borough Council shall give public notice, as defined herein, of said deemed approval within ten (10) days from the last day it could have met to render a decision. If Borough Council shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a Court of competent jurisdiction.
- G. In considering an application for conditional use approval, Borough Council may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which conditional use approval is granted, shall be deemed a violation of this Chapter and shall be subject to the enforcement provisions of Section 1501 of this Chapter.

**§901.2 Burden of Proof for Conditional Uses**

In any application for conditional use, the applicant shall have the persuasion burden and presentation duty to show compliance with the ordinances of the Borough; the objecting parties shall have the presentation duty to show that the request is detrimental to the health, safety and welfare of the neighborhood; the applicant shall have the persuasion burden to

ARTICLE IX

EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND  
USES BY SPECIAL EXCEPTION

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show the applicant's request is not detrimental to the health, safety and welfare of the neighborhood; and the objecting parties shall have the persuasion burden and presentation duty with respect to general policy concerns.

**§901.3 Expiration of Conditional Use Approval**

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a Grading Permit, a Building Permit or an Occupancy Permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless Borough Council, in its sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

**§901.4 Approval of Uses by Special Exception**

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

- A. A written application for approval of a use by special exception is submitted to the Zoning Officer or his/her designated representative. The application shall indicate the Section of this Chapter under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
1. A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Chapter.
  2. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
  3. A Traffic Impact Study, as defined herein, for any use that, according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, will generate one hundred (100) or more additional trips during the adjacent arterial or collector street's peak hours.
  4. The application fee required by Section 1508 of this Chapter.
- B. A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application, unless the applicant has agreed, in writing, to an extension of time. Said hearing shall be conducted in accordance with the procedures specified by Section 1409 of this Chapter.
- C. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a use by special

ARTICLE IX  
EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND  
USES BY SPECIAL EXCEPTION

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exception is granted, shall be deemed a violation of this Chapter and shall be subject to the enforcement provisions of Section 1501 of this Chapter.

- D. If land development plan approval is required for the use by special exception, the application for approval of a land development required by the Borough Subdivision and Land Development Ordinance shall be submitted to the Borough Planning Commission following approval of the use by special exception by the Zoning Hearing Board.

**§901.5 Burden of Proof for Uses by Special Exception**

In any application for a use by special exception, the applicant shall have the persuasion burden and presentation duty to show compliance with the ordinances of the Borough; the objecting parties shall have the presentation duty to show that the request is detrimental to the health, safety and welfare of the neighborhood; the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety and welfare of the neighborhood; and the objecting parties shall have the persuasion burden and presentation duty with respect to general policy concerns.

**§901.6 Expiration of Approval of a Use By Special Exception**

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

**§902 GENERAL STANDARDS**

In addition to the specific standards and criteria listed for each use in Section 903, below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- A. The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- B. The use shall comply with the Performance Standards of Section 1001 of this Chapter.
- C. The use shall comply with all applicable requirements of Article X providing Supplementary Regulations, Article XI governing parking and loading, Article XII governing signs and all other applicable provisions of this Chapter.
- D. Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.

ARTICLE IX

EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND  
USES BY SPECIAL EXCEPTION

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- E. Outdoor lighting, if proposed, shall be designed with cutoff luminaires that direct and cut off the light at a cutoff angle of sixty degrees (60°) or less. (See illustration in Appendix B.) Spillover illumination shall not exceed 0.2 footcandle at the property line.
- F. For all uses that are subject to the requirements of the Americans with Disabilities Act (ADA), the applicant shall certify that all applicable ADA requirements have been met in the design.

**§903 STANDARDS FOR SPECIFIC USES**

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 902, above, an application for any of the following uses that are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

**§903.1 Adult Business, subject to:**

- A. Adult businesses, as defined by this Ordinance, shall not be permitted in any Zoning District other than the I, Industrial, District.
  - B. All adult businesses shall comply with the requirements of Borough Ordinance No. \_\_\_\_\_, as now or hereafter amended.
  - C. An adult business shall not be located within one thousand (1,000) feet of any of the following uses: a church; public or private pre-elementary, elementary or secondary school; public library; day care center or pre-school facility; public park or residential dwelling. The distance shall be measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of any of the above listed uses.
  - D. Any adult business, other than an adult motel, that exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction that depicts nudity or sexual conduct shall comply with the following:
    - 1. At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
    - 2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.
- If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station.

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3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises that has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.
  4. No viewing room shall be occupied by more than one (1) person at a time. No connections or openings to an adjoining viewing room shall be permitted.
  5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
  6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers.
- E. If the adult business involves live performances, the performers shall not have easy access to the viewers present.
  - F. The owner and operator of any adult nightclub shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy exceeds fifty (50) persons.
  - G. No stock in trade that depicts nudity or sexual conduct shall be permitted to be viewed from the sidewalk, street or highway.
  - H. No signs or other displays of products, entertainment or services shall be permitted in any window or other area that is visible from the street or sidewalk.
  - I. Windows shall not be covered or made opaque in any way.
  - J. Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only. The term adult shall have the meaning provided by applicable statutory law.
  - K. Owners and operators of adult businesses shall obtain a license to operate from the Borough. In addition, such owners or operators shall supply to the Borough such information regarding ownership and financing of the proposed business as is required by the Borough's licensing application. Applications for licensing shall be filed with the Borough Manager.
  - L. The adult business shall be initially licensed upon compliance with all requirements of this Section and provisions of the required licensing application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the

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license. The application for renewal shall be submitted to the Borough Manager by November 1<sup>st</sup> of the year preceding the year for which renewal is sought. The lack of license or failure to renew such license in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the adult business.

**§903.2 Assisted Living Facility; Independent Living Facility**, subject to:

- A. The minimum site required shall be two (2) acres.
- B. The maximum dwelling unit density shall be fifty-five (55) units per acre.
- C. An assisted living facility shall include the following supporting uses:
  - 1. Common leisure and/or recreational areas
  - 2. Common dining area
- D. In addition, an assisted living facility may include one (1) or more of the following supporting uses, subject to approval by the Borough:
  - 1. Postal station for use of the residents and staff only;
  - 2. Banking facility for use of the residents and staff only;
  - 3. Pharmacy and/or medical offices for use of the residents only;
  - 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning valet;
  - 5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
  - 6. Elderly day care center licensed by the Commonwealth;
  - 7. Taxi, van or similar transportation services for the residents.
- E. Buffer Area "A", as described in §1002.1 of this Chapter, shall be provided along all property lines adjoining property in an R-1 or R-2 District.
- F. Parking shall be provided for the dwelling unit in accordance with the requirements of Article XI of this Chapter. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

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**§903.3 Automobile Service Station**, subject to:

- A. Such use shall not be located any closer than two hundred (200) feet to any property in an R-1 or R-2 District.
- B. Gasoline pumps shall be located no closer than twenty-five (25) feet to any property line.
- C. All lighting shall be shielded away from adjacent lots.
- D. No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.
- E. Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.
- F. There shall be no storage of wrecked or dismantled vehicles outside of a building, nor shall there be parking permitted on the lot of vehicles or trailers in excess of one (1) automobile per employee and employer, plus three (3) customers' vehicles per repair bay.
- G. Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazard or great delay.
- H. Canopies shall be permitted to be constructed over gasoline pumps provided that:
  - A. No portion of the canopy is closer than ten (10) feet to any property line.
  - B. The canopy is not attached to the principal structure.
  - C. The canopy shall not be enclosed.
  - D. The canopy shall be removed immediately upon permanent discontinuance of the dispensing of gasoline on the property.
- I. Minimum lot size shall be fifteen thousand (15,000) square feet and minimum lot frontage shall be one hundred twenty (120) feet.

**§903.4 Car Wash**, subject to:

- A. All car washing facilities shall be under a roofed structure that has at least two (2) walls.
- B. Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets or other property.
- C. Standing spaces shall be provided in accordance with the requirements specified in §903.11 for drive-through facilities.
- D. The facility shall be connected to public water and public storm sewers.

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- E. Driveway entrances shall be located at least thirty (30) feet from the right-of-way line of the intersection of any public streets.

**§903.5 Communications Tower**, subject to:

- A. Only one (1) communications tower shall be permitted on a lot. The lot shall be under single ownership and if several lots are utilized to meet the requirements of this §903.6, the lots shall be consolidated into a single parcel.
- B. The maximum height of a communications tower shall be two hundred (200) feet.
- C. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- D. The setback from all property lines (excluding lease lines) required for the communications tower shall be one hundred percent (100%) of the height of the tower.
- E. Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures. Setbacks shall be measured from the lease lines.
- F. Access shall be provided to the communications tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- G. At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers.
- H. The communications tower and all appurtenances, including guyed wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum eight (8) foot high chain link security fence with locking gate.
- I. A landscaping screen shall be planted and maintained around the perimeter of the security fence. The landscaping shall be an evergreen hedge planted three (3) feet on center maximum or a row of evergreen trees a minimum of six (6) feet in height planted ten (10) feet on center minimum or Borough Council may permit any combination of existing vegetation, topography, decorative walls and other features which achieve the same degree of screening as the required landscaping.
- J. Communications towers shall be freestanding where the negative visual effect is less than would be created by a guyed tower. Communications towers shall have a galvanized finish or shall be painted silver. If there is heavy vegetation in the immediate area, the portion of the tower from base to tree-line shall be painted green or brown to match the trees.
- K. No antenna or communications tower shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

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- L. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- M. The communications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-Manual, as amended.
- N. Any applicant proposing a new freestanding communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building or other structure or an existing communications tower. A good faith effort shall require that all owners within a one-quarter (1/4) mile radius of the proposed site be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building or communications tower or other structure apply:
  - 1. The proposed equipment would exceed the structural capacity of the existing building, communications tower or other structure and reinforcement of the existing building, tower or other structure cannot be accomplished at a reasonable cost.
  - 2. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that building, tower or other structure and the interference cannot be prevented at a reasonable cost.
  - 3. Existing buildings, communications towers or other structures do not have adequate space to accommodate the proposed equipment.
  - 4. Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels that exceed any adopted local, Federal or State emission standards.
- O. All new communications towers shall be designed to structurally accommodate the maximum number of additional users technically practicable and foreseeable based on the available FCC licenses for the future. The applicant shall demonstrate this with technical information prepared by an expert. Borough Council may modify this requirement if it will result in an unusually negative impact on the surrounding area.
- P. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- Q. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.

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**§903.6 Community Club**, subject to:

- A. All activities, other than outdoor recreation, shall be conducted within a completely enclosed building, as defined by this Chapter. Doors and windows shall remain closed during any time the entertainment is presented.
- B. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- C. Activities on the site and within the building shall comply with the noise standards specified in §1001.3 of this Chapter.
- D. All off-street parking areas that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "B," as described in §1002.1 of this Chapter.
- E. Any community club that includes a swimming pool shall be further subject to the requirements of §903.32 of this Chapter.

**§903.7 Comparable Uses not Specifically Listed**, subject to:

- A. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any comparable use specifically listed in the Zoning District. In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed use:
  - 1. The number of employees;
  - 2. The floor area of the building or gross area of the lot devoted to the proposed use;
  - 3. The type of products, materials and equipment and/or processes involved in the proposed use;
  - 4. The magnitude of walk-in trade;
  - 5. Hours of operation;
  - 6. The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of Section 1001 of this Chapter; and
  - 7. For those uses included in the most recent edition of the Standard Industrial Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same SIC Code or Major Group number as one (1) or more uses that are specifically listed in the Zoning District.

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- B. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- C. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.
- D. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Chapter.
- E. The use shall comply with the Performance Standards of Section 1001 of this Chapter.

**§903.8 Crematorium Accessory to a Funeral Home, subject to:**

- A. The minimum lot area required shall be twenty thousand (20,000) square feet.
- B. Operations shall comply with the Performance Standards of Section 1001.
- C. The use shall comply with all applicable regulations of the Commonwealth of Pennsylvania.
- D. The use shall conform to the Air Quality regulations of the Allegheny County Health Department.

**§903.9 Day Care Center or Pre-School Facility, subject to:**

- A. The facility shall be registered with or licensed by the Commonwealth of Pennsylvania.
- B. In the R-1 and R-2 Districts, the facility shall be permitted to be located only in a church or school.
- C. Outdoor play areas shall be provided and shall be secured by a fence with self-latching gate.
- D. Outdoor play areas that adjoin property containing an existing single family or two family dwelling shall be screened by Buffer Area "B", as described in §1002.1 of this Chapter.
- E. The general safety of the property proposed for a day care center or pre-school facility shall meet the needs of small children.
- F. One (1) off-street parking space per each five (5) clients shall be designed for safe and convenient loading and unloading of clients so that clients will not have to cross the parking area or lines of traffic.

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- G. In addition, one (1) off-street parking space for each staff person and one (1) parking spaces for each facility vehicle shall be provided.

**§903.10 Drive-through Facilities**, subject to:

- A. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Chapter.
- B. In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms.
- C. Entrances, exits and standing spaces shall be adequately indicated by directional signs, as authorized by Article XII of this Chapter.
- D. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.
- E. Ingress, egress and traffic circulation on the site shall be designed to ensure safety, minimize congestion and the impact on local streets.

**§903.11 Equipment Storage Yard**, subject to:

- A. The minimum site required for an equipment storage yard shall be twenty thousand (20,000) square feet.
- B. Any areas not paved with hard surface shall have a dust control plan that is submitted to the Borough Engineer for review and approval.
- C. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.
- D. No repair of vehicles or equipment shall be permitted outside a completely enclosed building, as defined herein.
- E. All operations shall comply with the Performance Standards of Section 1001 of this Chapter.
- F. Engines shall not be started or kept running before 6:30 A.M. or after 8:00 P.M. if the site is located within five hundred (500) feet of an existing dwelling, measured from any site boundary to any wall of an existing dwelling.

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- G. All lighting shall be shielded and reflected away from streets and any adjoining residential properties.
- H. A stormwater management plan to control runoff of surface water shall be submitted for review and approval by the Borough Engineer.

**§903.12 Family Day Care Home**, subject to:

- A. All of the applicable criteria for a home occupation specified in §903.21 shall be met, except that there shall be no limitation on the percent of floor area of the dwelling that may be devoted to the family day care home and the family day care home shall be deemed not to create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- B. Evidence shall be submitted that all applicable requirements of the Pennsylvania Department of Public Welfare have been met and continuing compliance shall be maintained.
- C. An adequate and safe off-street area shall be provided for dropping off and picking up children that does not obstruct the free flow of traffic on any public street or require children to cross lines of traffic.
- D. An adequate outdoor play area shall be provided and shall be secured by a fence with self-latching gate.

**§903.13 Fire and Emergency Medical Services**, subject to:

- A. The minimum lot area required shall be ten thousand (10,000) square feet.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.
- C. All fire and emergency medical service vehicles shall be stored in a completely enclosed building, as defined herein.
- D. Ingress and egress to and from the site shall be designed to minimize hazards for emergency vehicles entering the public street.
- E. The site shall be adequately marked to indicate points of exit for emergency vehicles onto the public street.
- F. Exterior security lighting shall be provided between dusk and dawn.
- G. Off-street parking shall be provided in accordance with the requirements of Article XI of this Chapter and shall be located so as not to obstruct the circulation of emergency vehicles into and out of the site.

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- H. If a fire service building includes a rental hall or banquet facilities, the following criteria shall be met:
1. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
  2. Off-street parking for the banquet facility or rental hall shall be provided in accordance with the requirements of §1102.4 for restaurants.
  3. Activities on the site and within the building shall comply with the noise standards specified in §1001.3 of this Chapter.
  4. If entertainment is presented, doors and windows shall remain closed during any entertainment involving a speaker system and/or amplification.
  5. All off-street parking areas that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "B", as described in §1002.1 of this Chapter.

**§903.14 Funeral Homes**, subject to:

- A. The minimum lot area shall be ten thousand (10,000) square feet.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.
- C. All off-street parking areas that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "B," as described in §1002.1 of this Chapter.
- D. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles without obstructing the free flow of traffic on adjoining streets.

**§903.15 Group Care Facility; Large Personal Care Boarding Home; and Transitional Dwelling**, subject to:

- A. The minimum area and bulk regulations for a Group Care Facility, Large Personal Care Boarding Home or Transitional Dwelling shall be the same as those required for "All Other Principal Uses" in the Zoning District in which the facility is located.
- B. No Group Care Facility, Large Personal Care Boarding Home or Transitional Dwelling shall be located within five hundred (500) feet of another existing or proposed Group Care Facility, Large Personal Care Boarding Home or Transitional Dwelling.
- C. Adequate provisions shall be made for access by emergency medical and firefighting vehicles.
- D. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

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- E. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- F. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a Certificate of Occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- G. If applicable, reasonable accommodations may be requested in accordance with the provisions of §903.23 of this Chapter.

**§903.16 Heavy Manufacturing, subject to:**

- A. All operations shall comply with the Performance Standards specified in Section 1001 of this Chapter.
- B. All materials and equipment shall be stored within a completely enclosed building, as defined herein, or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six (6) foot hedge or opaque fence.
- C. Storage trailers which are accessory to a principal structure or use shall be permitted on the site if they are screened in a fixed location and are not used for hauling and provided there is no display or sale of merchandise from the trailer and there is no office or other administrative use of the trailer.
- D. No shipping or receiving shall be permitted within three hundred (300) feet of property in an R-1 or R-2 District between the hours of 6:00 P.M. and 8:00 A.M.
- E. Parking and loading areas shall be suitably illuminated for night use and all lighting shall be shielded and reflected away from streets and any adjacent residential property.
- F. Watchman's facilities shall be permitted, if necessary for the security of the principal use, provided that such facilities shall not be utilized as a permanent dwelling unit.
- G. Adequate provisions shall be made for efficient traffic circulation on the site and for access by public safety and emergency vehicles.
- H. Off-street parking and loading facilities shall be provided in accordance with the requirements of Article XI of this Chapter.
- I. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

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**§903.17 High Technology Industries**, subject to:

- A. All operations shall comply with the Performance Standards specified in Section 1001 of this Chapter.
- B. Off-street parking and loading facilities shall be provided in accordance with the requirements of Article XI of this Chapter.
- C. All materials and equipment shall be stored within a completely enclosed building, as defined herein, or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six (6) foot hedge or opaque fence.
- D. No shipping or receiving shall be permitted within three hundred (300) feet of property in an R-1 or R-2 Zoning District between the hours of 6:00 P.M. and 8:00 A.M.
- E. Watchman's facilities shall be permitted, if necessary for the security of the principal use, provided that such facilities shall not be utilized as a permanent dwelling unit.
- F. Retail sales or distribution of manufactured products shall be permitted as an accessory use to the principal manufacturing use when conducted within a completely enclosed building; provided, that no more than fifteen percent (15%) of the gross floor area of all buildings is devoted to retail sales or distribution and additional off-street parking is provided based on the ratio required by §1102.4 of this Chapter for retail sales and/or distribution.
- G. Buffer Area "B," as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

**§903.18 Home Occupations**, subject to:

- A. The home occupation shall be carried on by a member of the family residing in the dwelling unit.
- B. No person other than residents of the dwelling or members of the immediate family shall be employed.
- C. No more than fifteen percent (15%) of the gross floor area of the principal dwelling shall be devoted to the conduct of the home occupation.
- D. A home occupation shall not be permitted to be conducted in any accessory structure.
- E. The use shall not create any additional environmental impacts than those impacts normally resulting from residential use.
- F. The use shall comply with the Performance Standards specified in Section 1001 of this Chapter.

