

BOROUGH OF BLAWNOX

**ZONING
ORDINANCE**

*Ordinance Number 517
Adopted July 31, 2000*

**ALLEGHENY COUNTY
PENNSYLVANIA**

**BLAWNOX BOROUGH
376 Freeport Road
Blawnox, Pennsylvania 15238**

BLAWNOX ZONING ORDINANCE

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**ZONING ORDINANCE OF
THE BOROUGH OF BLAWNOX
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 517**

AN ORDINANCE OF THE BOROUGH OF BLAWNOX ALLEGHENY COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 305 AND ITS SUPPLEMENTS AND AMENDMENTS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE BOROUGH OF BLAWNOX, AND PASSING A NEW ZONING ORDINANCE OF THE BOROUGH OF BLAWNOX, WHICH IS CONSISTENT WITH AND DESIGNED TO CARRY OUT THE OBJECTIVES OF THE PENNSYLVANIA LEGISLATURE AS SET FORTH IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247, PASSED JULY 31, 1968, AS AMENDED.

ARTICLE ONE

GENERAL PROVISIONS

1-101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Blawnox Zoning Ordinance" and the district map shall be known and may be cited the "Official Blawnox Zoning Map."

1-102 STATEMENT OF PURPOSES

The fundamental purpose of this Ordinance is to promote the safety, health, morals, convenience and general welfare; to encourage the most appropriate use of land throughout the Borough; to conserve and stabilize the value of property; to prevent overcrowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate open spaces for light and air; to facilitate adequate provision of streets and highways, water, sewerage, drainage and other public facilities; to conserve life, property and natural resources; and to conserve the expenditure of funds earmarked for public improvements.

1-103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is to render a legal basis and framework to the future land use plan and development goals established in the Statement of Community Development objectives, adopted by Resolution No. 83-3 by Borough Council on March 21, 1983, and to the goals and objectives presented in the regional plan, prepared by the Guyasuta Joint Municipal Planning Commission, August, 1981.

1-104 APPLICATION OF REGULATIONS

The regulations established by this Zoning Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except that additional classifications may be made within any district for the purposes of: (1) making transitional provisions at or near the boundaries of districts; (2) regulating nonconforming uses and structures; (3) regulating, restricting or prohibiting uses and structures at or near major thoroughfares, their intersections and interchanges; natural or artificial bodies of water; places of relatively steep slope or grade; public buildings and grounds; places having unique historical or patriotic value or interest; floodplain areas and other places having a special character or use affecting or affected by their surroundings. Among several classes of zoning districts, the provisions for permitted uses may be mutually exclusive, in whole or in part.

No building, structure or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

No part of a yard or other open space or offstreet parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or offstreet parking or loading space similarly required for any other building, unless otherwise provided by this Ordinance.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

All territory which may hereafter be annexed to the Borough of Blawnox shall be considered to be in the R-1 Single Family Residential District until otherwise classified.

In case any public building, facility or land area, such as a school, recreation area, community center, or municipal building shall cease to be used according to its intended function, the Borough Planning Commission shall study the existing zoning classification of the property on which the said use is located and shall make recommendations to the Borough Council on any necessary zoning changes to ensure a suitable reuse of the parcel. This study and recommendation shall be made by the Planning Commission within 90 days of the notification by the appropriate public entity of the intent to terminate the existing use of the property.

1-105 INTERPRETATIONS

Wherever the regulations within this Zoning Ordinance are at variance with other lawfully adopted rules, regulations, ordinances, restrictions or covenants, those which impose the most restrictive requirements shall govern.

No structure or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of this Ordinance, said structure remains unlawful hereunder.

Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal environmental protection law or regulation.

1-106 REPEAL OF CONFLICTING ORDINANCES

All existing ordinances or parts of ordinances which are contrary to or conflict with the provisions of this Zoning Ordinance are hereby repealed, to the extent necessary, to give this Zoning Ordinance full force and effect.

1-107 VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts or sections remaining shall remain in effect as though the part of the section declared unconstitutional had never been a part thereof.

ARTICLE TWO

DEFINITIONS

2-201 LANGUAGE INTERPRETATIONS

201.1 For the purpose of this Ordinance certain terms and words used herein should be interpreted or defined as follows:

Words used in the present tense shall include the future.

Words in the singular shall include the plural.