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- G. The use shall not cause an increase in the use of water, sewage, electricity, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- H. The use shall not require internal or external alterations or construction features that are not customary to a dwelling or that change the fire rating of the structure.
- I. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- J. There shall be no storage of materials or equipment outside a completely enclosed building, as defined herein.
- K. The conduct of any home occupation, including, but not limited to, the storage of goods or equipment, shall not reduce or render unusable areas required for enclosed parking for the dwelling unit.
- L. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- M. Any need for parking generated by the conduct of the home occupation shall be met off the street and on the lot other than in a required front yard.
- N. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.
- O. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for off-site delivery only.
- P. The home occupation shall not involve the use of advertising signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
- Q. The following are examples of permitted home occupations, provided all of the foregoing criteria are met:
  - 1. Artist, photographer or handicrafts studio;
  - 2. Catering off the premises;
  - 3. Contracting business, as defined herein, excluding landscaping contractor;
  - 4. Computer programmer, data processor, writer;
  - 5. Consultant, clergy, counselor, bookkeeping, graphics or drafting services;

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6. Dressmaker, tailor;
  7. Professional offices that involve routine visitation by customers or clients;
  8. Housekeeping or custodial services;
  9. Interior designer;
  10. Jewelry and/or watch repair, not including wholesale or retail sales;
  11. Locksmith;
  12. Mail order business;
  13. Manufacturer's representative;
  14. Telemarketing;
  15. Travel agent;
  16. Tutoring or any other instruction to no more than five (5) students at any one time;
  17. Word processing, typing, secretarial services.
- R. The following uses shall not be considered home occupations and shall be limited to the Zoning Districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception, including, but not limited to:
1. Beauty Shop or Barber Shop;
  2. Bed and Breakfast;
  3. Clinics, Hospitals, Nursing Homes;
  4. Contractor's Yard;
  5. Equipment rental, sales or service;
  6. Funeral Homes;
  7. Group Care Facility, Personal Care Boarding Home or Transitional Dwelling;
  8. Kennels;
  9. Landscaping Contractor;
  10. Private Clubs;
  11. Tutoring or any other instruction to more than five (5) students at a time;

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12. Restaurants or tea rooms;
  13. Retail or wholesale sales; flea markets;
  14. Sale of guns, firearms and ammunition;
  15. Tanning or massage salon;
  16. Vehicle accessories sales and installation;
  17. Vehicle rental, sales and service;
  18. Vehicle repair garages;
  19. Veterinary clinic.
- S. The acceptability of any proposed home occupation not specifically listed above shall be determined by Borough Council in accordance with the standards of this §903.21 and the applicable criteria for Comparable Uses Not Specifically Listed in §903.8.

**§903.19 Hospitals; Medical Clinics; Nursing Homes, subject to:**

- A. The minimum lot area required for a hospital shall be one (1) acre. The minimum lot area required for a medical clinic or nursing home shall be twenty thousand (20,000) square feet.
- B. The site shall have direct access to an arterial or collector road, as defined by this Chapter.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles and to minimize impact on local streets.
- D. All hospitals and nursing homes shall be licensed by the Commonwealth.
- E. The required front and rear yards shall be thirty (30) feet each; the required side yards shall be ten (10) feet each.
- F. The maximum height of the structure shall be forty-five (45) feet.
- G. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.
- H. Nursing homes shall not be considered dwellings and shall not be governed by the dwelling unit density requirements of the District in which they are located.
- I. For a hospital, all property lines that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "A," as described in §1002.1 of this Chapter.

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- J. For a nursing home, all property lines that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "B," as described in §1002.1 of this Chapter.
- K. All outdoor lighting shall be shielded away from streets and residential property.
- L. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U. S. Environmental Protection Agency (EPA).

**§903.20 Housing Requiring Accommodations, subject to:**

- A. Persons having a claim for a reasonable accommodation under the Fair Housing Act or Americans with disabilities Act shall submit a written request including, at a minimum, the following information:
  - 1. The name and address of the applicant; the name and address of the property for which the accommodation is sought;
  - 2. Specific citation of the provision of this Chapter from which the reasonable accommodation is requested;
  - 3. The specific description of the reasonable accommodation sought and the particulars, including exact dimensions of any proposed structural location or distance or other locational accommodation;
  - 4. The age, handicap, physical or mental condition of the applicant for which the reasonable accommodation is sought;
  - 5. A description of the hardship, if any, that the applicant will incur absent granting of the reasonable accommodation requested;
  - 6. A description of the alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why the applicant has rejected such alternatives;
  - 7. A statement describing why the requested accommodation is necessary to afford the applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the property in question;
  - 8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons; and
  - 9. A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar to that sought by the applicant.

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- B. In evaluating the request for reasonable accommodation, Borough Council, with the advice of the Borough Solicitor, shall consider the following:
1. Whether the applicant is handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act;
  2. The degree to which the accommodation sought is related to the handicap or disability of the applicant;
  3. The extent to which the requested accommodation is necessary to afford the applicant an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the property in question;
  4. The extent to which the proposed accommodation may impact other property owners in the immediate vicinity;
  5. The extent to which the requested accommodation may be consistent with or contrary to the purposes of this Chapter, the Borough's Comprehensive Plan and the Community Development Objectives of this Chapter;
  6. The extent to which the requested accommodation would impose financial and administrative burdens on the Borough;
  7. The extent to which the requested accommodation would result in a subsidy, privilege or benefit not available to non-handicapped or non-disabled persons;
  8. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the property in question; and
  9. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by the applicant.

**§903.21 Junk Yard; Salvage Yard, subject to:**

- A. The minimum site required shall be ten (10) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- C. No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.
- D. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency. Any

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suspension, revocation or violation of the PA DEP permits shall be a violation of this Chapter and shall be subject to the enforcement provisions of Section 1501 of this Chapter.

- E. The manner of storage shall facilitate access for firefighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- F. The junk yard operation shall comply with the Performance Standards of Section 1001 of this Chapter.
- G. No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any dwelling or within forty (40) feet of any property line or public street.
- H. The premises shall be enclosed by a stockade fence with self-latching gate not less than six (6) feet in height.
- I. Buffer Area "A," as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District or any property that contains an existing single family or two family dwelling. The required fence shall be located inside the Buffer Area.
- J. The operator shall obtain a license from the Borough prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of Borough Council and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

**§903.22 Kennel, subject to:**

- A. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Ordinance.
- B. The minimum lot area shall be two (2) acres.
- C. Outdoor animal runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- E. The kennel shall be licensed by the Commonwealth or Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth or Pennsylvania and the Allegheny County Health Department shall be maintained.

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- F. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- G. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

**§903.23 Light Manufacturing, subject to:**

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance.
- C. The storage of manufacture of hazardous or potentially hazardous materials shall not be permitted.
- D. Any outdoor storage conducted on the lot shall comply with the Borough standards.
- E. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light, or other disturbance or interruption.
- F. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- G. The use shall not occur on a building first floor (street level) located between Bower Hill Road and James Street.

**§903.24 Medical Clinic, subject to:**

- A. Facilities and equipment to support overnight boarding shall not be permitted.
- B. Access for emergency response shall be clearly distinguished and provided so that no parking or circulation of visitor or employee traffic blocks such access.

**§903.25 Mini-Warehouses or Self Storage Facilities, subject to:**

- A. All storage shall be within a completely enclosed building, as defined herein.
- B. The minimum distance between separate freestanding storage buildings shall be twenty (20) feet.
- C. No door openings accessing storage units shall face property in an adjacent R-1 or R-2 District.

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- D. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.
- E. The perimeter of the site shall be fenced with a minimum eight (8) foot high fence with self-latching gate. If a Buffer Area is required by Subparagraph "d" above, the fence shall be located so that the required Buffer Area plantings are between the property line and the fence.
- F. The use of a mini-warehouse or self-storage facility shall be limited to dead storage of goods not in active use. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited, including propane or gasoline engine or storage tanks or any boat or vehicle incorporating such components.
- G. Examples of activities prohibited in a mini-warehouse or self-storage facility include, but are not limited to, the following:
  - 1. Any residential use, whatsoever.
  - 2. Auctions, commercial, wholesale or retail sales, or miscellaneous or garage sales.
  - 3. The servicing, repair or fabrication of engines, motor vehicles, boats, trailers, lawn mowers, appliances, furniture or other similar equipment.
  - 4. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
  - 5. The establishment of a transfer and storage business.
  - 6. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

**§903.26 Multi-family Dwellings, subject to:**

- A. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property containing an existing single family or two family dwelling.
- B. Each apartment building shall provide a central room for garbage collection or incineration.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impact on local streets. All sides of residential buildings shall be accessible to fire trucks.
- D. All portions of the property not covered by buildings, driveways, parking, pools, shelters, gazebos or other paved areas shall be suitably landscaped with grass, ground cover and decorative shrubs or trees.

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- E. The design and orientation of the buildings on the property shall take into account compatibility with the visual impact on adjoining single family residential properties, if any exist. The building and the property shall be effectively landscaped to minimize such impacts on adjoining residential properties.
- F. On lots containing more than fifty (50) dwelling units, indoor or outdoor recreational facilities appropriate to the needs of the prospective residents shall be provided subject to approval by Borough Council.

**§903.27 Nursing Home, subject to:**

- A. The use and operation of the use shall be accredited by the Commonwealth.
- B. The use shall be the sole occupant of the lot.
- C. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- D. Parking areas shall be screened from view of neighborhood houses or those directly across the street from the lot.
- E. Buildings shall be set back from one another and residential occupancy shall be in conformance with this Ordinance.

**§903.28 Off-site Parking, subject to:**

- A. The applicant shall demonstrate that all, or part, of the parking required for a proposed use or the expansion of an existing use cannot be met on the site of the use it is intended to serve.
- B. Off-site parking shall be located within one thousand (1,000) feet of the use it is intended to serve.
- C. If metered on-street parking spaces are located within one thousand (1,000) feet of the existing or proposed use, these on-street spaces may be used to satisfy twenty percent (20%) of the total number of off-site parking spaces required.
- D. Evidence shall be provided that the owner of the site where the use is located has ownership and control of the site proposed for off-site parking or has executed a long term lease or other acceptable legal agreement to guarantee the maintenance and continued use of the off-site parking. Any covenant executed to guarantee the maintenance of off-site parking shall be recorded in the office of the Allegheny County Recorder of Deeds.
- E. In the event that off-site parking is proposed in a Bridgeville Parking Authority parking lot, an agreement with the Authority shall be presented that indicates the number of spaces, the terms of the lease and a guarantee of annual renewal. Failure to maintain

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the agreement or provide alternate off-site spaces shall be a violation of this Chapter and shall be subject to the enforcement provisions of Section 1501.

- F. If there is any on-site parking available for the use it shall be reserved for customers and visitors. Employee parking shall be located in the off-site parking area and shall not be permitted on-site.
- G. The applicant shall demonstrate that safe pedestrian access exists between the off-site parking area and the use it is intended to serve.
- H. In the event that the site on which the use is located is sold, the site utilized for off-site parking shall be conveyed to the new owner and/or any lease or other legal agreement for the off-site parking shall be assigned to the new owner.
- I. Off-site parking shall be located at least twenty (20) feet from the interior edge of the sidewalk along Washington Avenue and may be located behind an existing building that fronts on Washington Avenue.
- J. If off-site parking is located on vacant property that fronts on Washington Avenue, access to the parking shall be from an alley or street, other than Washington Avenue, and a continuous wall or landscaped buffer at least six (6) feet in height, shall be provided along the frontage of the lot at the same setback as the existing buildings on either side of the lot containing the parking area.
- K. All off-street parking areas that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "B" as described in §1002.1 of this Chapter.

**§903.29 Pet Crematorium, subject to:**

- A. Operations shall comply with the Performance Standards of Section 1001.
- B. The use shall comply with all applicable regulations of the Commonwealth of Pennsylvania.
- C. The use shall conform to the Air Quality regulations of the Allegheny County Health Department.

**§903.30 Personal Care Boarding Home, subject to:**

- A. The minimum area and bulk regulations for a Group Care Facility or Personal Care Boarding Home shall be the same as those required for all uses in the Zoning District in which the facility is located.
- B. A Group Care Facility or Personal Care Boarding Home shall have direct vehicular access to an arterial or collector road as defined by this Ordinance.

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- C. No Group Care Facility or Personal Care Boarding Home shall be established within one thousand (1,000) feet of another Group Care Facility or Personal Care Boarding Home.
- D. A twelve (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- E. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- F. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.
- G. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Borough Zoning Officer in January of each year.

**§903.31 Planned Business Development, subject to:**

- A. The minimum site area required shall be five (5) acres.
- B. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the zoning district in which the Planned Business Development is located shall be permitted in the Planned Business Development.
- C. The procedure for approval of a planned business development shall comply with the requirements of Article VII of the Pennsylvania Municipalities Planning Code.
- D. In approving a planned business development, Borough Council may authorize modification to any of the requirements of this Chapter, except the authorized uses in the District, if, in their judgment, the modification would make for a more attractive, efficient and harmonious development and would constitute a more beneficial use of the site.
- E. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.
- F. If modifications to the side or rear yard requirements are granted along property lines adjoining property in an R-1 or R-2 Zoning District, Borough Council shall require an appropriate increase in the required depth of the Buffer Area.
- G. Off-street parking and loading shall be provided in accordance with the requirements of Article XI of this Chapter.

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- H. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.

**§903.32 Private Recreation**, subject to:

- A. A minimum lot area of five (5) acres shall be required.
- B. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply in addition to the parking requirements for the recreational use.
- C. Facilities which include a swimming pool shall provide a complete enclosure of the pool and bathing area by a wall or fence with self-latching gate to prevent uncontrolled access. The area immediately outside the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and shall be maintained in good condition.
- D. Operations shall be discontinued between the hours of 2:00 A.M. and 6:00 A.M.
- E. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided where off-street parking areas or intensively used facilities such as ballfields, tennis courts, shelters and the like are proposed adjacent to any property line that adjoins property in an R-1 or R-2 District. Open space and passive recreation areas, as well as undeveloped portions of the property held for future development, shall not be required to be buffered from property that adjoins an R-1 or R-2 District.
- F. The operation of the facility shall comply with the Performance Standards of Section 1001 of this Chapter.
- G. All lighting shall be shielded and reflected away from adjoining streets and properties.

**§903.33 Public Buildings**, subject to:

- A. Ingress and egress to and from the site shall be designed to maximize sight distance along the adjacent public streets and enhance safety for vehicles entering and exiting the property.
- B. Municipal maintenance facilities and public safety buildings shall be located so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- C. All buildings intended for public occupancy shall be designed to provide convenient access for emergency vehicles, as well as access to all sides of the building for firefighting equipment.
- D. All outside storage, including trash dumpsters, shall be completely enclosed by a six (6) foot high dense evergreen hedge or solid fence.

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- E. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

**§903.34 Public and Semi-Public Swimming Pools, subject to:**

- A. Public and semi-public swimming pools shall include any non-commercial swimming pool operated by a public or semi-public agency, including community clubs and homeowners' associations.
- B. Public pools shall be open to the general public and semi-public pools shall be limited to use by members and their invited guests.
- C. All public and semi-public pools shall have permanent vehicular access to a public street.
- D. The construction of all such pools shall comply with all applicable State requirements.
- E. The pool and bathing area shall be completely enclosed by a wall or fence at least six (6) feet in height subject to §1003.3c of this Chapter to prevent uncontrolled access. The area immediately outside the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and shall be maintained in good condition.

**§903.35 Public Utility Building or Structure, subject to:**

- A. Maintenance vehicles and materials shall be stored within a completely enclosed building, as defined herein.
- B. Uses involving distribution equipment which is not enclosed by a building shall be secured by a fence at least six (6) feet in height with a self-latching gate and shall be screened from public view by a hedge or opaque fence. Fences shall be subject to the requirements of §1003.3c of this Chapter.
- C. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.
- D. All lights shall be shielded and reflected away from adjoining property.

**§903.36 Research and Development, subject to:**

- A. The use shall comply with all other applicable area and bulk regulations of the District in which it is to be located.
- B. The facility shall not involve the manufacturing of any products being tested or engineered.

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- C. Off-street parking and loading shall be provided in accordance with the requirements of Article XI of this Chapter.
- D. All research and development activities shall be conducted entirely within a completely enclosed building, as defined herein.
- E. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.
- F. All uses shall comply with the Performance Standards specified in Section 1001 of this Chapter.
- G. Research and development activities shall not involve the use or generation of hazardous or potentially hazardous materials.

**§903.37 Shared Parking, subject to:**

- A. Shared parking located on the same site with the uses it serves may be authorized for two (2) or more uses in accordance with this §903.39.
- B. If shared parking for two (2) or more uses is proposed to be located offsite, the requirements of §903.30 shall be met in addition to the requirements of this §903.39.
- C. Subsequent changes in use that affect the parking required for one (1) or more of the uses approved for shared parking shall require an application for a new Certificate of Occupancy, including proof that sufficient parking will still be available. If the new use creates a demand for more parking than is provided under the shared parking scheme, the Certificate of Occupancy shall not be issued until additional parking is provided or an application for shared parking utilizing the parking demand for the new use is approved. This provision shall be made a condition of the Certificate of Occupancy that is issued following approval of the conditional use.
- D. The applicant shall prepare a parking demand study based on the requirements of this §903.39.
- E. The required parking for uses that propose shared parking shall be computed as follows:
  - 1. Determine the minimum amount of parking required for each land use as though it were a separate use.
  - 2. Using the Table below, determine the number of spaces needed by each use for each of the four (4) time periods by multiplying the parking required for each use by the corresponding percentage of use for that time period.
  - 3. Calculate the total number of spaces needed for all uses for each time period.

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4. The time period with the highest number of parking spaces required for the sum of all uses shall be the total number of shared parking spaces required.
- F. To apply for approval of shared parking, a table shall be submitted showing the breakdown of the gross floor area devoted to each of the five (5) land use categories shown in the Table below.
- G. Uses that do not fit into any of the categories shown in the Table below shall not be eligible to use this shared parking provision.
- H. The total amount of required parking shall be tabulated by use and time period.
- I. The time period requiring the highest number of parking spaces shall be selected as the basis for the shared parking requirement.
- J. All off-street parking areas that adjoin property in an R-1 or R-2 District shall be screened by Buffer Area "B", as described in §1002.1 of this Chapter.

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<b>TABLE: CALCULATING SHARED PARKING REQUIREMENTS</b>				
<b>USE</b>	<b>WEEKDAY</b>		<b>WEEKEND</b>	
	<b>DAYTIME</b>	<b>EVENING</b>	<b>DAYTIME</b>	<b>EVENING</b>
Office/Industrial	100%	10%	10%	5%
Retail	60%	90%	100%	70%
Hotel	75%	100%	75%	100%
Restaurant	75%	100%	100%	100%
Entertainment/Recreational	40%	100%	80%	100%

**§903.38 Temporary Use or Structure other than a Construction Trailer, subject to:**

- A. A transient merchant license, if required by Borough Ordinance, shall be obtained.
- B. The proposed temporary use or structure shall be limited to those uses or structures otherwise authorized in the Zoning District.
- C. In the "M" District, preparation and/or serving of food in an outdoor setting shall be permitted only if all of the following requirements are met.
  - 1. The preparation and serving of food that is part of a special event sponsored by a non-profit organization that does not exceed thirty (30) days in duration or a special event sponsored by any other business or organization that does not exceed seventy-two (72) consecutive hours in duration shall be exempt from the requirement to obtain approval of a use by special exception under this Section; however, a Certificate of Occupancy shall be obtained from the Borough Zoning Officer subject to the applicant demonstrating compliance with the standards and criteria of this §903.40.
  - 2. Evidence of an approved permit from the Allegheny County Health Department or its successor agency.
  - 3. Evidence of necessary approvals from the Pennsylvania Liquor Control Board (PA LCB), if the establishment is licensed.
  - 4. The preparation and serving of food shall be permitted on the site of an existing business and may be permitted on a vacant lot provided the following requirements are met:
    - a. Written permission is presented from the landowner;

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- b. Adequate sanitary facilities are provided for the public;
  - c. Adequate access for pedestrians and vehicles is provided; and
  - d. Adequate parking is available either on the site, on the adjacent street or in a public parking lot located within five hundred (500) feet of the site.
5. The area used for preparing and serving the food shall not obstruct any sidewalk or public right-of-way nor shall it obstruct the free flow of pedestrian or vehicular traffic on the site or adjoining the site. On any sidewalk, there shall be maintained a minimum of five (5) feet unobstructed width for the passage of pedestrians and in the case where there is parallel parking permitted along such sidewalk, a minimum of four (4) feet adjacent to the curb to permit the discharging of passengers shall be provided. These required unobstructed areas on the sidewalk may be combined into one (1) area at least five (5) feet wide along the curb.
  6. No noise or odor shall emanate from such outdoor area where food is prepared and/or served that adversely affects any adjoining property in an R-1 or R-2 District within three hundred (300) feet of the outdoor area.
  7. The area used for preparing and serving food shall not utilize designated parking spaces on the site nor shall it encroach on any required Buffer Areas.
  8. The activity shall comply with all applicable Borough Codes and Ordinances.
  9. The site intended to be used for the preparation and/or serving of food shall provide temporary or permanent restroom facilities available to the public, unless the existing business on the site has restroom facilities that will be available to the public visiting the temporary use.
  10. Tables and chairs shall be adequately secured or stored inside when not in use to eliminate the possibility of wind or theft hazards.
  11. Seating areas on a sidewalk shall not be enclosed or demarcated by any railing, fence, bollards, planters or similar structures, either temporarily or permanently, that would further obstruct the sidewalk.
  12. The owner of the existing business or the operator of the temporary use involving the preparation and/or serving of food in an outdoor setting shall provide the Borough with a Certificate of Insurance, in an amount at least equal to two million dollars (\$2,000,000) per occurrence and three million dollars (\$3,000,000) aggregate, indemnifying the Borough against any liability resulting from such use.
- D. Approval of temporary uses or structures shall be granted for a specific time period not to exceed six (6) months. If the Zoning Hearing Board determines that the need for the proposed use will occur on an annual basis, the Board may authorize the Zoning Officer to issue the Temporary Use Permit on an annual basis subject to continued compliance with these criteria and any conditions attached to approval of the use by special exception.