The word "person" includes a corporation, partnership and association, as well as an individual.

The word "lot" includes the words "plot" or "parcel."

The term "shall" is always mandatory.

The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied."

The word "building" includes the word "structure."

201.2 The particular shall control the general.

2-202 DEFINITIONS

In addition to the following definitions, diagrams illustrating key lot, area and bulk terms appear at the end of this Article.

ACCESSORY BUILDING OR USE: A use, building or structure, the use of which is customarily incidental and subordinate to the main or principal use, building or structure which is located on the same lot therewith.

ADULT USE BUSINESS: Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs or other material, distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein. Adult use businesses shall also include live-entertainment theaters,

cabarets or licensed eating or drinking establishments which feature male or female nude or exotic dancers, topless dancers, strippers, or similar entertainment.

The term shall also include:

(1) massage parlors or services, excepting any therapeutic, medical or surgical services or facilities of a regularly licensed hospital or dispensary, or the professional services of a physician, osteopath or chiropractor duly licensed by the Commonwealth of Pennsylvania;

(2) model studios furnishing figure models who pose nude for the purpose of being viewed, sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted for persons who pay a fee, or other consideration or compensation, or a gratuity, for the right or opportunity so to depict the figure model, or for admission to, or for permission to remain upon, or as a condition for remaining upon the premise. Exempted from this provision are model studios, or businesses conducted to furnish models to studios which are operated by any state college or junior college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma;

(3) meditation or sexual encounter centers, rap centers, peep shows or similar establishments, whose activities are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas," as defined herein.

The term "specified sexual activities," as used in this Ordinance, is defined as: (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; (3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. The term "specified anatomical areas," as used in this Ordinance, is defined as: (1) less than completely and opaquely covered; (a) human genitals, pubic region, (b) buttock and (c) female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ALLEY: A narrow service way providing a secondary public means of access to the rear or side of properties otherwise abutting on a street.

ALTERATIONS: An incidental change, rearrangement, replacement or enlargement in the structural parts or in the means of egress, whether by extending on a side or by increasing in height, or the moving from one location or position to another; or by change in use from that of one district classification to another.

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

AMUSEMENT ARCADE: A business or portion thereof, having on its premises for use by the public, four or more video or electromechanical devices operated by inserting a coin or token.

APARTMENT: (See Dwelling, Multifamily).

AUTO CONVENIENCE MARKET: A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

AUTO SALES: The sale or rental of new or used motor vehicles or trailers.

BASEMENT OR CELLAR: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

BILLBOARD: A sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding, mounted on a building wall or other structure, or applied directly on the surface of a wall-mounted or freestanding display area.

BLOCK: An area bounded by three or more streets.

BOROUGH: The Borough of Blawnox.

BUFFER AREA: An area of land which may include natural or artificial land forms or a planted area with shrubs, bushes, trees, grass or other ground cover material, and within which no structure or building shall be authorized except a wall or fence which meets requirements of this Ordinance.

BUILDING: Any covered structure that is permanently affixed to the land; included shall be all manufactured and pre-fabricated homes to be used for human occupancy.

BUILDING LINE: A line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front street right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line. The building line shall not include steps.

BUILDING AREA: The area of the lot within the building lines, bounded by the required yards; where there is no required yard, then bounded by the lot line.

BUILDING SPACING: The minimum distance between two buildings. The building spacing shall be measured from the outermost wall or projections, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters, provided these exceptions do not encroach more than 2 feet.

BULK: The term used to describe the size of buildings and their relationship to one another, to open areas, and to lot lines. Requirements relating to the bulk include standards for size, including area, height and floor area of a building; the number of dwelling units in a residential building in relationship to the area of the lot; and areas in yards or other open spaces.

BUSINESS AND PROFESSIONAL OFFICE: The office of an engineer, doctor, dentist, psycho-analyst, psychologist, public accountant, optometrist, chiropractor, attorney, real estate broker, insurance broker, architect, or other similar professional person; and any office used primarily for accounting, correspondence, research, editing or administration.

CANOPY: A lightweight structure attached to the ground and/or to a wall and extended over a sidewalk or other pedestrian walkway, where such structure is used primarily for purposes of shelter and not advertising.

CARPORT: A structure used for the shelter of a vehicle and which includes a roof attached to the side or back of the principal building and/or supported by four columns and which is open on two or more sides from the roof to the ground over which it stands (unless specified otherwise herein).