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- E. All temporary uses or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved. Temporary uses or structures that are authorized only for the duration of a particular event shall be removed within forty-eight (48) hours after the completion of the event.
- F. All temporary uses or structures that are proposed to be accessible to the public shall provide off-street parking in accordance with the requirements of §1102.4 for the proposed use.
- G. Vehicular access for all temporary uses or structures that are proposed to be accessible to the public shall be designed to minimize congestion on the lot and not impede the free flow of traffic for any other permanent use or structure on the lot.
- H. All temporary uses or structures proposed to be used as principal uses or structures shall comply with all area and bulk regulations for principal structures in the Zoning District in which they are located.
- I. All temporary uses or structures that are proposed to be used as accessory uses or structures shall comply with all area and bulk regulations for accessory structures in the Zoning District in which they are located.
- J. Temporary uses or structures that are authorized as principal uses or structures and that are accessible to the public shall provide sanitary facilities, unless such facilities already exist on the lot.

**§903.39 Truck and Heavy Equipment Rental, Sales and Service, subject to:**

- A. The minimum site required shall be two (2) acres.
- B. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.
- C. No vehicle shall be displayed or offered for sale that does not have all of the mechanical and body components necessary for its safe and lawful operation.
- D. A permanent structure for office administration, sales, rental and/or servicing shall be provided.
- E. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

**§903.40 Vehicle Rental, Sales and Service, subject to:**

- A. The minimum lot area required for vehicle rental, sales and service shall be one (1) acre.

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- B. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Chapter.
- C. The area used for display of merchandise offered for sale and the area used for parking of customer and employee vehicles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of equivalent or superior character as approved by the Borough Engineer.
- D. The handling and disposal of motor oil, battery acid and any other substances regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the Pennsylvania Department of Environmental Protection (PA DEP) permits shall be a violation of this Chapter and shall be subject to the enforcement provisions of Section 1501 of this Chapter.
- E. All lots used for the outdoor display of vehicles shall have a completely enclosed building, as defined herein, on the same lot which lot has not less than one thousand four hundred (1,400) square feet of gross floor area where all repair, servicing, sales and customer car washing shall be performed.
- F. No vehicle or other merchandise displayed outdoors shall be less than five (5) feet from any property line. No vehicle shall be parked on adjacent property or in any public street right-of-way.
- G. All lights and light poles shall be located and erected in such a fashion that the closest edge of such structure or equipment shall not be less than ten (10) feet from the nearest edge of the street right-of-way line and all lights and illumination shall be directed into the sales area and away from adjoining streets and adjacent lots. The maximum illumination in the display and sales area shall be two (2) footcandles. The maximum spillover lighting at the property line adjoining any property in an R-1 or R-2 District shall be 0.2 footcandle.
- H. The only exterior displays shall be the signs authorized by Article XII of this Chapter.
- I. All required off-street parking spaces shall be reserved exclusively for the parking of customer and employee vehicles and shall not be used for the display of merchandise.
- J. Customer vehicles with external damage awaiting repairs shall be located either in a completely enclosed building, as defined herein, or in an outdoor storage area that is screened in such a fashion so that the vehicles will not be visible from the public street or adjacent residential property.
- K. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

ARTICLE IX

EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND  
USES BY SPECIAL EXCEPTION

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**§903.41 Vehicle Repair Garage**, subject to:

- A. The minimum site required shall be twelve thousand (12,000) square feet. The minimum lot width shall be one hundred twenty (120) feet.
- B. Such use shall be located no closer than one hundred (100) feet of any property located in an R-1 or R-2 District.
- C. There shall be no storage of dismantled vehicles outside of a building.
- D. All repair work shall be performed within a completely enclosed building, as defined herein, that has adequate ventilation and fire protection.
- E. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- F. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- G. Storage, handling and disposal of hazardous materials, as defined by Federal or State statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- H. Storage of parts, dismantled vehicles and vehicles or equipment awaiting repair shall be kept in an enclosed building or in an outdoor area that is screened by a six (6) foot high hedge or opaque fence.
- I. Buffer Area "A", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

**§903.42 Warehouses; Wholesale Distributors**, subject to:

- A. Ingress, egress and internal traffic circulation shall be designed to ensure safety and to minimize congestion and the impact on local streets.
- B. Off-street parking and loading shall be provided in accordance with Article XI of this Chapter.
- C. All materials and equipment shall be stored within a completely enclosed building, as defined herein, or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six (6) foot high dense, compact evergreen hedge or opaque fence.
- D. No shipping or receiving shall be permitted within three hundred (300) feet of the property in an R-1 or R-2 District between the hours of 7:00 P.M. and 7:00 A.M.

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EXPRESS STANDARDS AND CRITERIA FOR GRANTING CONDITIONAL USES AND  
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- E. The operations shall comply with the Performance Standards specified in Section 1001 of this Chapter.
- F. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

**§903.43 Wholesale Business**, subject to:

- A. All materials and equipment shall be stored within a completely enclosed building, as defined herein, or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent residential properties by a six (6) foot high hedge or opaque fence.
- B. No shipping or receiving shall be permitted within three hundred (300) feet of property in an R-1 or R-2 District between the hours of 7:00 P.M. and 7:00 A.M.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion and the impact on local streets.
- D. Off-street parking and loading shall be provided in accordance with the requirements of Article XI of this Chapter.
- E. Buffer Area "B", as described in §1002.1 of this Chapter shall be provided along all property lines that adjoin property in an R-1 or R-2 District.

**ARTICLE X**  
**SUPPLEMENTAL REGULATIONS**

**§1000 APPLICABILITY**

The supplemental regulations in this Article supplement the requirements of Articles IV through VIII governing each Zoning District and shall apply to all uses in all Zoning Districts.

**§1001 PERFORMANCE STANDARDS**

All permitted uses, conditional uses and uses by special exception in all Districts shall comply with the requirements of this Section. The method of determining compliance at the time of application and continuing compliance by an established use shall be subject to §1001.10 and §1001.11.

**§1001.1 Fire Protection**

Fire prevention and fire fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

**§1001.2 Electrical Disturbance**

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

**§1001.3 Noise**

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

- A. Conservation and Residential Districts: At no point beyond the boundary of any lot within the C, R-1 or R-2 Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty (60) dBA for more than four (4) hours during any twenty-four (24) hour equivalent period.
- B. Commercial Districts: At no point on or beyond the boundary of any lot within any "M" District shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of sixty-five (65) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.
- C. Industrial District: At no point on or beyond the boundary of any lot within any "I" District shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of seventy-five (75) dBA for more than eight (8) hours during a twenty-four (24) hour equivalent period.

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- D. Where two (2) or more Zoning Districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
- E. The following uses or activities shall be exempted from the noise regulations:
1. Noises emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m.;
  2. Noises caused by safety signals, warning devices and other emergency-related activities or uses;
  3. Noises emanating from public or private recreational uses between 7:00 a.m. and 11:00 p.m.
- F. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable County, State and Federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.

**§1001.4 Vibrations**

Vibrations detectable without instruments on neighboring property in any Zoning District shall be prohibited.

**§1001.5 Odors**

No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

**§1001.6 Smoke, Ash, Dust, Fumes, Vapors and Gases**

Smoke which is of a shade equal to or darker than No. 3 on the Standard Ringlemann Chart issued by the United States Bureau of Mines shall not be emitted by industrial or commercial uses for longer than eight (8) minutes in any hour.

No pollution of air by flash, dust, smoke, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

**§1001.7 Glare**

All lighting devices shall be designed with shields, reflectors or refractor panels that direct and cut off light at a cut-off angle that is less than sixty degrees (60°). (See illustration of cut-off angle in Appendix B.) In no case shall there be spillover lighting on any adjacent residential property in excess of 0.2 footcandle.

**§1001.8 Erosion**

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

**§1001.9 Water Pollution**

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

**§1001.10 Determination of Compliance with Performance Standards**

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

**§1001.11 Continuing Enforcement**

The Zoning Officer shall investigate any purported violation of the Performance Standards by any use or activity established after the effective date of this Chapter and, subject to the approval of Borough Council, may employ qualified technical experts to assist in the determination of a violation. Costs of the services of such experts shall be paid by the owner or operator of the facility or use accused of the violation if the facility or use is found to be in violation. If the facility or use is found to be in compliance with the Performance Standards, said costs shall be borne by the Borough.

If the facility or use is found to be in violation, the owner or operator shall be given written notice of violation in accordance with Section 1501 of this Chapter and a reasonable length of time to correct the violation. Failure to correct the violation shall be subject to the penalty provisions of this Chapter and shall result in the revocation of the Certificate of Occupancy for the facility or use.

**§1002 BUFFER AREAS AND LANDSCAPING**

**§1002.1 Buffer Areas Described**

Buffer Areas, as described by this Chapter and required by §1002.2, shall meet all of the following criteria. (See Appendix C for illustrations of Buffer Areas.)

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- A. Buffer Area "A" shall contain one (1) row of plantings that shall consist of a mixture of thirty percent (30%) deciduous and seventy percent (70%) evergreen trees spaced within the row a minimum of fifteen (15) feet apart, measured from the vertical centerlines of adjacent trees. The depth of Buffer Area "A" shall be ten (10) feet as measured from the property line.
- B. Buffer Area "B" shall be comprised of a continuous, compact evergreen hedge that is a minimum of six (6) feet in height at the time of planting or a line of evergreen trees that will grow together when mature. The depth of Buffer Area "B" shall be four (4) feet as measured from the property line.
- C. None of the required plantings shall encroach across any property line. All plantings shall be located so that, at maturity, all parts of the tree shall be a minimum of two and one-half (2½) feet from any public street right-of-way or any property line that constitutes the exterior boundary of the Buffer Area.
- D. In the event that existing vegetation and/or existing topography provides screening that is adequate to meet the intent of the required Buffer Area to screen the buildings, activities and parking areas from adjoining residential properties, Borough Council, upon recommendation by the Planning Commission, may determine that the existing topography and/or vegetation constitutes all or part of the required Buffer Area. If such a determination is made, the applicant may be required to record a conservation easement of the depth specified by Borough Council to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved Buffer Area.
- E. In the event that a public street right-of-way, dedicated and accepted by the Borough separates the two (2) dissimilar uses specified, the Buffer Area shall not be required.
- F. Openings for driveways or pedestrian walkways shall be permitted to cross a required Buffer Area. Plantings in required Buffer Areas shall be located so as to not obstruct visibility for traffic entering or leaving the site and shall be subject to the clear sight triangle requirements of §1003.4 of this Chapter.
- G. No structures or uses shall be permitted in the required Buffer Area, other than fences, active or passive recreation facilities and stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the Buffer Area and provided all plantings are located outside any stormwater management structure. Structures or uses not permitted within the required Buffer Area include, but are not limited to: buildings, accessory structures, parking spaces, access drives and lighting devices.

**§1002.2 Buffer Areas Required**

Buffer Areas "A" and "B" listed in §1002.1 above shall be required under the following circumstances:

- A. Buffer Area "A"

Buffer Area "A" shall be required:

1. Along all property lines where any development in the "I" District adjoins property in an R-1 or R-2 District.
2. Where the express standards and criteria for a conditional use or use by special exception in Section 903 of this Chapter specify that Buffer Area "A" is required.

B. Buffer Area "B"

Buffer Area "B" shall be required:

1. Along all property lines where any development in the "M" District adjoins property in an R-1 or R-2 District.
2. Along all property lines where the expansion of a legal nonconforming use in any C, R-1 or R-2 District adjoins property in a C, R-1 or R-2 District.
3. Where the express standards and criteria for a conditional use or use by special exception in Section 903 of this Chapter specify that Buffer Area "B" is required.
4. On developed nonresidential properties in the "M" or "I" District where existing conditions such as building location and existing paving of the parking lot make it impossible to meet the requirements for Buffer Area "A" along a property line that adjoins property in the C, R-1 or R-2 District.

**§1002.3 Conflict Between Buffer Area and Yard Requirements**

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

**§1002.4 Existing Structures in Buffer Areas**

In instances where an existing structure is located within any required Buffer Area, the Buffer Area may be reduced, provided the Buffer Area is not less than the minimum distance between the existing structure and the property line. This reduced Buffer Area width shall apply only to the side of the existing structure that encroaches on the required Buffer Area. The required Buffer Area, as determined by §1002.2, shall apply on all other sides of the existing structure.

**§1002.5 Existing Trees in Buffer Areas**

Where trees already exist within the required Buffer Area, these trees may be counted towards the specified plantings in the required Buffer Area.

**§1002.6 Size of Trees in Required Buffer Areas**

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All existing and proposed trees within the Buffer Area shall be a minimum of two (2) inches in diameter at a point one (1) foot above the ground measured along the trunk of the tree. Proposed trees shall be planted in accordance with accepted conservation practices. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree. All existing and proposed trees shall be separated by a distance no greater than the distance specified for the required Buffer Area in §1002.1 of this Chapter.

**§1002.7 Responsibility for Maintenance**

It shall be the responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes. The landowner shall record a restrictive covenant on the land guaranteeing perpetual maintenance and preservation of the required Buffer Area. Upon inspection by the Borough and issuance of an Enforcement Notice in accordance with §1501 of this Chapter, the landowner or lessee shall replace required landscaping materials with like type and size if the required plant materials do not survive for any reason at any time after occupancy of the property.

**§1002.8 Posting of Bond for Landscaping**

A maintenance bond in the form of cash, certified check or letter of credit shall be posted with the Borough in the amount of fifteen percent (15%) of the total cost of landscaping shown on the approved landscaping plan for a period of eighteen (18) months from the date of installation of the landscaping materials. The maintenance bond shall guarantee replacement of the required landscaping materials during the term of the bond.

**§1003 SPECIAL YARD REQUIREMENTS**

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

**§1003.1 Corner Lots**

Corner lots shall provide front yards on each street frontage. The remaining two (2) yards shall constitute side yards.

**§1003.2 Nonconforming Lots of Record**

See Section 1303 of this Chapter.

**§1003.3 Accessory Structures**

Accessory structures shall be permitted in all Zoning Districts provided that the structures and use thereof meet all the zoning requirements applicable to accessory structures in the District in which they are located.

In all Zoning Districts the following regulations shall apply to accessory structures:

**A. Private Swimming Pools**

A swimming pool, as defined herein, whether above-ground or in-ground accessory to a single family dwelling may be located within the required rear yard, provided an above-ground swimming pool shall be located at least five (5) feet from any rear or side property line and an inground pool shall be located at least ten (10) feet from the rear property line and eight (8) feet from the side property lines. Except for the buildings, equipment, and appurtenances incidental to the pool, a private residential swimming pool shall be enclosed by a non-conducting fence or other enclosure at least four (4) feet in height which can be locked to prevent accidental or unauthorized entry.

In the case of an above-ground pool, when any point on the top circumference of the pool is less than four (4) feet above the adjacent ground level, the entire pool shall be enclosed by a continuous fence or wall not less than four (4) feet in height with a self-closing, self-latching gate. Any above-ground pool that is at least four (4) feet above the adjacent ground level around the entire top circumference of the pool shall not be required to be fenced, provided the pool has a retractable ladder or steps that are kept retracted when the pool is not in use.

**B. Private Sports Courts Accessory to a Dwelling**

Sports courts accessory to a dwelling shall be located only in a rear yard and shall be no closer to the side or rear property line than ten (10) feet. Lighting of the sports court shall not be permitted. All sports courts shall be enclosed by a fence that is a minimum of eight (8) feet in height and a maximum of ten (10) feet in height and that shall contain openings equal to seventy-five percent (75%) or more of the surface area of the fence. The area of the sports court shall not exceed fifty percent (50%) of the total area of the lot defined by the side lot lines, rear lot line and rear wall of the dwelling.

**C. Fences, Walls, Hedges and Railings**

Fences, walls, hedges and railings may be provided if the following conditions are met:

1. Adequate gates and entries not less than three (3) feet in width shall be provided to ensure safe access to all structures.
2. No fence, wall, hedge or railing in any front yard shall exceed four (4) feet in height.
3. Fences, walls or hedges not more than six (6) feet in height may be constructed in side and rear yards, but shall not be placed in any required front yard, unless they do not exceed four (4) feet in height.

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4. In no instance shall any above ground fence be electrically charged or wired to accept an electrical charge.
5. No barbed wire shall be permitted except on property in an "I" District.
6. Fences may be located on the property line.
7. All fences, walls, hedges and railings shall be located so as to maintain visibility for traffic on adjacent streets and traffic entering and leaving properties and shall comply with the clear sight triangle requirements of §1003.4 of this Chapter.

D. Satellite or Parabolic Dish Antennas

Satellite or parabolic dish antennas with a diameter of one (1) meter or less shall be exempt from these regulations. All other satellite or parabolic dish antennas may be erected as accessory structures in any Zoning District, subject to the following regulations:

1. No such antenna shall be located in any front yard.
2. No such antenna shall be located on the roof of any accessory building.
3. No more than one (1) satellite or parabolic dish antenna shall be located on any one (1) lot.
4. In the R-1 and R-2 Districts, no such antenna exceeding four (4) feet in height, diameter or depth shall be installed on any roof or above any building. In "C" Conservation, "M" Mixed Use District, and "I" Industrial District, no such antenna exceeding twelve (12) feet in height, diameter or depth shall be installed on any roof or above any building.
5. In the R-1 and R-2 Districts, when roof-mounted on a principal structure, the satellite or parabolic dish antenna shall be located so that it is not visible from the street.
6. The diameter of any satellite or parabolic dish antenna, other than those installed on a roof or above a building, shall not exceed twelve (12) feet.
7. No part of any freestanding antenna structure shall be located any closer than ten (10) feet to any property line.
8. The maximum height of any freestanding satellite or parabolic dish antenna shall be fifteen (15) feet.

E. Radio or Television Antennas

A radio or television antenna for personal use by private citizens shall be permitted as an accessory use, subject to compliance with all applicable Federal Communications Commission (FCC) licensing regulations. Such antennas may exceed the height limitations of the Zoning District in which they are located to the minimum height necessary to provide the operator with effective communications.

1. A radio or television antenna structure may be mounted on a roof or installed in a rear yard only, provided that no such structure shall be located within twenty (20) feet of any property line.
2. The maximum height for such structure shall not exceed that otherwise allowed in the Zoning District in which it is located by more than twenty (20) feet. If placed on a roof, any antenna structure exceeding eight (8) feet in height shall be mounted with guyed wires.
3. Any such structure shall comply with applicable Airport Zoning and Federal Communications Commission (FCC) regulations.
4. Radio or television antenna structures located on the ground shall be screened from adjacent properties by evergreen trees or other suitable material, as approved by the Borough.

F. Canopies and Similar Structures

Canopies and similar permanent freestanding roofed structures without walls shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the "M" Mixed Use District, provided that:

1. Such structure may be attached to the principal building;
2. Such structure shall be located at least ten (10) feet from any property line or street right-of-way; and
3. Such structure shall not be enclosed.

G. Residential Accessory Storage Structures and Detached Garages

No detached garage or storage structure accessory to a dwelling shall be located in the minimum required front yard. In all Districts, detached garages and storage structures accessory to a dwelling shall be located at least ten (10) feet from any rear property line and at least eight (8) feet from any side property line.