CARWASH: A structure, or portion thereof, either fully or partially enclosed, where one or more vehicles may be washed using mechanized equipment or by self-service.

CEMETERY: A burial place or graveyard which may include a mausoleum, crematory or columbarium.

CHURCH: (See Place of Worship).

CLEAR SIGHT TRIANGLE: The unobstructed sight along both roads or driveways at an intersection and across their included corner for distances sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. The minimum sight triangle may vary according to type of street and speed limit. Sight distance along the street shall be measured at the height of the driver's eye, which is assumed to be 3.75 feet above the road service. (See illustration.)

CLUB: (Private and/or Semi-private) An association organized and operated not for profit for persons who are bona fide members paying annual dues, and which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

COMMERCIAL: Engaging in a business, enterprise, activity, or other undertaking for profit.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for use or enjoyment of residents of the development, but excluding streets, offstreet parking areas, and areas set aside for public facilities.

COMMERCIAL RECREATION: Bowling alleys, billiard and pool halls, golf courses (regular and miniature), gymnasiums, exercise or fitness centers, swimming pools, and similar uses which are operated on a commercial, for-profit basis. Such uses do not include theaters, amusement arcades (as defined by this Ordinance), amusement or theme parks, or major sports arenas/stadiums or race tracks.

CONDITIONAL USE: A use which may be permitted in one or more zoning districts upon approval of Borough Council who may grant approval pursuant to express standards and criteria and the provisions of this Ordinance.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For purposes of this Ordinance,

condominium refers to a method of owning real estate and not to a type of unit or structure.

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

CORNER LOT: (See Lot, Corner).

COUNCIL: Blawnox Borough Council.

COUNTY: Allegheny County, Pennsylvania

COURT: An open, unoccupied, uncovered space partially or wholly surrounded by the walls of a building or structure.

COVERAGE: (See Lot, Coverage).

DAY: Days shall be measured by calendar days whenever a time period is stipulated in this Ordinance.

DAY CARE CENTER: A facility providing care, supervision and/or instruction for pre-school age children and licensed to operate as such by the Commonwealth Department of Education.

DEVELOPMENT: Any change to real estate, including but not limited to the erection, construction or placement of a structure or building, utilities, streets, parking and loading areas or other paved filling, grading, excavation, mining, drilling or dredging operations, or the placement of mobile homes.

DEVELOPMENT PLAN: The provisions for the development of a planned residential development, including a plot of subdivisions, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who undertakes a development.

DUPLEX: (See Dwelling, Two Family).

DWELLING UNIT: Any building or portion thereof constituting a separate independent housekeeping establishment for one or more persons, and containing independent cooking, sanitary and sleeping facilities. It shall not be deemed to include hotels, boarding or rooming houses, institutional facilities and residence clubs.

SINGLE FAMILY DWELLING: A detached residential dwelling unit, other than a mobile home, occupied by only one family.

TWO FAMILY DWELLING: A detached building occupied by only two families, independent of each other, with the two units either attached side by side or one above the other.

MULTIFAMILY DWELLING: A residential structure containing three or more separate dwelling units, including townhouses, garden dwellings, multiplexes, multistory/multifamily and similar multiple dwelling structures.

DWELLING UNIT DENSITY: The minimum number of dwelling units authorized per acre.

EATING AND DRINKING ESTABLISHMENT: A place for the sale and consumption of food and/or beverages to the general public, which includes restaurants, bars, taverns, and similar establishments.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed as the engineer for Blawnox Borough.

ESSENTIAL SERVICES: Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their required buildings, owned and operated by a public utility (licensed by the Pennsylvania Public Utility Commission), municipal or other governmental agency. Essential services do not include public or private incinerators, landfills or similar waste disposal facilities.

EXISTING USE OR STRUCTURE: A use or structure in existence as of the effective date of this Ordinance.

FAMILY: One or more persons occupying a dwelling unit and maintaining a single housekeeping unit.

FAMILY BOARDING HOME: A facility, located in a residential area, where the resident household provides room, board and specialized services to eight or fewer unrelated persons. These individuals may be children, handicapped, elderly, or otherwise in need of specialized supervision and care. This category of facility requires licensing, certification or supervision by the Pennsylvania Department of Public Welfare.

FAST FOOD RESTAURANT: A restaurant where the retail sale of prepared or pre-measured food items are ordered by the customer at a window, counter or vehicle rather than from a table and which is designed to facilitate quick service and take-out orders.

FENCE: Any structure constructed of wood, metal, wire, mesh, stone or masonry erected for the purpose of screening one property from

another to assure privacy, protection or confinement of the property. The term "fence" shall include screening walls and hedges exceeding 30 inches in height.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; and/or an area subject to unusual and rapid accumulation or runoff of surface waters. The boundaries of the 100- and 500-year floodplain are delineated by the Borough Flood Insurance Study.

FLOODPLAIN DISTRICT: All areas subject to the inundation by waters of the One Hundred (100) Year Flood. The basis for delineation of this district shall be the same as designated in the documentation of the Flood Insurance Study, dated October 4, 1995, the Flood Insurance Rate Map, and the Flood Boundary and Floodway Map, for the Borough of Blawnox, as prepared by the Federal Emergency Management Administration.

FLOOD FRINGE AREA: The Flood Fringe Area of the Flood Plain District shall be that area of the One Hundred (100) Year Floodplain not included in the Floodway Area. The basis for the outermost boundary of this area shall be the One Hundred (100) Year Flood elevations contained in the flood profiles of the Flood Insurance Study and as shown on the Flood Boundary and Floodway Map.

FLOODWAY: The channel of a river, stream or other watercourse capable of carrying the waters of the One Hundred (100) Year Flood without increasing the water surface elevation of that flood not more than one-foot at any point. The boundaries of the floodway are delineated on the Flood Insurance Study and Flood Boundary Maps.

FRONT YARD: (See Yard, Front).

GARAGE: A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold, or repair or other service is performed.

GARDEN DWELLING: A multifamily structure, usually not exceeding three stories in height, sometimes designated around courts or common open areas, frequently having private balconies or patios.

GASOLINE SERVICE STATION: Building and premises where petroleum products, batteries, tires and automobile accessories may be supplied and sold at retail, and where services may be rendered in connection with these products, including inspection, greasing, hand washing, polishing, servicing, and adjustment of vehicles providing no major repair work is done.

GRADE: A reference plane representing the average of finished ground level adjoining the building at all exterior walls, the reference plane shall be established by the lowest points within the

area between the building and lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. For the purposes of determining permissible size and offstreet parking and loading requirements, "floor area" shall include: (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets; (2) any basement floor area devoted to retailing activities; and (3) floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as noted above), offstreet parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor areas other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

GROSS LEASABLE AREA (GLA): Total floor area designed for the exclusive use and occupancy of building occupants, including basements, mezzanines and upper floors, but not including public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether open or enclosed. GLA shall be measured from the center line of joint partitions and from the outside wall faces. It is the area upon which tenants pay rent, including sales area and integral stock areas.

GROUP RESIDENCE: A facility located in a residential area, which provides room, board and specialized services to six or fewer unrelated persons, such as children (under 18 years), handicapped or elderly (over 60 years) individuals. The individuals must be living together as a single housekeeping unit with one or more adults providing qualified, 24-hour supervision. The group residence may be operated by a governmental agent, certified agent or nonprofit corporation. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar institution.

HEIGHT, MAXIMUM: The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to 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. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures required to operate and maintain the building on which they are located, flag poles, television aerials, water towers and tanks, steeples, bell towers,

broadcasting and electrical transmission towers and similar projections shall not be included in calculating maximum height.

HOME OCCUPATION: An occupation conducted in a dwelling unit solely by members of the family residing on the premises, provided such occupation shall be clearly incidental and subordinate to the unit's residential purpose and shall be conducted entirely within the principal residential structure.

HOSPITAL: A duly licensed institution providing acute medical or surgical care and treatment for the sick and injured.

HOTEL/MOTEL: A building or group of buildings containing rooms which provide sleeping accommodations for transient guests on a daily or weekly basis. The term shall include motor hotel, motor inn, motor lodge, tourist court, inn and similar uses.

INDUSTRIAL: (See Manufacturing).