H. All Other Residential Accessory Structures

No other residential accessory structure shall be located in the minimum required front yard. In all Districts, all other residential accessory structures with permanent foundations shall be located at least ten (10) feet from any rear property line and at least eight (8) feet from any side property line. All other accessory structures without permanent foundations shall be located at least five (5) feet from any rear or side property line.

I. Structures Accessory to Nonresidential Structures and Buildings

No structure accessory to a nonresidential building or structure, other than an authorized sign, canopy or off-street parking area, shall be located in the required front or side yard. Off-street parking areas and signs shall be subject to the requirements of Articles XI and XII. Canopies shall be subject to §1003.3f of this Chapter.

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All other structures accessory to nonresidential buildings or structures shall not be located within any required Buffer Area. Where a Buffer Area is not required, setbacks for accessory structures shall comply with the requirements specified in each Zoning District.

**§1003.4 Visibility at Intersections**

No object, including without limitation, fences, landscaping rocks, hedges, trees and other plantings, buildings, structures, walls and signs, exceeding a height of three (3) feet as measured from the lowest elevation of the curb of any abutting street, shall be temporarily or permanently placed, erected or installed within the clear sight triangle required at the intersection of two (2) streets or the intersection of a driveway or alley with a public street. The required clear sight triangle is illustrated in Appendix A.

**§1004 PERMITTED PROJECTIONS INTO REQUIRED YARDS**

The following shall be permitted to project into any required yard in any Zoning District:

Typical architectural features of the principal structure, including, but not limited to: bay windows, window sills, chimneys, cornices and eaves, shall be permitted to project into required yards no more than eighteen (18) inches.

Decks and their stairs, stoops and unenclosed porches without enclosed habitable foundation or space and without a roof or walls shall be permitted to project into required front, side and rear yards no more than three (3) feet. Porches that have a roof or walls or that are enclosed or have enclosed habitable foundations shall be subject to the yard requirements for the principal structure.

Steps attached to the principal building and open fire escapes shall be permitted to project into required yards no more than three (3) feet.

**§1005 HEIGHT EXCEPTIONS**

The height limitations specified in the Zoning Districts shall not apply to any structure where the express standards and criteria in Section 903 of this Chapter specifically authorize a height that exceeds the maximum height specified in the area and bulk regulations for the District in which it is located. In addition the height limitations of this Chapter shall not apply to the following structures provided they do not exceed the height limitations of the District in which they are located by more than fifteen (15) feet: Church spires, chimneys, elevator bulk heads and other mechanical equipment that is part of the principal structure, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks, public utility structures and other structures not intended for human habitation.

**§1006 TEMPORARY CONSTRUCTION TRAILERS**

Temporary construction trailers shall be permitted in any Zoning District subject to the following conditions:

- A. Temporary structures and trailers used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period.
- B. A Temporary Use Permit for the temporary structure or use shall be obtained from the Zoning Officer in accordance with the requirements of Section 1505 of this Chapter prior to the commencement of construction and shall be renewed every six (6) months, if necessary, until the project is completed.
- C. Temporary construction trailers shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any property line that adjoins property containing a single family or two family dwelling.
- D. Temporary construction trailers shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use, whatsoever.
- E. "Class 3" materials, as classified by the National Fire Prevention Association (NFPA), shall not be stored in temporary construction trailers.

**§1007 COMMUNICATIONS ANTENNAS**

All communications antennas, as defined herein, shall be subject to the following:

- A. Building mounted antennas shall not be permitted on any single family, two family or townhouse dwelling. Building mounted antennas may be erected on any multifamily dwelling building or any other public or non-residential building or structure.
- B. The applicant shall demonstrate that the electromagnetic fields associated with the proposed antennas comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- C. The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning Regulations.
- D. Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than twenty (20) feet. Antennas mounted on an existing public utility storage or transmission structure shall not project more than twenty (20) feet above the height of the structure.
- E. Omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter.

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- F. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width.
- G. Satellite and microwave dish antennas mounted on the roof of a building shall not exceed six (6) feet in diameter.
- H. Satellite and microwave dish antennas mounted on an existing public utility storage or transmission structure shall not exceed two (2) feet in diameter.
- I. The height and location of the proposed antennas shall be designed so that, in the event of collapse, the antennas will fall within the boundaries of the property on which they are to be located.
- J. The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.
- K. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antenna and placement of the equipment cabinet or equipment building shall be provided to the Borough.
- L. The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way easement.
- M. Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining property in an R-1 or R-2 District, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
- N. If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided that has a minimum width of twenty (20) feet and that shall be improved with a dust-free all-weather surface for its entire length.
- O. At least one (1) off-street parking space shall be provided on the site within a reasonable walking distance of the equipment cabinet or equipment building to facilitate periodic visits by maintenance workers.

**§1008 STORAGE**

**§1008.1 Outdoor Storage in Commercial and Industrial Districts**

In the "M" Mixed Use District, storage of products or materials outside a completely enclosed building shall not be permitted, except for commercial greenhouses, convenience stores, vehicle repair garages, vehicle rental, sales and service, vehicle accessories sales and installation and similar businesses that require outside storage of products or materials offered for sale. In the case of such uses that require outside storage, outside storage areas larger than one thousand (1,000) square feet shall be completely enclosed by a security fence and shall be screened by an opaque fence or hedge that is at least six (6) feet in height.

In the "I" Industrial District, any materials or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or in an alternative location that screens the storage area from public view from the street or immediately adjacent property in an R-1 or R-2 District. If existing buildings do not screen the storage area from public view from the street or adjacent property in an R-1 or R-2 District, the area shall be screened by a hedge or opaque fence at least eight (8) feet in height.

**§1008.2 Refuse Collection and Waste Disposal**

In all "M" and "I" Districts, and on properties containing multifamily dwellings located in any Zoning District, all organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be located in side or rear yards. Containers shall be emptied at least once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter. All non-residential uses shall provide dumpsters or trash receptacles that are secured to keep them from moving and to protect against windblown refuse.

**§1008.3 Personal On Demand Storage Units (PODS)**

One (1) personal on demand storage unit shall be allowed on a lot. The personal on demand storage unit may be located in any minimum required front, side or rear yard, provided it is at least three (3) feet from any property line and ten (10) feet from any street curb line, or, if there is no curb, from the edge of paving of a public or private street.

Personal on demand storage units that are utilized for the purpose of moving or relocating personal effects or business inventory or equipment shall be permitted to remain on the lot for no more than thirty (30) consecutive days in a calendar year.

Personal on demand storage units that are utilized during repair or reconstruction of a structure on the lot shall be permitted to remain on the lot for no more than ninety (90) consecutive days in a calendar year. Upon demonstration of the continued need for the personal on demand storage unit utilized during repair or reconstruction, the Zoning Officer may grant one (1) extension for a cumulative total of no more than one hundred eighty (180) consecutive days in a calendar year.

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**§1009 FORESTRY**

Forestry, as defined herein, shall be conducted in accordance with the following provisions. Proof of compliance with all requirements shall be submitted with the application for a Zoning Certificate.

- A. All operations shall be located at least one hundred (100) feet from any existing dwelling.
- B. All operations shall be discontinued between 7:00 P.M. and 7:00 A.M., provided further that such operations shall not take place during any hours on Sundays or legal government holidays.
- C. Routes to be used by the hauling trucks shall be approved by the Borough and the operator shall demonstrate that there shall be no negative impact on Borough roads from the proposed operation.
- D. The operator shall provide the Borough with a copy of a video tape of the condition of all roads to be utilized in the forestry operation prior to commencing operations.
- E. A performance bond shall be posted in favor of and in the amount determined by the Borough Engineer to guarantee restoration of Borough roads used as hauling routes.
- F. The operator shall be responsible for cleaning dirt and debris from public streets daily during the operation.
- G. The applicant shall submit a copy of the State and/or County permit for hauling on State and/or County roads, if applicable.
- H. Upon completion of the forestry operation, haul roads shall be restored to their original condition.
- I. The applicant shall supply the Borough with the name of an on-site contact person.
- J. The applicant shall show compliance with the following laws and regulations of the Commonwealth and all necessary permits shall be maintained during the operation:
  - 1. Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law;
  - 2. Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachment Act;
  - 3. Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.
- K. Any suspension or revocation of a State permit shall constitute revocation of the Zoning Certificate and the operator shall be subject to the enforcement provisions of Section 1501 of this Chapter.

**§1010 NO IMPACT HOME BASED BUSINESS**

All no impact home based businesses, as defined herein, shall comply with the following:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to: parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.
- F. The business activity shall not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception that is detectable in the neighborhood.
- G. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area of the dwelling.
- I. The business shall not involve any illegal activity.

**§1011 DRIVE-THRU FACILITY**

**§1011.1 Drive-Thru Facility in Permitted Districts**

Refer to regulations and requirements as defined by section 903.9

**§1012 FAMILY DAY CARE HOME**

**§1012.1 Family Day Care Home in R1 and R2 Districts**

Refer to regulations and requirements as defined by section 903.13

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**§1013 SHARED PARKING**

**1013.1 Shared Parking in R1, R2, M, O, and I Districts**

Refer to regulations and requirements as defined by section 903.39

**§1014 PUBLIC PARKING GARAGE OR PUBLIC PARKING LOT**

Public parking garages or public parking lots constructed in the “M” District shall meet all of the following requirements:

- A. All public parking lots or public parking garages shall be designed to have direct vehicular access to an arterial or collector street, as defined by this Chapter.
- B. All public parking lots or public parking garages shall be designed to minimize traffic congestion on the site or within the garage and for traffic entering or leaving the site or parking lot or parking garage.
- C. The design of any parking garage proposed to be located on property that adjoins property in an R-1 or R-2 District shall take into account the height, visual, light and air impacts on adjoining residences and shall utilize architectural materials for the exterior walls facing those residential areas that are compatible with the residential character of adjoining properties.
- D. Any public parking garage structure, whether proposed as a principal structure or an accessory structure, shall comply with the yard requirements for a principal structure.
- E. Any public parking lot that has parking spaces reserved, in part, for the customers or employees of a specific use shall be located within six hundred (600) feet of the specific use that it is intended to serve.

**§1015 DESIGN STANDARDS FOR THE “M” MIXED USE DISTRICT**

The following regulations shall apply to all properties in the “M” District:

- A. Lots of record in the “M” District that have lot areas or lot widths that are less than the minimum lot area or lot width requirements of the “M” District may be built upon without a variance in accordance with §1303.1 of this Chapter.
- B. Where existing nonconforming structures have less than the minimum five (5) foot side yard required in the “M” District, the minimum side yard required for the rehabilitation, remodeling or replacement of the existing nonconforming structure shall be zero (0) feet.
- C. For properties located in blocks where the majority of buildings are two (2) or more stories in height, any remodeling or replacement of an existing building in the same block shall be at least two (2) stories or shall be designed so that the façade and roof line give the appearance of a two story building.

- D. Any remodeling of an existing building façade facing Washington Avenue shall be of similar material and architectural design as the majority of buildings in the same block on the same side of the street. For new construction facing Washington Avenue, the proposed building shall match the floor elevations of the immediately adjacent existing buildings and the placement, style and rhythm of windows and doors shall mirror existing buildings on immediately adjacent properties.
- E. The roof style and pitch of any proposed building or remodeled building in the “M” District shall match the roof styles and pitches of existing buildings in the same block on the same side of the street.
- F. Blank walls shall not be permitted along any exterior wall facing a street, parking area or sidewalk. Murals, if proposed, shall be subject to the requirements of §1205.6 of this Chapter.
- G. Off-street parking shall be required for all dwelling units located within the “M” District. The parking for dwelling units may be provided by shared parking in accordance with §1013.12 or by providing off-site parking in accordance with §903.30 of this Chapter.
- H. Off-street parking for any authorized use in the “M” District, other than dwelling units, may be eligible for a parking exemption if the standards of §1102.1 of this Chapter are met.
- I. Shared parking for mixed uses on the same lot or within the same building is encouraged in the “M” District. Shared parking shall be subject to approval by the Zoning Hearing Board of a use by special exception in accordance with §903.39 of this Chapter.
- J. Buildings that front on Washington Avenue between Station Street and Hickman Street shall not be demolished to provide off-street parking between existing buildings.
- K. Any outdoor dining that is proposed on property in the “M” District shall comply with the provisions of §903.40 and the requirements for approval of a conditional use
- L. Unless located within the Baldwin St.- McLaughlin Run Road Neighborhood Overlay, dwelling units shall be located on the second (2nd) floor or above or, if located on the first (1st) floor, shall be in a separate unit from the business and also in the rear of the building.
- M. Each dwelling unit shall have the minimum habitable floor area specified below based on the number of bedrooms:

<u>Number of Bedrooms</u>	<u>Minimum Habitable Floor Area</u>
Efficiency	400 square feet
One Bedroom	550 square feet
Two Bedroom	750 square feet
Three or More Bedrooms	750 square feet,

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plus 150 square feet for each additional bedroom in excess of two (2) bedrooms

- N. Dwelling units in basements or accessory garages shall not be permitted.
- O. Each dwelling unit shall have a separate entrance that does not require passing through any area devoted to office or retail use.
- P. One (1) parking space shall be provided for each dwelling unit. Shared parking for residential and commercial uses may be permitted, provided the peak hour for each of the uses differs in accordance with the applicable Table of this Chapter.
- Q. If parking cannot be provided on the site, off-site parking spaces shall be further subject to the requirements of §903.30.
- R. If parking for the dwelling unit is provided by an annual lease with the Parking Authority, failure to maintain said lease shall be a violation of this Chapter and shall result in revocation of the Certificate of Occupancy for the dwelling unit.

**ARTICLE XI**

**OFF-STREET PARKING AND LOADING**

**§1100 APPLICABILITY**

- A. Off-street parking spaces shall be provided in accordance with the specifications in this Article in any District whenever any new use is established or any existing use is changed or enlarged.
- B. All parking areas established prior to the effective date of this Chapter that are not in conformance with all provisions of this Article shall be allowed to continue as previously laid out. If any change or alteration is proposed to these existing nonconforming parking areas, the portions to be changed or altered shall be upgraded in accordance with all provisions of this Article.

**§1101 OFF-STREET PARKING DESIGN**

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

**§1101.1 Size of Parking Spaces**

- A. Off-street parking spaces shall conform to the following minimum requirements:
- B. Each parallel parking space shall have minimum dimensions of seven (7) feet by twenty (20) feet.
- C. Each perpendicular parking space shall be a rectangle having minimum dimensions of nine (9) feet by eighteen (18) feet. A perpendicular parking space is defined as one in which the long side of the space is a straight line that intersects the travel lane and curb at a right angle.
- D. Each angled parking space shall be a parallelogram having minimum dimensions as follows: An angled parking space is one in which the acute angle formed by the intersection of the long side of the space and the curb is between forty-five (45) degrees and seventy-five (75) degrees. The width on an angled parking space is measured parallel to the curb or travel lane along the short side of the parallelogram; and the length of the space is measured along the side of the parallelogram, from the curb to the travel lane.
  - A. For forty-five degrees (45°) to fifty-nine degrees (59°) angle parking, twelve (12) feet in width by twenty-six and one-half (26 ½) feet in length.
  - B. For sixty degrees (60°) to seventy-five degrees (75°) angle parking, ten (10) feet in width by twenty-three (23) feet in length.

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**§1101.2 Driveways**

Driveways shall be designed in accordance with the standards of this Section. Interior aisles are vehicular travelways with parking spaces along one or both sides. Entrance and exit driveways are vehicular travelways, without parking spaces along either side.

<u>Driveway Type</u>	<u>Minimum Width (Feet)</u>
One-way entrance or exit driveway	10
Two-way combined entrance/exit driveway	20
One-way aisle for perpendicular parking	20
One-way aisle for 60° to 75° angle parking	18
One-way aisle for 45° to 59° angle parking	16
One-way aisle with parallel parking	10
Two-way aisles	20

One-way aisles shall not be dead-ended.

Two-way aisles may be dead-ended in off-street parking areas provided they are designed according to the following minimum standards:

Depth of turnaround area	13 feet
Width of turnaround area	15 feet
Turning radii	13 feet

Fire lanes shall be provided in accordance with the requirements of the Borough Fire Code and the volunteer fire department.

**§1101.3 Handicapped Parking Spaces**

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

**§1101.4 Access, Circulation and Walkways**

- C. Each off-street parking space shall have access to a street or alley open to use by the public by adequate interior aisles and entrance and exit driveways; provided, however, that where cars will be parked by attendants, at least fifty (50) percent of all parking spaces shall have direct access to interior aisles, and entrance and exit driveways; and further provided, that where parking spaces are marked for employee parking only, tandem parking shall be permitted for employee parking only. Entrance driveways and parking lot layout shall be designed to favor incoming traffic to avoid vehicle queues on public streets.

Access must be provided from parking areas to the principal structure by paved walkways and within parking areas where necessary for pedestrian safety. Walkways shall be protected from vehicular encroachment by wheelstops, curbs and other methods approved by the Borough.

**§1101.5 Marking**

All off-street parking spaces, except those accessory to a single family dwelling, two family dwelling or small personal care home, shall be striped with either white or yellow durable paint, in double four (4) inch stripes, approximately eighteen (18) to twenty-four (24) inches apart centered on the long sides of the parking spaces. The paint shall meet Federal specifications for such striping.

All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.

**§1101.6 Curbs and Wheelstops**

All off-street parking spaces, except those accessory to a single family dwelling, two family dwelling or small personal care home, shall be separated from sidewalks, walkways, streets or alleys by curbing. All streets, alleys, sidewalks and other public rights-of-way shall be protected from vehicular overhang by wheelstops, curbs, space between the right-of-way line and the parking area or other method approved by the Borough.

**§1101.7 Paving**

All open off-street parking spaces, except those accessory to a single family dwelling, two family dwelling or small personal care home, shall be improved with a tar and chip, bituminous, concrete or paving brick material in order to create an all-weather, dust-free surface of adequate thickness to support the weight of fully loaded vehicles that customarily park or travel on it.

**§1101.8 Location of Parking Areas**

Required parking spaces shall be located on the same lot with the principal use. In the case where adequate lot area does not exist on the same lot to meet the parking requirements, the Zoning Hearing Board may approve off-site parking as a use by special exception in accordance with the express standards and criteria in §903.30 of this Chapter.

**§1101.9 Landscaping**

In parking areas containing more than twenty (20) spaces, at least five percent (5%) of the interior paved area shall be landscaped. One (1) deciduous tree shall be planted for each twenty (20) parking spaces.

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**§1101.10 Lighting**

Any lighting used to illuminate any off-street parking area shall be arranged so as to reflect light away from adjoining premises in any R-1 or R-2 District. Adequate lighting shall be provided for parking facilities used at night.

The lighting system shall furnish a level of not less than 0.5 footcandle during hours of operation and shall be designed with cut-off luminaires that have a cut-off angle of sixty degrees (60°) or less. (See Illustration in Appendix B.) There shall be no spillover of illumination at any property line adjoining property in an R-1 or R-2 District in excess of 0.2 footcandle.

**§1101.11 Stormwater Management**

All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. Surface drainage shall be connected to the existing or proposed drainage system. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Borough Stormwater Management Regulations and to review and recommendation by the Borough Engineer.

**§1101.12 Slope**

The maximum permissible slope of any parking area accessory to any use, other than a single family dwelling, two family dwelling or small personal care home, shall be seven percent (7%). If parking spaces are provided in areas that exceed three percent (3%) slope, all such spaces shall be parallel to the contour lines of the area.

**§1102 OFF-STREET PARKING REQUIREMENTS**

Off-street parking spaces with provisions for ingress and egress by motor vehicles shall be provided, in accordance with the specifications of this Article for any new principal building, structure or use at the time of construction and when any principal building, structure or use is changed, enlarged or increased in floor area. All off-street facilities provided, whether meeting minimum requirements or provided in addition to minimum requirements, shall conform to all standards in this Section.

**§1102.1 Exemptions**

The number of parking spaces required by this Section is applicable to all uses provided in this Chapter; however, in reviewing a development plan, an exemption from all or part of the requirements to provide off-street parking may be granted in the following cases:

A. Availability of Public Parking

1. In the "M" Mixed Use District, any property that is located within six hundred (600) feet of a metered public parking lot or metered on-street parking spaces, is eligible for a

parking exemption for any use authorized in the "M" District. The six hundred (600) feet shall be measured in a straight line along the public street rights-of-way between the nearest corner of the intersection of the lot line with the right-of-way line and the nearest corner of the public parking lot or metered off-street parking space. For properties located within six hundred (600) feet of a metered public parking lot or on-street metered parking, up to one hundred percent (100%) of the required parking may be exempted by Borough Council upon recommendation by the Planning Commission.