INSTITUTIONAL FACILITY: A facility providing room and board for more than six persons who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be staffed on a 24-hour basis by qualified personnel and operated by a governmental agency, or agent thereof, or social service corporation in accordance with Commonwealth and Allegheny County laws and regulations. This category shall not include facilities operated by or under the jurisdiction of any government bureau of corrections or similar agency. The facility shall be appropriately staffed on a 24-hour basis as normally prescribed by County or Commonwealth regulations. This facility shall not include business or professional offices, business activities, fraternal or social clubs, hospitals, nursing homes, rooming or boarding homes.

IMPERVIOUS SURFACE: A surface which resists the entrance or passing through of water and other liquids.

JUNKYARD: (See Salvage Yard).

LAND DEVELOPMENT: (i) The improvement of one lot, or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land.

LANDOWNER: The legal or beneficial owner of land including the holder of an option or contract to purchase (whether or not such an option or contract is subject to any condition); a lessee if he is authorized under the lease to exercise the rights of the landowner, or

other person having a proprietary interest in the land, shall be deemed to be a landowner.

LOADING SPACE, OFFSTREET: Space conveniently located, accessible and properly designed for the temporary use by vehicles making bulk pickups or deliveries of merchandise or materials.

LOT: Any parcel or tract of land on which a main building and any accessory buildings are placed, together with the required open spaces. Such lot shall front on an improved public street or on an approved private way. In case of subdivision or combination of lots, no lot shall be created which does not meet the requirements of this Ordinance.

LOT AREA: The total area within the boundary of a lot but excluding the area of land bounded by any front lot line, the center line of a street right-of-way on which it fronts and the side lot lines intersecting the front lot line and extended to the center line of the street right-of-way.

LOT CORNER: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT, INTERIOR: A lot other than a corner lot with frontage on only one street.

LOT, THROUGH: A lot with the frontage on two parallel, or approximately parallel streets, and which is not a corner lot; may also be referred to as a double frontage lot.

LOT AREA PER DWELLING UNIT: The quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot.

LOT COVERAGE: That percentage of a lot which when viewed directly from above would be covered by a structure or structures, or any part thereof, excluding protecting roof eaves.

LOT DEPTH: The distance between the midpoints of the front lot line and the rear lot line.

LOT WIDTH: The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

LOT LINE, CORNER: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT LINE, FRONT: A street right-of-way line forming the boundary of a lot.

LOT LINE, REAR: The lot line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than 15-feet long, or if the lot comes to a point at the rear, the rear lot lines shall be a line at least 15-feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Recorder of Deeds of Allegheny County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MANUFACTURING: Business engaged in the mechanical or chemical transformation of materials or substances into new products, or engaged in assembling component parts of manufactured products if the new product is neither a structure nor other fixed improvement.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes mobile homes, park trailers, travel trailers and similar vehicles placed on a site for more than ninety (90) consecutive days.

MANUFACTURED HOME LOT: A parcel of land in a manufactured home park, improved with the necessary utilities connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is sold or leased by the park owner to the occupants of the manufactured home erected on the lot.

MANUFACTURED HOME PARK: A parcel (or contiguous parcels) of land which has been planned for the placement of two or more manufactured homes.

MEDICAL FACILITY, CENTER OR CLINIC: A facility for the examination and treatment of ill and afflicted human outpatients, including doctor

and dental offices and clinics, provided that patients are not kept overnight except under emergency conditions.

MIXED USE OR OCCUPANCY: The conduct or carrying on of two or more uses of one building.

MODULAR UNIT: A unit transported on a removable or non-removable frame, in which some or all of the component parts are fabricated, formed or assembled off-site in a factory, transported to the site for assembly and installed on the building site. The term includes "module", "prefab", "factory-built", "panel-built", and similar terms. The completed unit shall comply with the building code standards for conventionally constructed units; the modular unit is considered real property.

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

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utilities connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile homes erected on the lot.

MULTI-STORY BUILDING: Structure of over three stories, but not exceeding the height limitation for the district in which it is located, with an elevator as well as stairs to all levels. All units are accessible through an entrance hall shared with other dwelling units. This term shall also include the terms "low-rise, mid-rise or high-rise apartments."

MUNICIPALITIES PLANNING CODE (PLANNING CODE OR MPC):The Pennsylvania Municipalities Planning Code, Act 247 of 1968 (P.L. 805 as amended, 53 P.S. Section 10101 et. seq.).

NURSING OR CONVALESCENT HOME: An institution for the care of children, the aged or infirm, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services. The facility shall be licensed or certified in accordance with state and county laws and regulations. The term shall not include facilities or acute care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OCCUPANCY PERMIT: A permit issued by the Zoning Officer before the occupancy of any new or remolded building, use of land, or change of

use, which certifies that all the requirements of this Ordinance and other applicable ordinances have been met.

OPEN SPACE: Land set aside and used for recreation, agriculture, resource protection or a buffer area which is freely accessible to all residents of a development although restrictions may apply to agricultural areas. Open space does not include land occupied by nonrecreational buildings, roads and required parking areas or yards of dwelling units required by this Ordinance. Open space is normally left in a natural state, except if safety precludes this, and also with the exception of recreation areas which may be surfaced.

PaDEP: The Pennsylvania Department of Environmental Protection.

PaDOT: The Pennsylvania Department of Transportation.

PARKING LOT: Any lot, parcel or yard used regularly in whole or part for the storage or parking of more than two vehicles where such usage is not incidental to or in conjunction with a one or two family house.

PARKING SPACE: An offstreet space available for parking of a motor vehicle and which has a hard, all-weather surface and is at least an area nine-feet wide by eighteen-feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PERIMETER: The outer boundary of a development site or area.

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A residential facility, operated for profits or otherwise, providing food, shelter and personal assistance or supervision for adults who require assistance or supervision in daily routine activities such as bathing, dressing, diet or the taking of medication prescribed for self-administration.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in a lot size, bulk or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provisions of this Ordinance.

PLANNING COMMISSION: The Blawnox Borough Planning Commission.

PORCH: An open roofed or enclosed exterior appendage to a main or accessory structure, projecting from the front, side or rear walls of the structure. For purposes of this Ordinance, porches shall include

structures and home additions commonly referred to as patios, sunrooms, sunporches, decks and similar structures or construction. Stoops or slabs which extend beyond the front, side or rear walls of a main structure a distance of more than four feet and/or exceed the length of six feet along said front, side or rear walls are deemed to be porches by definition. Permanent or temporary awnings which extend beyond five feet from the front, side or rear walls of the main structure, or which are partially or wholly supported by posts, poles, spires or similar construction or structures set beyond the walls of the main structure are deemed to be porches by definition.

PRINCIPAL BUILDING: A building or buildings in which is conducted the main or principal use of the lot on which the building is situated.

PRINCIPAL USE: The main use of land or structures as distinguished from a subordinate or accessory use.

PRIVATE: Of or pertaining to any building, structure, use or activity 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.

PUBLIC: Of or pertaining to any building, structure, use or activity belonging to, or affecting, any duly authorized government body.

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

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 successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.

PUBLIC SERVICE FACILITY: Land or a building or structure and its equipment erected and used for the purpose of facilitating service to the public, by a governmental agency or publicly-franchised or regulated corporation.

RECREATIONAL FACILITY, PUBLIC OR PRIVATE: Land or buildings for the pursuit of sports and similar leisure time activities such as parks, swimming pools, tennis courts or ballfields, which are operated by

governmental or nonprofit organization. Excluded are any amusement establishments or other recreational facilities of a commercial nature. (See Commercial Recreation).

RECREATIONAL VEHICLE: A single or multiple-axle, non self-propelled or self-propelled structure mounted on wheels or otherwise capable of being made mobile for the purpose of travel, recreational and vacation use, including but not limited to, travel trailers, motor homes, tent trailers, boats and boat trailers, horse trailers, or campers.

RESEARCH/DEVELOPMENT FACILITY: A use devoted to research, design, laboratory work and or experimentation and any processing and fabrication incidental thereto, provided no materials or finished products shall be manufactured, processed or fabricated on the premises for sale except such as are incidental to said laboratory research, design and or experimentation conducted on said premises.

RETAIL BUSINESS: Commercial establishments engaged in selling merchandise directly to customers for personal or household consumption and rendering services incidental to the sale of goods.

CONVENIENCE RETAIL: Establishments selling merchandise for daily consumption and purchase, such as food, drugs, and similar items. For purposes of this Ordinance, eating and drinking establishments are excluded from this category.

RESIDENTIAL USE: Those activities customarily conducted in living quarters in an urban setting, but excluding such activities as the keeping of livestock or fowl; activities resulting in noise which constitutes a nuisance in a residential area; and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

RIGHT-OF WAY: Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use; all must be recorded in the County Recorder of Deeds Office. For purposes of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way.