B. Shared Parking by Mixed Uses

1. When a site contains multiple uses with different minimum parking space requirements, the parking space requirement for the site shall be the sum of the parking space requirements for the individual uses, unless a shared parking requirement is authorized by the Zoning Hearing Board as a use by special exception in accordance with the express standards and criteria of §903.39 of this Chapter.
- C. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
- D. Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.
- E. The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

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**Table X – Parking Requirements**

<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Adult Businesses	One (1) space for each 250 sq. ft. of floor area devoted to retail sales; one (1) space for each seat in a theater; one (1) space for each viewing booth or machine; one (1) space for each sleeping room in a motel; one (1) space for each 75 sq. ft. of net floor area in a night club devoted to patron seating
Assisted Living Facility; Independent Living Facility	One-half (0.5) space per dwelling unit
Automobile Service Station	Three (3) spaces for each service bay, plus one (1) space for each 200 sq. ft. devoted to retail sales
Bakery	One (1) space for each 500 sq. ft. of net floor area.
Bed and Breakfast	One (1) space for each sleeping room in addition to the parking required for the single family dwelling
Beverage Distributor	One (1) space for each 500 sq. ft. of product display and retail sales area
Business or Professional Offices, except Medical Clinic	One (1) space for every 300 sq. ft. of net floor area
Business Services	One (1) space for every 300 sq. ft. of net floor area
Car Wash	One (1) space for each 1,000 sq. ft. of gross floor area in an automated facility or one (1) space for each bay in a self-serve car wash to allow for drying of vehicles, plus one (1) space for any additional service positions such as the dispensing of air, plus the standing spaces required in Section 1006
Catering Service, including Rental Hall	One (1) space for each 75 sq. ft. of net floor area devoted to customer seating, plus one (1) space for each 200 sq. ft. of gross floor area that is not accessible to customers
Cemetery	One (1) space for each 40 sq. ft. of floor area accessible to the public in a chapel or mausoleum

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Check Cashing Facility	One (1) space for each 200 sq. ft. of gross floor area
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Commercial Recreation Facilities not specifically listed in this Table	One (1) space for each 50 sq. ft. of indoor floor area accessible to patrons or one (1) space for each 2,500 sq. ft. of outdoor area accessible to patrons
Commercial School	One (1) space for each five (5) classroom seats or if there are no seats, one (1) space for each four (4) students at maximum occupancy authorized by the Uniform Construction Code
Community Club	One (1) space for each ten (10) dwelling units served or one (1) space for each four (4) members
Contracting Business	One (1) space for each business vehicle or equipment within an enclosed garage, plus one (1) space for each 250 sq. ft. of floor area devoted to office, product display and retail sales
Contractor's Yard	One (1) space for each business vehicle or equipment, plus one (1) space for each 250 sq. ft. of floor area devoted to office, product display and retail sales
Convenience Store	One (1) space for each 200 sq. ft. of gross floor area
Day Care Center or Pre-school Facility	One (1) space for each classroom, plus one (1) space for each five (5) children at peak capacity authorized by their license or the Uniform Construction Code if no license is required
Day Spa	Two (2) parking spaces for each service position
Eating & Drinking Establishments	<p><b>Quality Restaurant (low turnover):</b> one (1) space for each 50 sq. ft. of net floor area devoted to patron seating including banquet rooms and outdoor seating, plus one (1) space for each 200 sq. ft. of food preparation area</p> <p><b>Fast Food Restaurant (high turnover):</b> One (1) space for each 66 sq. ft. of net floor area devoted to patron seating and outdoor seating, plus one (1) space for each 200 sq. ft. of food preparation area</p> <p><b>Tavern or Night Club:</b> One (1) space per 50 sq. ft. of net floor area devoted to patron seating and outdoor seating, plus one (1) space for each 200 sq. ft. of food preparation area</p>

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Educational Studio	One (1) space for each 75 sq. ft. of net floor area accessible to students
Equipment Storage Yard	One (1) space for each business vehicle or equipment
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Family Day Care Home	Two (2) spaces in addition to the parking required for the dwelling
Financial Institutions	One (1) space for each 200 sq. ft. of gross floor area, plus the waiting spaces required by §903.11 for each drive-through window
Fire and Emergency Medical Services	One (1) space for each 300 sq. ft. of area used for office, plus the requirement for indoor assembly for the floor area devoted to that use, plus one (1) space in an enclosed garage for each vehicle or equipment, plus the requirement for a catering hall for any rental hall with kitchen facilities
Funeral Homes	One (1) space for each 100 sq. ft. of gross floor area
Group Care Facility	One (1) space for each six (6) residents
Gymnasium	One (1) space for each three (3) fixed seats or one (1) space for each 80 lineal inches of bleacher seating or, if there are no fixed seats, one (1) space for each 75 sq. ft. of net floor area used for assembly
Heavy Manufacturing	See Manufacturing, Heavy or Light
High Technology Industries	One (1) space for each 300 sq. ft. of floor area devoted to office, plus one (1) space for each 1,000 sq. ft. of floor area devoted to research, product development, assembly or warehousing
Home Occupation	Three (3) spaces for visitors or clients in addition to the spaces required for the dwelling unit
Hospitals	Three-tenths (0.3) space for each bed, plus one (1) space for each 200 sq. ft. of gross floor area devoted to clinic or office
Hotel	See Motel/Hotel
Independent Living Facility	One (1) space per every two (2) dwelling units

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Indoor Entertainment	See Indoor Places of Assembly
Indoor Places of Assembly (Without Fixed Seats)	One (1) space for each 50 sq. ft. of net floor area
Indoor Places of Assembly (With Fixed Seats)	One (1) space for each four (4) seats or five (5) feet of bleacher or bench seating
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Junkyard/Salvage Yard	One (1) space for each 1,500 sq. ft. of vehicle or scrap material storage area
Kennel	One (1) space for each five (5) kennel units
Landscaping Contractor	One (1) space for each business vehicle, plus one (1) space for each 300 sq. ft. devoted to office, plus one (1) space for each 250 sq. ft. of retail sales and product display area, plus one (1) space for each 1,500 sq. ft. of growing area accessible to customers.
Laundromat	One (1) space for each washing machine
Libraries/Museums	One (1) space for each 500 sq. ft. of gross floor area, plus the requirement for indoor places of assembly, if applicable
Manufacturing, Light or Heavy	One (1) space for each 1,500 sq. ft. of gross floor area, plus one (1) space for each 300 sq. ft. of office
Medical Clinic	One (1) space for each 200 sq. ft. of gross floor area
Mini-warehouse/Self Storage Building	Three (3) spaces for management and prospective customers adjacent to office, if any, plus a parking lane a minimum of ten (10) feet in width parallel to the storage building(s) and adjacent to the storage unit doors
Mixed Use (Residential/Non Residential)	Refer to Shared Parking Requirements Table in §903.37
Motel/Hotel	One (1) space for each sleeping room or suite, plus one (1) space for each 100 sq. ft. of floor area used for ballrooms, private meeting rooms, dining areas and similar places of assembly
Multifamily Dwellings	One and one-half (1½) spaces for each dwelling unit
Nursing Homes	One (1) space for each three (3) beds

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Outdoor Places of Assembly (Without Fixed Seats)	One (1) space for each 100 sq. ft. of gross lot area devoted to assembly
Outdoor Places of Assembly (With Fixed Seats)	One (1) space for each four (4) seats or five (5) feet of bench or bleacher seating
Personal Care Boarding Home, Large	One (1) space for each three (3) beds
Personal Care Boarding Home, Small	Two (2) parking spaces
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Personal Services	One (1) space for each 250 sq. ft. of gross floor area
Pet Crematorium	One (1) space for each 250 sq. ft. devoted to customer service and retail sales
Pet Services; Pet Grooming	Three (3) spaces for each service position, plus one (1) space for each 250 sq. ft. of area devoted to retail sales
Places of Assembly/Place of Worship	See Indoor Places of Assembly and Outdoor Places of Assembly
Planned Business Development	The parking requirements for each separate use specified in this Table shall be met
Playing Fields; Play Courts	Two (2) parking spaces for each team member on the field or court during regulation play, plus one (1) space for each four (4) seats in viewing stands or for each five (5) feet of bench or bleacher seating
Private Recreation	One (1) space for each 100 sq. ft. of floor area accessible to the members
Public Utility Building or Structure	One (1) space for each 300 sq. ft. devoted to office, plus one (1) space for each 1,000 sq. ft. devoted to maintenance, plus one (1) space for each service vehicle stored on the lot
Repair Shop	One (1) space for each 500 sq. ft. of work area, plus one (1) space for each 300 sq. ft. of floor area accessible to customers
Research and Development	One (1) space for each 500 sq. ft. of gross floor area
Restaurants	See Eating & Drinking Establishments
Retail Businesses Not Otherwise Listed in this Table	One (1) space for each 200 sq. ft. of gross floor area

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Retail Stores	One (1) space for each 200 sq. ft. of gross floor area indoors, plus one (1) space for each 600 sq. ft. of any outdoor sales/display area
Schools, Elementary and Intermediate (Public or Private)	One (1) space for each classroom, plus one (1) space for each 300 sq. ft. of office
Schools, Secondary and Post Secondary (Public or Private)	One (1) space for each classroom, plus one (1) space for each 300 sq. ft. of office, plus the requirement in this Table for gymnasium and auditorium, if applicable
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Schools, Commercial	See Commercial School
Single Family Dwelling	Two (2) spaces for each dwelling unit
Supply Yards	One (1) space for each 1,000 sq. ft. of warehouse or outdoor storage area, plus one (1) space for each 250 sq. ft. of floor area devoted to product display and retail sales, plus one (1) space for each business vehicle or equipment
Swimming Pools, Public and Semi-Public	One (1) space for each 50 sq. ft. of surface water area
Temporary Use or Structure other than a Construction Trailer	Parking shall be based on the requirement for the use listed in this Table that most closely conforms to the temporary use or structure proposed
Tennis, Racquetball and Handball Courts	Four (4) spaces for each court
Theater	One (1) space for each four (4) fixed seats; or if there are no fixed seats, one (1) space for each 75 sq. ft. of net floor area used for assembly; or one (1) space for each five (5) feet of bench or bleacher seating
Truck and Heavy Equipment Rental	One (1) space for each 1,000 sq. ft. of indoor and outdoor display and sales area and maintenance area
Truck Terminal	One (1) space for each terminal position
Two Family Dwelling	Two (2) spaces for each dwelling unit
Vehicle Accessories, Sales and Installation	One (1) space for each 500 sq. ft. of indoor and outdoor display and sales area, plus two (2) spaces for each vehicle repair bay

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Vehicle Rental, Sales and Service	Three (3) spaces for each vehicle repair bay, plus one (1) space for each 600 sq. ft. of gross floor area of showroom, plus one (1) space for each 2,000 sq. ft. of outdoor sales area
Vehicle Repair Shop	Three (3) spaces for each vehicle repair bay
Veterinary Clinic	Three (3) spaces for each treatment room
Warehouses	One (1) space for each 1,000 sq. ft. of gross floor area, plus one (1) space for each business vehicle kept on site, plus one (1) space for each 500 sq. ft. of floor area open to the public
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Wholesale Business	One (1) space for each 1,000 sq. ft. of gross floor area, plus one (1) space for each business vehicle kept on site, plus one (1) space for each 500 sq. ft. of floor area open to the public
Wholesale Distributors	One (1) space for each 1,000 sq. ft. of gross floor area, plus one (1) space for each business vehicle kept on site
Comparable Uses Not Specifically Listed	One (1) space for each three (3) occupants at maximum occupancy authorized by the Uniform Construction Code (UCC) or one (1) space for each three hundred (300) square feet of gross floor area, whichever is greater

**§1103 OFF-STREET LOADING**

In all Zoning Districts, whenever a new use is established or an existing use is changed or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this Section.

One (1) off-street loading berth of not less than thirty-five (35) feet by ten (10) feet shall be provided for every business and industrial use with a floor area of more than ten thousand (10,000) square feet, with one (1) additional berth required for each additional twenty-five thousand (25,000) square feet of floor area.

**§1103.1 Off-Street Loading Design**

A. Access

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Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.

B. Location

All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in any minimum required front yard setback.

C. Screening

Loading berths shall be screened by a minimum eight (8) foot high wall or opaque fence on all sides adjoining property in an R-1 or R-2 District.

D. Surfacing

All loading berths shall have a paved, concrete or bituminous surface, with adequate thickness to support the weight of a fully loaded vehicle and graded with positive drainage to dispose of surface water.

E. Lighting

Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining properties in an R-1 or R-2 District and away from any street or highway. Spillover lighting shall not exceed 0.2 footcandle at any property line adjoining property in an R-1 or R-2 District.

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**§1200 APPLICABILITY**

No sign, billboard or exterior graphic display shall be permitted in any district, except as herein provided.

**§1201 TYPES AND CLASSES**

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

**§1201.1 Classes**

**A. Freestanding**

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

**1. Pole Sign**

A freestanding sign, erected on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation.

**2. Ground Sign**

A freestanding sign that is affixed to the ground by means of a permanent foundation and that provides a maximum clearance of eighteen (18) inches between the bottom edge of the sign and the adjacent ground level or, in the case of an elevated foundation, from the top of the foundation.

**3. Monument Sign**

A sign supported on two (2) posts or uprights located at the entrance to a planned business development that identifies the name of the development and that may include the names of one (1) or more of the businesses in the development.

**B. Wall Sign**

A sign (painted on) or attached to and erected parallel to the face of an outside wall of a building and projecting outward no more than six (6) inches from the wall of the building.

C. Canopy or Awning Sign

A sign that is part of a roof-like shelter, either permanent, retractable or removable, made of canvas affixed to a building or is self-supporting and provides protection from sun, rain, snow and other elements.

D. Mural

The application of paint, acrylic or other material directly onto the exterior wall of a building whose sole purpose is to create an aesthetic design to commemorate an historic or community event or characteristic. The Mural shall not contain any advertising, but may include the name or the artist and the donor in an area not to exceed one-half percent (0.5%) of the Mural's total surface area.

E. Bulletin Sign

A type of manual Changeable Copy Sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.

F. Roof Sign

A sign erected and maintained upon or above the roof of any building and supported solely on the roof structure.

G. Overhanging Sign

A sign affixed at right angles to a building wall whose leading edge extends beyond the building wall.

H. Billboard

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

I. Advertising Panel

That portion of a sign structure that contains the written or graphic material and is separate from the supporting structure and any ornamental attachments or connecting features of the sign.

J. Changeable Copy Sign

A sign that is designed so that characters, letters or illustrations can be manually or electronically changed or rearranged without altering the face or surface of the sign.

K. Portable Sign

A sign that is not permanently affixed to a building, a structure or the ground and which is designed to be moved from place to place, including, but not limited to, signs attached to

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wood or metal frames designed to be self-supporting and movable and trailer mounted signs.

### L. A-Frame or Sandwich Board Sign

A freestanding sign comprised of two panels hinged together at an angle less than 90° designed to be self-supporting without being attached to any building or structure or to the ground and which can be moved easily from place to place.

### M. Attention-Getting Device

A pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon or other inflatable device, or similar object or representation of a product, vehicle, equipment or other advertising image or any ornamentation that is designed or used for the purpose of promoting, advertising or attracting attention.

### N. Indirectly Illuminated

A sign that is lighted by means of lamps or lighting devices external to, and reflected on, the sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the sign and there is no spillover of illumination or glare beyond the face of the sign.

### O. Internally Illuminated

A sign that is lighted by means of lamps or lighting devices internal to the sign, including neon and fiber optic displays, which lighting is either behind the face of the sign or is an integral part of the sign structure and the advertising effect.

## **§1201.2 Types**

Signs are categorized by use, function or purpose into the following types:

### A. Residential Identification Sign

A sign containing only the name and address of the occupant of the premises.

### B. Home Occupation Identification Sign

A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

### C. Residential Plan Identification Sign

A permanent Wall or freestanding Ground Sign containing only the name and address of a plan of subdivision or a multifamily building or development.

### D. Real Estate Sign

A temporary sign advertising the sale or rental of premises. The sign may also bear the words "sold", "sale pending" or "rented".

E. Development Sign

A temporary sign erected during the period of construction and/or development of a property by the developer, contractor or their agents.

F. Contractor's Sign

A temporary sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.

G. Public Sign

A sign of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of any public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs, public notices, government flags and other signs warning of hazardous or dangerous conditions.

H. Notification Sign

Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and signs posted by a landowner or governmental agency for traffic control or the safety of the general public.

I. On-Premises Directional Sign

A sign which directs and/or instructs vehicular or pedestrian traffic on the premises relative to parking areas, entrances, exits, loading areas, public telephones and similar information and which shall contain no advertising other than the business name or logo.

J. Off-Premises Directional Sign:

A sign, other than a Billboard, that directs the public to an establishment, activity, person, product or service that is not sold, produced or available on the property on which the sign is located.

K. Business Identification Sign

A sign which advertises only goods, services, facilities, events or attractions available on the premises where the sign is located.

L. Temporary Special Event Sign

A banner, flag or pennant, or other temporary sign constructed of durable material, and erected for a specified period of less than thirty (30) days whose sole purpose is to advertise a grand opening or special event.

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M. Window Signs

A sign or group of signs affixed to the inside of a display window in a commercial establishment that advertises a product or service available on the premises or that announces or promotes a special sale or special event.

N. Memorial/Historical Plaques

A commemorative plaque recognized by an agency of the Borough, County, Commonwealth or Federal government or a non-profit historical or veteran's organization.

**§1202 GENERAL REGULATIONS**

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

**§1202.1 Restricted Signs**

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

- A. A-Frame or Sandwich Board Signs, except when authorized by this Ordinance in the "M" District;
- B. Attention-Getting Devices;
- C. Banners or Pennants, other than special event displays, as authorized by this Chapter.
- D. Portable Signs;
- E. Moving or Flashing Signs, except for that portion of an authorized sign that indicates time or temperature or an authorized electronic Changeable Copy Sign;
- F. Signs attached to trees, utility poles or official traffic control devices or signs within the public right-of-way;
- G. Signs that imitate traffic control devices;
- H. Except for Murals, as defined and authorized by this Chapter, signs painted on walls or chimneys of a building or on fences or freestanding walls;
- I. Overhanging Signs
  - 1. One (1) Overhanging Sign shall be permitted for each building in the "M" District. An Overhanging Sign shall be authorized as a Business Identification Sign in place of a Wall Sign. If a Wall Sign exists on a building, an Overhanging Sign shall not be permitted, unless the Wall Sign is removed.

2. The Overhanging Sign shall be located only on the front wall of a building facing the public street.
  3. The Overhanging Sign shall not exceed twelve (12) square feet in surface area. The Overhanging Sign shall be either non-illuminated or indirectly illuminated; however, the Overhanging Sign shall not be internally illuminated.
  4. The style of and materials used for the face of the Overhanging Sign and its supporting structure shall be designed to be compatible with the architecture of the building on which the sign is to be erected.
  5. The Overhanging Sign shall be mounted so that the bottom edge of the Overhanging Sign is at least eight (8) feet above the level of the sidewalk underneath the sign. The Overhanging Sign shall be mounted so that the top edge of the Overhanging Sign shall be no higher than fifteen (15) feet above the level of the sidewalk underneath the sign.
  6. The method of installation shall be certified by the manufacturer and/or installer to verify that the Overhanging Sign will meet the following standards:
    - a. The Overhanging Sign will be secure and will withstand wind and other anticipated loads;
    - b. The Overhanging Sign will be located so as to not obstruct significant architectural features of the building on which it is mounted
    - c. The proposed location of the Overhanging Sign will not permanently damage any structural or historically significant features of the building on which it is to be mounted.
- J. Signs on or affixed to vehicles and/or trailers that are parked on a public right-of-way, or on any public property or private property other than the site of the business it advertises, except for maintenance, repair, loading, unloading or rendering a service at any location, where the apparent purpose is to advertise a product or direct people to a business or activity located on nearby property, but not including Temporary Construction Trailers authorized by this Chapter.
- K. Signs on Communication Facility Support Structures except those required by law;

**§1202.2 Exempt Signs**

The following signs are exempt from these regulations and the requirement to obtain a permit:

- A. Holiday decorations displayed for recognized Federal or State holidays, provided they do not interfere with traffic safety or do not, in any way, become a public safety hazard;
- B. Memorial/Historical Plaques, as defined herein;
- C. Notification Signs, as defined herein;

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- D. Public Signs, as defined herein;
- E. Window Signs, as defined herein.

**§1202.3 Surface Area of Sign**

The surface area of a sign shall be measured as described below. For two-sided signs, only one (1) sign face is counted in computing the surface area.

- A. In the case of an advertising panel, the surface area of the sign shall be the total area enclosed by one (1) continuous line connecting the extreme points or edges of the advertising panel containing letters;
- B. In the case of freestanding letters mounted on a wall or other surface, the surface area of the sign shall be the sum of the areas of each individual letter calculated by measuring the distance between the highest and lowest points of each letter and multiplying that distance by the distance between the extreme horizontal distance across the letter;
- C. In the case of freestanding Ground or Pole Signs, the area shall not include the main supporting structure; however, logos, ornamental attachments and framework around or connections between advertising panels shall be included;
- D. In the case of letters that are painted on or affixed to an awning, canopy or marquee, the surface area of the sign shall be the area of the geometric shape formed by outlining the height and width of all the letters and/or graphic displays, including free space between the letters and graphic displays.

**§1202.4 Lots With Multiple Street Frontage**

In all Districts, lots fronting on more than one (1) street shall be permitted to have one (1) authorized sign on each street frontage.

**§1202.5 Temporary Signs**

In all Zoning Districts where authorized by Section 1203, real estate, temporary off-premises, contractor and development signs shall be considered temporary signs that shall be removed within thirty (30) days of the completion of sales or construction.

**§1202.6 Visibility**

No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No sign, other than official traffic signs and authorized temporary off-premises directional signs, shall hang over or be erected within the right-of-way of any street. No sign shall be located within the clear sight triangle defined by §1003.4 of this Chapter.

**§1202.7 Illumination**

Illumination, when authorized by this Chapter, shall be directed upon the sign face and not towards adjoining properties or streets. Flashing or oscillating signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times, except for electronic Changeable Copy Signs, where authorized by this Chapter. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.

**§1202.8 Holiday Decorations**

Holiday decorations displayed for recognized Federal or State holidays shall be exempted from the provisions of this Section except as they may produce glare, interfere with traffic safety or in any other way become a public safety hazard.

**§1202.9 Location and Height of Signs**

Except for Off-Premises Directional Signs and Billboards, as defined herein, all signs authorized by this Chapter shall be located on the premises which they are intended to serve. All freestanding signs shall be located at least five (5) feet from any property line or street right-of-way. The maximum height of the top of any freestanding sign shall be twenty (20) feet above the adjacent ground level. The bottom edge of a freestanding sign shall be at least seven (7) feet above the adjacent ground level. Roof Signs shall not project more than six (6) feet above the highest point on any roof.

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**§1202.10 Design, Construction, Maintenance and Inspection**

All signs shall be designed to be compatible with the architecture of the principal use to which they are accessory. All signs shall be constructed of a durable material and shall be maintained in good condition. All freestanding signs shall be designed to withstand a sustained one hundred (100) M.P.H. wind load. Any sign found to be in an unsafe condition upon inspection shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing, in accordance with §1501.2 of this Chapter, to repair or remove the sign within ten (10) days. Upon failure of the owner to comply, the Borough shall remove the sign at the owner's expense. The Borough may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

**§1202.11 Removal of Signs**

Whenever any business is discontinued or vacated with no intention to re-open under the same name, all sign advertising panels containing the name of the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business. Upon failure of the owner to comply, the Borough may remove the sign at the owner's expense. The Borough may lien the property for the cost of removing the sign and all legal fees and costs incurred with filing and enforcing the lien.

**§1202.12 Permits Required**

- A. Permits shall be required for all signs authorized by this Section except the following: Temporary Real Estate Signs, Construction Signs, Development or Residential Identification Signs, temporary signs erected during a political campaign or signs erected by a public agency for traffic control or other legal notification in accordance with the laws of the Commonwealth.
- B. The applicant for a Sign Permit shall file an application using the form provided by the Borough and shall furnish the Zoning Officer with all the design data and information necessary to determine whether the proposed sign will comply with the provisions of this Chapter.
- C. The application shall be accompanied by the required fee established by resolution of Borough Council.

**§1202.13 Expiration of Permits**

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

**§1203 SIGNS AUTHORIZED IN ALL ZONING DISTRICTS**

In addition to the signs authorized by Sections 1204 and 1205 in specific Zoning Districts, the following signs are authorized in all Zoning Districts:

**§1203.1 Bulletin Signs**

One (1) indirectly illuminated or non-illuminated Bulletin or Identification Sign for a school, library or other authorized public or semi-public building which shall not exceed twenty-four (24) square feet in area.

**§1203.2 Real Estate Signs**

One (1) non-illuminated Temporary Real Estate Sign advertising the sale or rental of the premises on which it is located which shall not exceed six (6) square feet in area and which shall be removed within thirty (30) days of the sale or rental of the property.

**§1203.3 Development Signs**

One (1) non-illuminated temporary Development Sign advertising the sale of lots in a subdivision or announcing the proposed development of property which shall not exceed thirty-two (32) square feet in area and which shall be removed within thirty (30) days of the sale of the last lot or completion of proposed construction.

**§1203.4 Contractor Signs**

One (1) non-illuminated temporary Contractor Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a lot, provided the sign shall not exceed twelve (12) square feet in area nor six (6) feet in height and shall be removed within thirty (30) days of the completion of the work.

**§1203.5 Temporary Special Event Signs for Public and Non-Profit Organizations**

One (1) non-illuminated Temporary Special Event Display, as defined herein, shall be permitted to be erected on the face of a public building, church or building housing a non-profit organization; provided, that the sign is displayed for a period of no longer than thirty (30) days and is removed within five (5) days following the event it is erected to promote.

Public agencies, churches and non-profit organizations may also erect a temporary special event banner over the public right-of-way of an arterial or collector street for a period not to exceed thirty (30) days; provided, that the temporary special event display is removed within five (5) days following the event that it is erected to promote and provided the applicant gives notice to the Borough and a Resolution of Borough Council is adopted and filed with the owner of the right-of-way.

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**§1203.6 Home Occupation Identification Signs**

One (1) non-illuminated Home Occupation Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the sign shall not exceed one (1) square foot and the sign shall contain only the name, address and occupation of the resident and shall not contain any logo or other advertising.

**§1204 SIGNS AUTHORIZED IN RESIDENTIAL ZONING DISTRICTS**

In addition to the signs authorized in all Zoning Districts by Section 1203, the following signs shall be permitted in the R-1 and R-2 Districts:

**§1204.1 Residential Identification Sign**

One (1) non-illuminated or indirectly illuminated Residential Identification Sign or name plate posted in conjunction with doorbells or mailboxes containing only the resident's name and address and designed in compliance with the Borough House Numbering Ordinance.

**§1204.2 Residential Plan Identification Sign**

One (1) non-illuminated or indirectly illuminated permanent Wall or freestanding Ground Identification Sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed twelve (12) square feet in area.

**§1204.3 Identification Signs for Authorized Conditional Uses and Uses by Special Exception in Residential Districts**

One (1) non-illuminated or indirectly illuminated Wall or freestanding Ground Identification Sign for a nonresidential use authorized by conditional use or special exception in a residential zoning district which shall not exceed twelve (12) square feet in area.

**§1204.4 Identification Signs for Legal Nonconforming Uses in Residential Districts**

One (1) non-illuminated or indirectly illuminated Wall or freestanding Ground Business Identification Sign for a lawfully maintained nonconforming use in a residential zoning district which shall not exceed twelve (12) square feet.

**§1204.5 On-Premises Directional Signs**

- A. On lots containing multifamily dwellings that have a lot area of twenty thousand (20,000) square feet, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area shall be permitted.

- B. For each additional twenty thousand (20,000) square feet of lot area, or fraction thereof, for lots containing multifamily dwellings, two (2) additional directional signs shall be permitted.

**§1204.6 Off-Premises Directional Signs**

Any non-profit or public agency located in the Borough may erect a maximum of four (4) Off-Premises Directional Signs, provided all of the following requirements are met.

- A. Display materials on Off-Premises Directional Signs shall be limited to the name of the non-profit or public agency symbol or logo, distance and direction.
- B. Off-Premises Directional Signs shall only be located on streets defined as arterial or collector by this Chapter and shall not be permitted on local streets.
- C. The maximum surface area of an Off-Premises Directional Sign shall be six (6) square feet.
- D. Off-Premises Directional Signs installed in the public right-of-way shall be subject to approval of either PennDOT, Allegheny County or the Borough, whichever is applicable. Signs installed on private property shall be subject to approval by the landowner. Evidence of permission from the landowner shall be submitted with the Sign Permit application.
- E. Off-Premises Directional Signs shall be located at least two (2) feet from the edge of paving on any public street.
- F. No Off-Premises Directional Sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or by obscuring a traffic signal or other traffic control device.
- G. No Off-Premises Directional Sign shall be located closer than three hundred (300) feet on either side of the street in either direction of another Off-Premises Directional Sign for the same business.

**§1205 SIGNS AUTHORIZED IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

In addition to the signs authorized in all Zoning Districts by Section 1203, the following signs shall be permitted in the B and I Districts:

**§1205.1 Temporary Special Event Signs for Businesses**

Temporary Special Event Signs, as defined by this Chapter, shall be permitted provided that:

- A. No more than two (2) signs or banners shall be permitted on any establishment at any one time;

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- B. Sandwich Board or A-Frame Signs may be utilized provided they do not block any sidewalk, parking area or driveway. All other Temporary Special Event Signs shall be securely attached to the building or to the supporting structure for a Business Identification Sign;
- C. Temporary Special Event Signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period.
- D. The aggregate surface area of all Temporary Special Event Signs shall not exceed forty (40) square feet per establishment.
- E. Portable Signs, as defined herein, shall not be considered Temporary Special Event Signs.
- F. Temporary Special Event Display Signs shall be non-illuminated or indirectly illuminated only.

**§1205.2 A-Frame or Sandwich Board Signs**

- A. In addition to the authorization to use A-Frame or Sandwich Board Signs as a Temporary Special Event Sign in §1205.1, above, an A-Frame or Sandwich Board Sign may be used without restrictions on the number of days in a calendar year on property in the M, Mixed Use District, provided all of regulations in this §1205.2 are met:
- B. Only one (1) A-Frame or Sandwich Board Sign shall be permitted for each business establishment. If an A-Frame or Sandwich Board Sign is being used as a Temporary Special Event Sign, no other A-Frame or Sandwich Board Sign shall be used during the time that the Temporary Special Event Sign is displayed.
- C. The A-Frame or Sandwich Board Sign shall be located so that pedestrian traffic on the sidewalk is not blocked, access to any on-street or off-street parking spaces is not impeded and visibility for traffic on adjoining streets and intersections is not obstructed.
- D. The A-Frame or Sandwich Board Sign shall not be used during inclement weather conditions such as high winds or heavy snowfall when the sign could create a hazard for pedestrian or vehicular traffic or snow removal.
- E. The A-Frame or Sandwich Board Sign shall be removed and stored inside a completely enclosed building during the hours when the business is closed.
- F. The A-Frame or Sandwich Board Sign shall only contain information related to features, products or services available on the premises of the business utilizing the sign. The A-Frame or Sandwich Board Sign shall be located on the premises with the business it is advertising.

**§1205.3 On Premises Directional Signs**

- A. On lots that have a lot area of less than twenty thousand (20,000) square feet, a maximum of four (4) non-illuminated or indirectly illuminated directional signs, each of which shall not exceed four (4) square feet in area shall be permitted.
- B. For each additional twenty thousand (20,000) square feet of lot area, or fraction thereof, two (2) additional directional signs shall be permitted.

**§1205.4 Changeable Copy Signs**

One (1) non-illuminated or internally illuminated manual or electronic Changeable Copy Sign shall be permitted per lot, regardless of the number of businesses on the lot. The Changeable Copy Sign shall be permanently affixed to the supporting structure of a freestanding Ground Sign or Pole Sign on the lot if a freestanding Ground or Pole Sign is authorized on the lot. An electronic Changeable Copy Sign shall not be visible from property in an R-1 or R-2 District.

A Changeable Copy Sign shall be used only in conjunction with a Business Identification Sign. The Changeable Copy Sign shall not be used as the Business Identification Sign. The total surface area of the Changeable Copy Sign shall not exceed fifty percent (50%) of the total area devoted to the Business Identification Sign, or a maximum of twenty-five (25) square feet, whichever is less. The surface area of the Changeable Copy Sign shall be included in the calculation of the maximum surface area authorized by this Chapter for the freestanding Ground or Pole Business Identification Sign.

A rolling or continuously moving message or display shall not be permitted. Each message or display shall remain stationary for at least thirty (30) seconds. There shall not be any appearance of a visual dissolve or fading in which any part of one electronic message or display appears simultaneously with any part of another electronic message or display.

Electronic Changeable Copy Signs shall be equipped with a photo-electric cell and a dimmer control to regulate the intensity of the lighting relative to the ambient light. The color of the background, the color of the letters and the size of the letters shall be designed to minimize glare, be compatible with ambient light and be the minimum size and contrast necessary to be readable given the speed of traffic on the adjacent street and the distance between the sign and the travel lanes.

**§1205.5 Business Identification Sign**

- A. Wall Signs

Each business establishment shall be permitted to have Wall Signs which may be internally illuminated, indirectly illuminated or non-illuminated. The aggregate area of all Wall Signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business.

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B. Ground Signs

In addition to the Wall Signs authorized by §1205.4a, one (1) freestanding Ground Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

1. No freestanding Pole Sign exists or is proposed to be erected on the lot.
2. The maximum surface area of the Ground Sign shall not exceed twenty-four (24) square feet.
3. The height and location of the sign shall comply with §1202.9 and shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street. The sign shall comply with the visibility requirements of §1003.4.
4. Ground Signs shall be non-illuminated or indirectly illuminated only.

C. Pole Signs

In addition to the Wall Signs authorized by §1205.4a, one (1) freestanding Pole Sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:

7. No freestanding Ground Sign exists or is proposed to be erected on the lot.
8. In the M District, the building shall be set back at least thirty-five (35) feet from the edge of the street right-of-way.
9. Pole Signs may be non-illuminated, indirectly illuminated or internally illuminated.
10. The maximum height of the top of the Pole Sign shall be twenty (20) feet.
11. The minimum height of the bottom edge of the sign shall be eight (8) feet.
12. The maximum surface area of the freestanding Pole Sign shall not exceed sixty-four (64) square feet and neither dimension of such sign shall be less than six (6) feet.
13. No portion of any Pole Sign shall project over any public right-of-way.

D. Monument Signs

One (1) illuminated or non-illuminated Monument Sign shall be permitted at the main entrance to a Planned Business Development, provided a Ground Sign or Pole Sign does not exist and is not proposed at that entrance.

The maximum surface area of a Monument Sign shall be one hundred (100) square feet. The maximum height of the Monument Sign shall be twenty-five (25) feet. The Monument Sign shall be located at least ten (10) feet from any property line or street right-of-way line. The Monument Sign shall comply with the visibility requirements of §1003.4. The base of the sign shall be landscaped with shrubs, perennials and annuals for a minimum distance of three (3) feet from the base of the sign.

E. Canopy Signs

Canopy Signs may be erected at the street level entrance to a building. In the case of multi-tenant buildings, each business with a street level entrance may have a Canopy Sign. Canopy Signs shall not be illuminated. Twenty-five percent (25%) of the overall canopy can be used for signage.

F. Roof Sign

1. Roof Signs shall be permitted only in the I, Industrial District. One (1) Roof Sign shall be permitted per building, regardless of the number of establishments in the building. Roof Signs shall be non-illuminated or indirectly illuminated only.
2. Roof Signs shall be permitted in place of, or in conjunction with Wall Signs. The surface area of a Roof Sign shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building. Where a Roof Sign is proposed in conjunction with Wall Signs, there shall be only one (1) Wall Sign per business and the surface area of the Wall Sign shall not exceed twenty-four (24) square feet.

**§1205.6 Off-Premises Directional Signs**

Any business or agency located in the Borough may erect a maximum of four (4) Off-Premises Directional Signs, provided all of the following requirements are met.

- A. Display materials on Off-Premises Directional Signs shall be limited to the name of the establishment, business symbol or logo, distance and direction.
- B. Off-Premises Directional Signs shall only be located on streets defined as arterial or collector by this Chapter and shall not be permitted on local streets.
- C. The maximum surface area of an Off-Premises Directional Sign shall be six (6) square feet.
- D. Off-Premises Directional Signs installed in the public right-of-way shall be subject to approval of either Penn DOT, Allegheny County or the Borough, whichever is applicable. The applicant shall give notice to the Borough and a Resolution of Borough Council, once adopted, shall be filed with the owner of the right-of-way. Signs installed on private property shall be subject to approval by the landowner. Evidence of permission from the landowner shall be submitted with the Sign Permit application.
- E. Off-Premises Directional Signs shall be located at least two (2) feet from the edge of paving on any public street.
- F. No Off-Premises Directional Sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or by obscuring a traffic signal or other traffic control device.

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- G. No Off-Premises Directional Sign shall be located closer than three hundred (300) feet on either side of the street in either direction of another Off-Premises Directional Sign for the same business.

**§1205.7 Murals**

Murals, as defined herein, shall be permitted only on buildings in the "M" District, subject to review by the Planning Commission to determine compliance with the following standards:

- A. The Mural shall be the only sign on the building wall on which it is displayed and shall not be permitted to be used in conjunction with any other sign on the same façade.
- B. The theme of the Mural shall not relate to any business, product, service or other commercial or political promotion.
- C. The Mural shall be compatible with the established architectural or design theme that exists in the same block in which the building is located.
- D. The maximum surface area of the building wall covered by a Mural shall be five hundred (500) square feet.
- E. The Mural shall be located so as to be visible from a public space such as a parking lot, parklet or public street.
- F. The Mural shall be non-illuminated or indirectly illuminated.

**§1206 BILLBOARDS**

Billboards shall be permitted only in accordance with all of the following regulations.

**§1206.1 Location**

- A. Billboards shall not be permitted on any property in a C, R-1 or R-2 District.
- B. Billboards shall be permitted only on property in an "M" or "I" District within four hundred (400) feet of the centerline (measured horizontally) of Interstate 79.
- C. No Billboard shall be placed within five hundred (500) feet of any property located in a C, R-1 or R-2 District or any public or private school property, park, library or church when the display face of the billboard will be visible therefrom. This required distance shall be measured along the frontage of the street or highway on which the Billboard is located.
- D. Billboards shall be located at least ten (10) feet from any street right-of-way. Billboards shall be subject to the side yard and rear yard requirements of the Zoning District in which they are located, except where the yard adjoins property in a C, R-1 or R-2 District, where the minimum yard required shall be one hundred (100) feet.

- E. No Billboard shall be erected closer than five hundred (500) feet to any other existing or proposed Billboard on the same side of the street or highway whether within or outside the Borough.

**§1206.2 Construction**

- A. Billboards shall be freestanding, ground-mounted, single-column post supported displays which have no structural contact with any building or other structure.
- B. Billboards shall be located so as to be no higher than forty (40) feet above the curb of the street from which they are intended to be viewed. Billboards which are not at grade shall provide a minimum clearance from the bottom of the sign to grade of fifteen (15) feet.
- C. A Billboard may have two (2) sign faces per structure placed back to back or in a "V" shaped configuration on a single support system.
- D. Billboards shall be non-illuminated or indirectly illuminated, providing all lighting is shielded and reflected away from adjacent streets and property.
- E. If the billboard is designed to utilize an electronic changeable copy display, there shall be no spillover lighting onto any adjacent property that contains any type of existing dwelling.

**§1206.3 Size**

- A. The minimum surface area of a Billboard shall be two hundred fifty (250) square feet and the maximum surface area of a Billboard shall be seven hundred and fifty (750) square feet.
- B. The maximum dimensions of a Billboard shall be twenty (20) feet in height and sixty (60) feet in width.

**§1206.4 Permits**

For Billboards proposed to be located along a State highway, the issuance of the Sign Permit required by §1202.12, shall be conditioned upon the approval of the Pennsylvania Department of Transportation (Penn DOT). If the applicant fails to submit evidence of the required approval by Penn DOT within thirty (30) days of the issuance of the conditional Sign Permit, the Sign Permit shall be revoked by the Borough Zoning Officer who shall provide written notice to the applicant.

The applicant may reapply for the required Sign Permit upon submission of evidence of Penn DOT approval without payment of any additional Sign Permit fee, provided the application is filed within three (3) months of the date that the Zoning Officer revokes the conditional Sign Permit.

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**§1206.5 Nonconforming Billboards**

Any Billboard that does not conform to the requirements of this Section 1206 shall not be enlarged or moved unless the Billboard complies with all provisions of this Section.

Any Billboard that is damaged or destroyed by more than fifty percent (50%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all the provisions of this Section 1206.

The owner of a nonconforming Billboard shall submit a report to the Borough Zoning Officer by January 31<sup>st</sup> of each year providing an estimate of the cost of replacement, including both materials and labor.

**ARTICLE XIII**  
**NONCONFORMING USES, STRUCTURES AND LOTS**

**§1300    APPLICABILITY**

This Article shall apply to all nonconforming uses, structures and lots, as defined by this Chapter. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Chapter or any amendment thereto.

**§1301    NONCONFORMING USES**

These regulations shall apply to any use of a structure or lot in any Zoning District that is a nonconforming use as defined by this Chapter. Whenever the boundaries of a Zoning District are changed so as to transfer an area from one Zoning District to another Zoning District of a different classification, these regulations shall apply to any uses that thereby become nonconforming.

**§1301.1    Continuation and Sale**

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

**§1301.2    Enlargement or Expansion**

No nonconforming use shall be enlarged or extended onto property which was not owned at the time the use became nonconforming. A nonconforming use shall not be enlarged or expanded unless the Zoning Hearing Board shall interpret that the enlargement or expansion is necessitated by the natural expansion and growth of trade of the nonconforming use. Any such enlargement or expansion shall conform to the area, height and yard requirements of the Zoning District in which it is located, unless the Zoning Hearing Board grants a variance.

**§1301.3    Change of Use**

- A. A nonconforming use shall not be changed to any use other than a conforming use, except as permitted as a use by special exception by the Zoning Hearing Board in accordance with the following standards:

ARTICLE XIII  
NONCONFORMING USES, STRUCTURES AND LOTS

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1. The new nonconforming use will more closely correspond to the uses authorized in the District as permitted uses, conditional uses or uses by special exception.
  2. The new nonconforming use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
  3. Any change from one nonconforming use to another shall comply with the parking requirements of Article XI for the new use and shall be subject to the area, bulk and Buffer Area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
- B. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.
- C. In the R-1 and R-2 Districts, where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.

**§1301.4 Abandonment**

When a nonconforming use of a structure and/or lot is discontinued or abandoned for twelve (12) consecutive months, the structure and/or lot shall not thereafter be used, except in conformance with the regulations of the Zoning District in which it is located.

**§1301.5 Damage or Destruction**

Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is undertaken within twelve (12) months of such casualty, and if the restored structure has no greater coverage and contains a cubic content no greater than before such casualty.

**§1302 NONCONFORMING STRUCTURES**

These regulations shall apply to all nonconforming structures, as defined by this Chapter, in all Zoning Districts.

**§1302.1 Structural Alteration or Enlargement**

A nonconforming structure may be enlarged or structurally altered, provided the enlargement or alteration does not encroach any further into a required yard setback than the existing nonconforming structure does and, further provided that no new nonconformities are created. All other alterations or enlargements shall require review by the Zoning Hearing Board and, after public hearing, the Zoning Hearing Board may determine undue hardship and may authorize a variance for the reasonable alteration or enlargement of such structure.

**§1302.2 Damage or Destruction**

Should any such structure, other than a sign, be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter. In the event that such damage or destruction is seventy-five percent (75%) or less than the replacement cost of the structure, repairs or reconstruction may be undertaken; provided, that such restoration is started within twelve (12) months of the date of destruction and the reconstruction does not increase the nonconformity of the structure.

**§1302.3 Moving**

Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the Zoning District in which it is located.

**§1302.4 Signs**

Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made that increase the gross surface area of the sign; however, nonconforming signs that are damaged or destroyed to an extent of more than fifty-one percent (51%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Chapter. Replacement cost shall be determined by the Borough Engineer upon request by the Borough. The Borough Engineer shall inspect the sign and submit a report to the Zoning Officer within ten (10) working days of the Borough's request. The cost of the services of the Borough Engineer shall be borne by the applicant. Said cost shall not exceed the amount established from time to time by Resolution of Borough Council.

Nonconforming signs shall not be enlarged, added to or replaced by another nonconforming sign, use or structure, except that the interchange of advertising panels shall be permitted, subject to obtaining the Sign Permit required by Section §1202.12.

**§1302.5 Repair or Maintenance**

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

**§1303 NONCONFORMING LOTS**

The following regulations shall apply to nonconforming lots, as defined by this Chapter:

**§1303.1 Lot Area or Lot Width**

- A. Where two (2) or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one (1) owner, the lots shall be considered

ARTICLE XIII  
NONCONFORMING USES, STRUCTURES AND LOTS

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to be an undivided lot for the purpose of complying with this Chapter. No division of any lot shall be made which does not comply with the requirements of this Chapter. Any change in lot lines necessary to meet the minimum requirements of this Chapter shall constitute a revision to the recorded plan and shall meet all applicable requirements of the Borough Subdivision regulations.

- B. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Chapter; however, such lot shall comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.

**§1303.2 Front Yard Setback**

- A. Where structures exist on adjacent nonconforming lots of record that have front yards that are less than the minimum depth required, the minimum front yard for an adjacent vacant nonconforming lot of record proposed to be built upon shall be the average depth of the nonconforming front yards for the existing structures on the adjacent nonconforming lots in the same block on the same side of the street.
- B. On lots of record which have recorded building lines which exceed the minimum depth required by this Chapter for the front yard, the recorded building line shall take precedence over the front yard required by this Chapter in the Zoning District in which it is located.

**§1304 REGISTRATION OF NONCONFORMITY**

The owner of a nonconforming use shall make an application for registration of the nonconforming use and upon presentation of documentation acceptable to the Zoning Officer that the use was lawfully in existence prior to the effective date of this Chapter or any amendment that created the nonconformity, the Zoning Officer shall register the same on a map and by the Allegheny County Assessor's Tax Parcel Number as a legal nonconforming use.

In the course of administering this Chapter and reviewing applications for Zoning Certificates, Certificates of Occupancy or variances, the Zoning Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

**ARTICLE XIV**  
**ZONING HEARING BOARD**

**§1400 MEMBERSHIP**

The membership of the Zoning Hearing Board shall consist of five (5) residents of the Borough appointed by Borough Council. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify Borough Council when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.

**§1401 ALTERNATE MEMBERS**

**§1401.1 Appointment of Alternate Members**

Borough Council may appoint by Resolution at least one (1), but no more than three (3), residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §1401.2, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Borough, including service as a member of the Planning Commission or as Zoning Officer, nor shall any alternate be an employee of the Borough. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to §1403.6 unless designated as a voting alternate member pursuant to §1401.2 of this Chapter.

**§1401.2 Participation by Alternate Members**

The Chairman of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to reach a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case by case basis in rotation according to declining seniority among all alternates.

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ZONING HEARING BOARD

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**§1402     REMOVAL OF MEMBERS**

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

**§1403     ORGANIZATION OF THE ZONING HEARING BOARD**

**§1403.1   Officers**

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

**§1403.2   Quorum**

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board. When members of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum in accordance with §1401.2 of this Chapter.

**§1403.3   Hearing Officer**

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

**§1403.4   Procedures**

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

**§1403.5   Files and Annual Report**

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

**§1403.6 Expenditures**

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

**§1404 JURISDICTION OF THE ZONING HEARING BOARD**

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

- A. Substantive challenges to the validity of any land use ordinance, except curative amendments brought before Borough Council.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of the 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance pursuant to Section 1406.
- F. Applications for uses by special exception under this Chapter or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Article IX and Section 1407 of this Chapter.
- G. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
- H. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development.

ARTICLE XIV  
ZONING HEARING BOARD

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**§1405 APPLICATION REQUIREMENTS**

All appeals and applications to the Zoning Hearing Board shall be submitted to the Zoning Officer.

All appeals and applications to the Zoning Hearing Board shall contain the following:

- A. Six (6) copies of an application form prescribed by the Zoning Hearing Board completed by the applicant or appellant referring to the specific provisions of this Chapter which are involved and setting forth the reasons which would justify the granting of a variance, special exception or other requested determination.
- B. The fee required by Resolution of Borough Council.
- C. For applications for uses by special exception, the information required by §901.4 of this Chapter.
- D. For other applications and appeals, as necessary, six (6) copies of a site plan and any additional information necessary to support the application.

**§1406 VARIANCES**

The Zoning Hearing Board, upon appeal, shall have the power to authorize variances from the requirements of this Chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purposes of this Chapter. A variance may be granted if all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
- F. A variance granted the Zoning Hearing Board shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning

approval for structural alteration or erection of structures, zoning approval for occupancy and use or a Grading Permit or Building Permit to undertake the work described in the variance has been submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends the variance upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.

**§1407 PARTIES APPELLANT BEFORE THE BOARD**

Requests for variances and for uses by special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. All other appeals within the jurisdiction specified in Section 1404 of this Chapter may be filed with the Zoning Hearing Board in writing by the landowner affected, any office or agency of the Borough or any person aggrieved.

**§1408 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 Chapter, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article IX. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Chapter and the express standards and criteria set forth in Article IX. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards in addition to those expressed in this Chapter, as it may deem necessary to properly implement this Chapter and protect the public health, safety and welfare.

**§1409 NOTICE AND CONDUCT OF HEARINGS**

**§1409.1 Notice**

Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, Borough Council, the Planning Commission and to any person who has made timely request for the same. A notice of the hearing shall be given to other persons at such a time and in such manner as Borough Council or the Zoning Hearing Board shall designate.

Public notice, as defined herein, shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the public hearing.

In addition, at least fourteen (14) days prior to the public hearing, written notices shall be sent by first class mail to the addresses to which real estate tax bills are sent for all real property located within three hundred (300) feet of the property line boundaries of the property for which the appeal is filed including properties across any street right-of-way. The names and addresses shall be provided by the applicant and the cost of mailing the notices shall be borne by the applicant.

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ZONING HEARING BOARD

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**§1409.2 Conduct of Hearing**

The Zoning Hearing Board shall conduct hearings in accordance with the following requirements:

- A. The first (1st) hearing shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
- B. Each subsequent hearing before the Zoning Hearing Board or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first (1st) hearing. Upon the request of the applicant, the Zoning Hearing Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first (1st) hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first (1st) hearing held after the completion of the applicant's case in chief. And the 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.
- C. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a Hearing Officer. The decision, or, where no decision is called for, the findings, shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.
- D. The parties to the hearing shall be the Borough, 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 have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- E. In any appeal of an enforcement notice, the Borough shall have the responsibility of presenting its evidence first (1st).
- F. The Chairman or acting Chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. Fees for the stenographer and transcript are governed by §1410.2 of this Chapter.
- J. The Zoning Hearing Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- K. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer.

#### **§1410 FAILURE TO RENDER A DECISION**

Where the Zoning Hearing Board fails to render a decision within the required forty-five (45) day period or fails to commence or complete the required hearing as provided in Section 1409, 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.

When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in §1409.1. 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 Court of Common Pleas.

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ZONING HEARING BOARD

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**§1411      MEDIATION**

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

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:

- A. Funding mediation;
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
- C. Completing mediation, including time limits for such completion;
- D. Suspending time limits otherwise authorized in this Chapter or in the Pennsylvania Municipalities Planning code (Act 247, as amended), provided there is written consent by the mediating parties, and by the applicant or Borough decision-making body, if either is not a party to the mediation;
- E. Identifying all parties and affording them the opportunity to participate;
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Chapter.

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.

**§1412      FEES**

Borough Council shall establish a schedule of fees by Resolution. The schedule of fees, shall be prominently displayed in the Municipal Building and made available to all persons requesting it.

**§1412.1      Fees**

Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include

legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs. All fees shall be paid into the Borough treasury.

**§1412.2 Stenographer's Appearance Fee and Transcripts**

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 from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

**§1413 TIME LIMITATIONS**

No person shall file any proceeding before the Zoning Hearing Board later than thirty (30) days after a preliminary or final application for development has been approved by an appropriate Borough officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

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 filed pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**§1414 STAY OF PROCEEDINGS**

Upon filing of any proceeding and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board, facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the Zoning Hearing Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the Court having jurisdiction of the zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

After the petition is presented, the Court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the

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burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the Court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the Court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the Court.

The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court. Any order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

If an appeal is taken by a respondent to the petition for a bond from an order of the Court dismissing a zoning appeal for refusal to post a bond and the Appellate Court sustains the order of the Court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the Court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

**ARTICLE XV**  
**ADMINISTRATION AND ENFORCEMENT**

**§1500 ZONING OFFICER POWERS AND DUTIES**

The provisions of this Chapter shall be administered and enforced by a Zoning Officer who shall be appointed by Borough Council. The Zoning Officer shall hold no elective office in the Borough. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate, to the satisfaction of the Borough, a working knowledge of municipal zoning.

The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

The Zoning Officer shall have all the powers and duties conferred upon him by this Chapter and the Pennsylvania Municipalities Planning Code. The Zoning Officer's duties shall include the following:

- A. Receive and examine all applications for Zoning Compliance Certificates and Certificates of Occupancy;
- B. Notify applicants of any deficiencies in applications and request additional information;
- C. Process applications for Zoning Compliance Certificates and Certificates of Occupancy for all permitted uses;
- D. Receive applications for uses by special exception and variances and forward these applications to the Zoning Hearing Board for action prior to considering issuance of Zoning Compliance Certificates or Certificates of Occupancy for the proposed use;
- E. Receive applications for conditional uses and forward these applications to the Planning Commission and Borough Council for recommendation and action prior to considering issuance of Zoning Compliance Certificates or Certificates of Occupancy for the proposed use;
- F. Issue permits only where there is compliance with the provisions of this Chapter, with other Borough ordinances and the laws of the Commonwealth;
- G. Issue denials of Zoning Compliance Certificates or Certificates of Occupancy and refer any appeal of the denial to the Zoning Hearing Board for action thereon;
- H. Conduct inspections and surveys to determine compliance or noncompliance with this Chapter;
- I. Issue notices of violation in accordance with the requirements of Section 1501 of this Chapter;

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- J. With the approval of Borough Council, or when directed by Borough Council, institute, in the name of the Borough, any appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation so as to prevent the occupancy or use of any building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises;
- K. Revoke any order or permit issued under a mistake of fact or contrary to the law or the provisions of this Chapter;
- L. Record and maintain a permanent file of all applications for Zoning Compliance Certificates and Certificates of Occupancy with accompanying plans and documents, and maintain those files as a public record;
- M. Maintain the official Zoning District Map for the Borough;
- N. Register nonconforming uses, structures and lots in accordance with Section 1304 of this Chapter;
- O. To inspect nonconforming uses, buildings and signs when requested by the landowner or Borough Council and to keep a filed record of such nonconforming uses and buildings as a public record.
- P. Submit a monthly written report to Borough Council of all Zoning Compliance Certificates, Certificates of Occupancy, Sign Permits, Temporary Use Permits and all notices of violation and orders issued;
- Q. Meet with the Planning Commission no less frequently than quarterly to advise the Commission regarding potential developments and to discuss any problems in administering this Chapter and/or recommend amendments to this Chapter.
- R. To receive all required fees.
- S. Upon the request of the Planning Commission or of the Zoning Hearing Board, to present such facts, records and any similar information on specific requests to assist such body in reaching its decision.

**§1501 ENFORCEMENT**

The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

**§1501.1 Violations**

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

**§1501.2 Enforcement Notice**

Any apparent violation of action requiring enforcement by the Zoning Officer of the Borough of Bridgeville will be pursued by the initiation of the following enforcement proceedings:

Any 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.

The Enforcement Notice shall contain the following information:

- A. The name of the owner of record and any other persons 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 that have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Chapter.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**§1501.3 Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) 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

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separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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

**§1501.4 Causes of Action**

In case any building or structure is erected, constructed, reconstructed, structurally altered, repaired, converted or maintained or any building or structure or land is used in violation of this Chapter or of any other ordinance or regulation made under authority conferred hereby, Borough Council or, with approval of Borough Council, the Zoning Officer or other proper official, in addition to other remedies, may institute in the name of the Borough, any appropriate action or proceeding to: prevent, restrain, correct or abate such unlawful erection, construction, reconstruction, structural alteration, repair, conversion, maintenance or use; to prevent the occupancy of any building, structure or land; or to prevent any illegal act, conduct, business or use that constitutes a violation.

**§1502 COORDINATION WITH OTHER BOROUGH REQUIREMENTS AND PERMITS,  
STATE AND FEDERAL REQUIREMENTS AND PERMITS**

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

**§1503 ZONING COMPLIANCE CERTIFICATE REQUIRED**

**§1503.1 When Required**

- A. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied or the use changed until a Zoning Compliance Certificate has been obtained from the Zoning Officer.
- B. In the instances where a Building Permit is required and applied for, a Zoning Compliance Certificate shall be prerequisite to issuance of the Building Permit. In those instances where no Building Permit is required, an application for a Certificate of

Occupancy for a new or changed use of land or structure shall be accompanied by a Zoning Compliance Certificate.

- C. In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Commission and Borough Council or to the Zoning Hearing Board, whichever is applicable, for a decision granting approval of the conditional use or use by special exception prerequisite to issuing a Zoning Compliance Certificate. Whenever the approval of a conditional use or use by special exception includes conditions attached to the approval, said conditions shall be incorporated into the Zoning Compliance Certificate.
- D. In the case of a permitted use, the Zoning Officer shall not issue the Zoning Compliance Certificate unless and until all applicable regulations of this Chapter have been met and, in the case of a use for which land development plan approval is required by the Borough Subdivision and Land Development Ordinance, unless and until Final Approval of the Land Development Plan has been granted by Borough Council. Whenever final approval of a land development plan is subject to conditions, those conditions shall be incorporated into the Zoning Compliance Certificate.

**§1503.2 Application for Zoning Compliance Certificate**

All applications for Zoning Compliance Certificates shall be filed in duplicate, in writing, by the owner or his authorized agent on a form furnished by the Borough. Copies of all required County, State and/or Federal permits as approved by the appropriate agency shall be submitted, if applicable. The application shall include the following information at a minimum:

- A. All applications for a proposed use that does not involve construction, alteration or enlargement of a principal or accessory structure shall include a property survey showing compliance with any applicable requirements for the proposed use such as signage, parking, buffer areas and the like, as well as a narrative describing the proposed use and demonstrating compliance with all applicable criteria for approval, including, but not limited to, any express standards and criteria for a conditional use or use by special exception.
- B. All applications for a Zoning Compliance Certificate for a principal structure where construction is proposed shall be accompanied by two (2) copies of a property survey, drawn to scale, showing: key location map; graphic scale; North arrow; closest intersecting public road; exact dimensions and total acreage of the lot or parcel; zoning of the lots and zoning of all abutting properties; exact location and exterior dimensions of the existing and proposed buildings or other structures; existing and proposed uses of the structures; exact location and area of all existing and proposed watercourses; drainage ways, rights-of-way and easements; exact location of existing and proposed driveways, streets and roads within, adjacent and opposite to the lot or parcel; exact location of existing and proposed off-street parking, loading and pedestrian movement facilities; exact dimensions of front, side and rear yards for all principal and accessory uses; and any other additional data as may be deemed necessary and be requested by the Zoning Officer to determine compliance with this Chapter.

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- C. All applications for construction, alteration or enlargement of an accessory structure shall be accompanied by two (2) copies of a plot plan showing the principal structure, the proposed location of the accessory structure, setbacks for the accessory structure, its relationship to the principal structure, the proposed use of the accessory structure and all easements and rights-of-way on the property.
- D. The Zoning Officer may require an applicant to furnish a survey of the property by a Pennsylvania Registered Land Surveyor when complete and accurate information is not readily available from existing records.
- E. The Zoning Officer may require additional data to determine compliance with this Chapter.

It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted or request more information of the applicant and officially receive the application for review by the appropriate Borough agencies.

All applications for a Zoning Compliance Certificate shall be accompanied by a fee, to be based upon the fee schedule of the Borough, as provided for in Section 1508 of this Chapter.

**§1503.3 Approval of Zoning Compliance Certificate**

Upon approval of the application for a Zoning Compliance Certificate, one (1) copy of the approved Zoning Compliance Certificate with the approved application attached shall be returned to the applicant. One (1) copy of such Zoning Compliance Certificate shall be kept on file in the Borough Office.

**§1503.4 Denial of Zoning Compliance Certificate**

In the event of a denial, the Zoning Officer shall state in writing the reason for such denial including the citation of the specific section of this Chapter or other pertinent ordinances that have not been met.

**§1503.5 Inspection**

The Zoning Officer, or his duly appointed representative, may make inspections on the property for which an application for a Zoning Compliance Certificate has been submitted, issued or completed.

**§1503.6 Failure to Obtain Zoning Compliance Certificate**

Failure to obtain a Zoning Compliance Certificate shall be a violation of this Chapter and shall be subject to the enforcement remedies of Section 1501 of this Chapter.

**§1504 CERTIFICATE OF OCCUPANCY**

A Certificate of Occupancy indicating compliance with the provisions of this Chapter shall be required prior to:

- A. Occupancy of any structure following completion of construction, reconstruction or enlargement of the structure governed by an approved Building Permit.
- B. Occupancy of any land or structure for which a Building Permit is not required.
- C. A change in the use of an existing building, structure, water body or land area.
- D. A change of a nonconforming use, building or structure authorized by the Zoning Hearing Board.

**§1504.1 Application for Certificate of Occupancy**

A Certificate of Occupancy shall only be required for the first (1<sup>st</sup>) occupancy following construction of any dwelling. Except for subsequent occupancies of dwellings, a Certificate of Occupancy shall be required prior to the use and occupancy of any structure, building, water body or land area. A Certificate of Occupancy shall be required for the change of use of any structure, building, water body or land area, including dwellings.

All requests for a Certificate of Occupancy shall be made, in duplicate, in writing, on a form furnished by the Borough, completed by the owner, or other authorized agent and shall include a statement that the use and/or construction authorized by the approved Zoning Compliance Certificate has been completed in compliance with all applicable requirements.

- A. It shall be the duty of the Zoning Officer to review the application to determine if all necessary information has been submitted, to request more information from the applicant and officially receive the application.
- B. All applications for a Certificate of Occupancy shall be accompanied by a fee to be based upon the fee schedule of the Borough, as provided for in Section 1508 of this Chapter.

**§1504.2 Issuance of Certificate of Occupancy**

Applications for a Certificate of Occupancy shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the request for a Certificate of Occupancy, one (1) copy of the Certificate of Occupancy shall be given to the applicant, and one (1) copy of the Certificate of Occupancy shall be kept on file in the Borough Office.

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**§1504.3 Denial of Certificate of Occupancy**

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason for such denial and shall cite the specific requirements of this Chapter that have not been met.

**§1504.4 Time Limitations**

A Certificate of Occupancy shall remain valid for as long as the structure, building, water body or land area is used in the manner for which the Certificate of Occupancy has been issued.

**§1504.5 Temporary Certificate of Occupancy**

A Temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months to permit partial occupancy of a building, structure, water body or land area while work is being completed, provided such Temporary Certificate of Occupancy may require such conditions and safeguards as may be warranted, including posting of surety, to protect the health and safety of the occupants and the public and guarantee compliance with the provisions of this Chapter or any conditions attached to the Zoning Compliance Certificate.

**§1504.6 Failure to Obtain a Certificate of Occupancy**

Failure to obtain a Certificate of Occupancy shall be a violation of this Chapter and shall be subject to enforcement remedies as provided in Section 1501 of this Chapter.

**§1505 TEMPORARY USE PERMITS**

A Temporary Use Permit shall be required prior to the initiation of an authorized temporary use of a structure, land or water body and shall meet the following requirements:

**§1505.1 Approvals Required**

- A. Temporary construction trailers shall be subject to approval of a Temporary Use Permit by the Zoning Officer under this Section provided the Zoning Officer also determines compliance with Section 1006.
- B. Sidewalk sales, carload sales and other special promotions conducted on the site of an existing retail business with the permission of the landowner for a period of not more than seventy-two (72) consecutive hours shall be exempt from obtaining a Temporary Use Permit. Any such activity that exceeds seventy-two (72) consecutive hours in duration shall be exempt from obtaining approval of a use by special exception from the Zoning Hearing Board, but shall be subject to approval by the Zoning Officer of a Temporary Use Permit provided the Zoning Officer determines compliance with all

applicable standards of §903.40 as a condition precedent to issuing the Temporary Use Permit under this Section.

- C. Temporary uses such as festivals, fairs or other similar activities sponsored by a governmental, local nonprofit, community or charitable organization shall be exempt from obtaining approval of a use by special exception from the Zoning Hearing Board, but shall be subject to approval by the Zoning Officer of a Temporary Use Permit provided the Zoning Officer determines compliance with all applicable standards of §903.40 as a condition precedent to issuing the Temporary Use Permit under this Section.
- D. All other temporary uses shall be subject to approval by the Zoning Hearing Board of a use by special exception in accordance with the criteria of §903.40 as a condition precedent to obtaining a Temporary Use Permit from the Zoning Officer under this Section.

**§1505.2 Application for Temporary Use Permit**

All requests for Temporary Use Permits shall be made in duplicate, in writing, on a form furnished by the Borough and shall include a full description of the type of use for which such permit is being sought and the dates during which this use is proposed to be in existence.

- A. It shall be the duty of the Zoning Officer to review the application for compliance, request more information of the applicant and officially receive the application.
- B. All applications for a Temporary Use Permit shall be accompanied by a fee, to be based upon the fee schedule adopted by the Borough, as provided for in Section 1508 of this Chapter.
- C. Any temporary use that requires approval of a use by special exception by the Zoning Hearing Board shall include the information required by §901.4 for approval of an application for a use by special exception.

**§1505.3 Issuance of Permit**

Any Temporary Use Permit that requires approval of a use by special exception in accordance with the express standards and criteria of §903.40 shall not be issued until the favorable decision of the Zoning Hearing Board is received.

Applications for a Temporary Use Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the Temporary Use Permit.

Upon approval of the application for a Temporary Use Permit, one (1) copy of the Permit shall be given to the applicant. The applicant's copy of the Temporary Use Permit must be publicly displayed at the site of the temporary use during the existence of the use. One (1) copy of the Permit shall be kept on file in the Borough Office.

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**§1505.4 Denial of Permit**

In the event of denial, the Zoning Officer shall forward to the applicant a written statement containing the reasons for such denial and shall cite the specific requirements of this Chapter that have not been met.

**§1505.5 Time Limitations**

Temporary Use Permits are valid for the time period specified in the approval. Annual renewal may be granted subject to the Zoning Officer's determination that there is continuing compliance with §903.40. All temporary uses shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.

**§1505.6 Inspections**

The Zoning Officer, or his duly appointed representative, may make an inspection of the property on which such temporary use is to be located to determine the suitability of the site for the use. This inspection shall be made prior to issuing a permit, prior to initiation of the use or in the event a renewal of the permit is requested, during the time the use is in existence.

In the event of such inspection, a record shall be made indicating the time and date of inspection; the findings of the Zoning Officer in regard to conformance with this Chapter and other Borough ordinances; and the opinion of the Zoning Officer with regard to the suitability of the site for this use.

**§1505.7 Failure to Obtain a Temporary Use Permit**

Failure to obtain a Temporary Use Permit shall be a violation of this Chapter and shall be subject to enforcement remedies as provided in Section 1501 of this Chapter.

**§1506 SIGN PERMITS**

A Sign Permit shall be required in accordance with the provisions of §1202.12 of this Chapter. It shall be unlawful for any person to commence work for the erection or alteration of any sign until a permit has been issued.

**§1506.1 Application for Permit**

All requests for Sign Permits shall be made in writing on a form furnished by the Borough and shall include a full description of the proposed sign, a description of the lot upon which such proposed sign is to be located and a description of any other existing signs on the same lot.

- A. All applications for a Sign Permit shall be accompanied by two (2) copies of a drawing showing: width of sign; height of sign; gross surface area of sign; total height of sign above adjacent ground level; clearance between bottommost part of sign and ground

level; and, for freestanding signs, the distance between the front edge of the sign and adjacent street right-of-way and the distance between the side or rear edge of the sign and the side or rear property line; the proposed message; construction specifications; the type of foundation, structural integrity and ability to withstand wind loads; the form of illumination proposed, if any; and compliance with the visibility requirements of §1003.4 of this Chapter.

- B. It shall be the duty of the Zoning Officer to review the application for completeness and compliance, request more information of the applicant or officially receive the application for the sign.
- C. All applications for a Sign Permit shall be accompanied by a fee, to be based upon the fee schedule of the Borough as provided for in Section 1508 of this Chapter.

**§1506.2 Issuance of Permit**

Applications for a Sign Permit shall be reviewed by the Zoning Officer. The Zoning Officer shall either issue findings as a basis for denial or shall approve the application.

Upon approval of the Sign Permit, one (1) copy of the permit shall be given to the applicant, and one (1) copy of the permit shall be kept on file in the Borough Office.

**§1506.3 Denial of Permit**

In the event of denial, the Zoning Officer shall forward to the applicant, a written statement containing the reason for such denial and shall cite the specific requirements of this Chapter that have not been met.

**§1506.4 Inspections**

For a Sign Permit, the Zoning Officer, or his duly appointed representative, may make the following inspections on property on which the permanent sign is to be located: prior to installation of the sign; following installation of the sign; occasionally to determine continued maintenance and compliance with this Chapter; in response to any written complaint; whenever the sign is proposed to be replaced or modified; and upon cessation of the use for which the sign was erected.

**§1506.5 Failure to Obtain a Sign Permit**

Failure to obtain a Sign Permit shall be a violation of this Chapter and shall be subject to enforcement remedies as provided in Section 1501 of this Chapter.

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**§1507 PROCEDURE FOR AMENDMENTS**

Borough Council may introduce and/or consider amendments to this Chapter and to the Zoning District Map. In addition, Borough Council may consider amendments to this Chapter and to the Zoning District Map that are proposed by the Planning Commission or by a petition of landowners of property within the Borough.

**§1507.1 Petitions**

Petitions for amendments by landowners shall be filed with the Planning Commission at least twenty (20) calendar days prior to the meeting at which the petition is to be heard. In the case of a petition for reclassification of property, the petitioners, upon such filing, shall submit a legal description of the property proposed to be rezoned. All petitions shall include a statement justifying the request and documenting consistency with the Borough's Comprehensive Plan and a filing fee, in accordance with the fee schedule fixed by Resolution of Borough Council as provided for in Section 1508. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to Borough Council.

**§1507.2 Referral**

Any proposed amendment presented to Borough Council without written findings and recommendations from the Borough Planning Commission and the Allegheny County Department of Economic Development shall be referred to these agencies for review at least thirty (30) days prior to the public hearing of Borough Council. Borough Council shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of thirty (30) days from the date of referral, whichever comes first.

**§1507.3 Posting of Property**

If the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens at least seven (7) days prior to the date of the public hearing.

**§1507.4 Mailing of Notices**

In addition to posting the property, if the proposed amendment involves a change to the Zoning District Map, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first (1<sup>st</sup>) class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Subsection. This Subsection shall not apply when the rezoning constitutes a comprehensive rezoning.

**§1507.5 Public Notice and Public Hearing**

Before acting on a proposed amendment, Borough Council shall hold a public hearing thereon. Public notice, as defined by this Chapter, shall be given containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined.

**§1507.6 Readvertisement**

If after any public hearing is held upon a proposed amendment, the amendment is substantially changed or revised to include land not previously affected by the amendment, Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

**§1507.7 Publication, Advertisement and Availability**

Proposed amendments shall not be enacted unless Borough Council gives notice of the proposed enactment, including the time and place of the meeting at which passage will be considered and a reference to the place in the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Borough Solicitor setting forth all the provisions in reasonable detail. If the full text is not included:

- A. A copy thereof shall be provided to the newspaper at the time public notice is published;  
and
- B. An attested copy of the proposed ordinance shall be filed in the County Law Library.

**§1507.8 Action**

In the case of proposed adoption of a completely revised Zoning Ordinance, within ninety (90) days of the date when the public hearing on the proposed ordinance is officially closed, Borough Council shall vote on the proposed ordinance. In the event substantial amendments are made in the proposed ordinance or amendment, Borough Council shall readvertise in one (1) newspaper of general circulation in the Borough a brief summary of the ordinance or amendments at least ten (10) days prior to enactment.

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**§1507.9 Filing Amendment with County Planning Agency**

Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Allegheny County Department of Economic Development.

**§1507.10 Mediation Option**

Borough Council may offer the mediation option as an aid in completing proceedings authorized by this Section 1507. The Borough and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1411 of this Chapter.

**§1508 FEES**

Borough Council shall establish and revise, from time to time, a schedule of fees by Resolution, as well as a collection procedure, for all applications submitted under the provisions of this Chapter. The schedule of fees shall be available to the public from the Zoning Officer or Borough Manager.

**§1509 LANDOWNER CURATIVE AMENDMENTS**

A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this Chapter or the Zoning District Map or any provision thereof, that prohibits or restricts the use or development of land in which he has an interest.

**§1509.1 Procedure**

The landowner may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Borough Planning Commission and the Allegheny County Department of Economic Development at least thirty (30) days before the hearing is conducted by Borough Council. Public notice shall be given in accordance with Sections 610, 1004 and other applicable provisions of the Pennsylvania Municipalities Planning Code. The hearings shall be conducted in accordance with the provisions of Subsections (4) through (8) of Section 908 of the Pennsylvania Municipalities Planning Code and all references in that Section to the Zoning Hearing Board shall be references to Borough Council.

**§1509.2 Evaluation of Merits of Curative Amendment**

If Borough Council determines that a validity challenge has merit, Borough Council may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that will cure the alleged defects. Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning District Map;
- C. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- E. The impact of the proposal on the preservation of agriculture and other land uses that are essential to public health and welfare.

**§1509.3 Declaration of Invalidity by Court**

If the Borough does not accept a landowner's curative amendment brought in accordance with this Section and a Court subsequently rules the challenge has merit, the Court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions that specifically relate to the landowner's curative amendment challenge.

**§1510 PROCEDURE FOR BOROUGH CURATIVE AMENDMENTS**

If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

- A. The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Borough Council shall:
  - 1. By Resolution, make specific findings setting forth the declared invalidity of this Chapter which may include:
    - a. Reference to specific uses which are either not permitted or not permitted in sufficient quantity;
    - b. Reference to a class of use or uses which requires revision; or,
    - c. Reference to this Chapter which requires revisions.

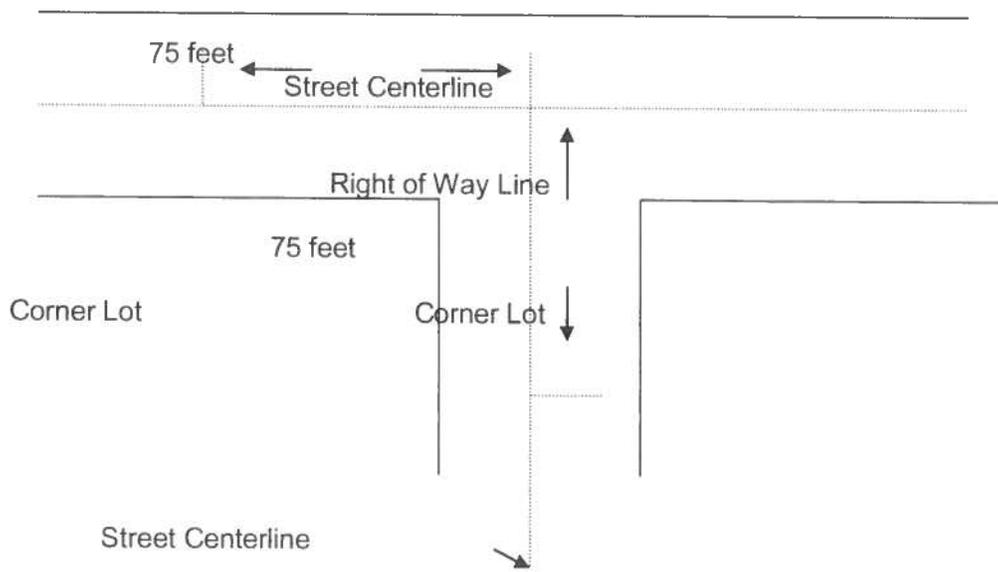
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2. Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.
- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.
  - C. Upon the initiation of the procedures as set forth in §1510.1, the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the Resolution required by §1510.1a. Upon completion of the procedures set forth in §1510.1 and §1510.2, no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section 1510.
  - D. The Borough, having utilized the procedures set forth in this Section 1510, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

APPENDIX A  
CLEAR SIGHT TRIANGLE

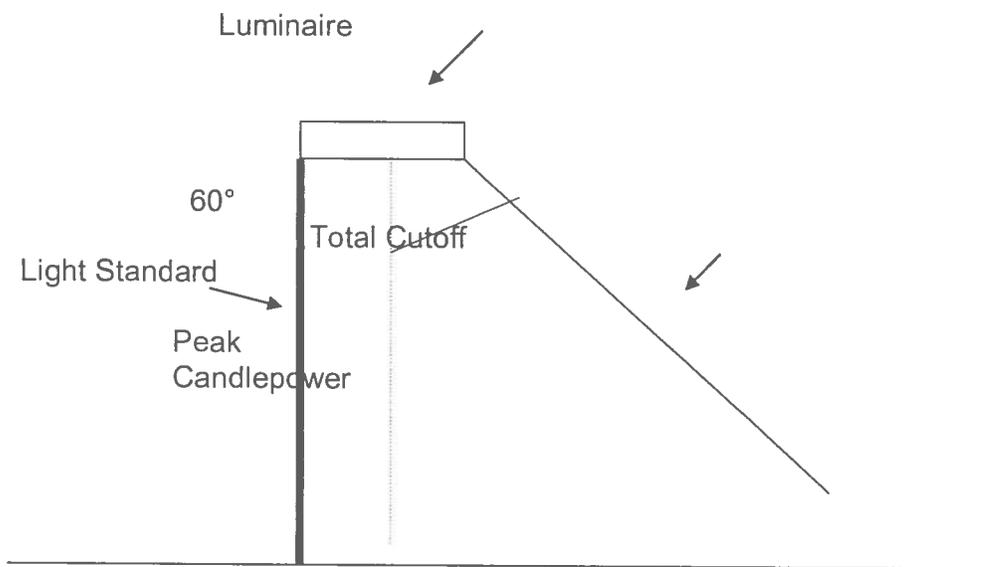
ILLUSTRATION OF CLEAR SIGHT TRIANGLE





APPENDIX B  
CUT-OFF ANGLE

ILLUSTRATION OF CUT-OFF ANGLE

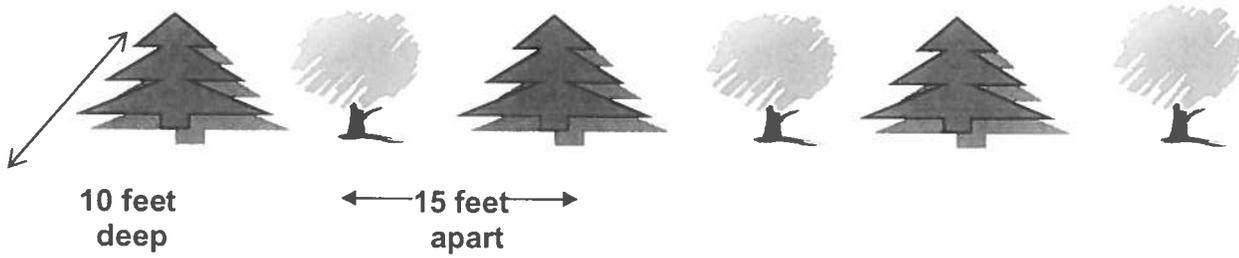


CUTOFF LUMINAIRE



APPENDIX C

ILLUSTRATION OF BUFFER AREAS



BUFFER AREA "A"



BUFFER AREA "B"