ROOMING OR BOARDING HOUSE: A residential building other than a hotel in which part or parts are kept, used, or held out to be a place where sleeping accommodations are offered for hire for three or more persons.

SALVAGE (OR JUNK)YARD: Any area where scrap metal, paper, rags, tires and other waste and/or used materials are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery or motor vehicles are collected, dismantled,

stored or sold for parts. Any use conducted entirely within an enclosed building is not a salvage yard.

SCHOOL: A place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation or business.

SERVICE BUSINESS: Commercial establishments providing a wide variety of services for individuals, business and government establishments and other organizations.

PERSONAL SERVICES: Establishments providing services generally involving the care of the person or his/her apparel such as laundries, dry cleaning shops (excluding dry cleaning plants), barber/beauty shops, photographic studios, shoe repair and similar services. For the purpose of this Ordinance, funeral homes/mortuaries and vehicular repair services are excluded from this category.

BUSINESS SERVICES: Establishments providing services primarily to business establishments on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, computer and data processing services.

In determining the applicability of any specific use to this definition, the Borough shall be guided by the groupings utilized in the federal Standard Industrial Classification Manual, (Most current edition).

SHOPPING CENTER: A group of more than three commercial businesses developed as a single entity and sharing a common parking lot.

SIGN: A structure that is arranged, intended, designed or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted, or placed in some fashion on a building, structure or any surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

AWNING, CANOPY SIGN: A sign consisting of individual cut-out letter and/or symbols which are

painted, stenciled, or otherwise placed on a non-permanent awning or canopy.

FLASHING/ANIMATED SIGN: Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

FREE STANDING SIGN: A sign erected on a free-standing frame, mast or poles and not attached to any building. Also known as a ground or detached sign.

IDENTIFICATION SIGN: A sign indicating only the name of the individual or organization occupying the premises; the profession of the occupant; or the name and/or address of the building or management thereof.

MARQUEE SIGN: A sign placed on or under the edge of any canopy of permanent construction projecting from the wall of a building.

OFF-LOT DIRECTIONAL SIGN: A sign which conveys instructions or directions with respect to the use of the lot or building on which the sign is located, including but not limited to signs which indicate street addresses and the availability of parking, telephones, restrooms and other conveniences for the general public.

OUTDOOR ADVERTISING SIGN: (See Billboard).

PROJECTING SIGN: Any sign supported by a building wall and/or roof attached along one edge by a bracket, perpendicular to the wall surface or hung from a support attached to a building wall, projecting no more than 6 feet.

WALL SIGN: A sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall.

WINDOW GRAPHIC SIGN: A sign which is painted permanently on or similarly applied to the inside or outside of a window.

SIGN AREA: The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the copy or letters of the said sign.

SIGN, TEMPORARY: A sign which offers the premises for sale, rent or development; or advertises the services of professionals or building trades during sale, construction or alteration of the premises upon which the sign is located.

SITE PLAN: A plan of a proposed development or use on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Borough or prescribed by this Ordinance.

SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed in a percentage based upon vertical distance in feet per 100 feet or horizontal distance.

SPECIAL EXCEPTION: Approval for a particular use granted by the Zoning Hearing Board, according to the provisions contained in this Ordinance.

STEPS: A construction or series of constructions placed for a foot support to effectuate the ascending or descending of a person or persons from one level of elevation to another.

STORAGE SHED: A small accessory structure, either wholly or partially enclosed, serving for storage of tools, equipment, supplies or other similar materials for safekeeping.

STORY: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six feet or more above the level of the line of the finished floor next below it. Any floor under a slooping roof at the top of a building which is more than two feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five feet above finished grade.

STREET: Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

STREET GRADE: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

STREET LINE: The line defining the edge of the legal width of a dedicated street right-of-way.

STREET - TYPE: Streets may be classified according to the following:

STREET, ARTERIAL: Streets designed to carry high volumes of traffic from one area of the community to another or to link one community with another.

STREET, COLLECTOR: Streets designed to collect traffic from local street and then to convey it to the major arterials.

STREET, LOCAL: Streets designed to serve only the traffic needs of and provide access to a limited area or neighborhood.

STRUCTURE: Any assembled, erected or constructed object having a stationary location on or in land or water, whether or not it is affixed to the land. This includes, but is not limited to, gazebos, storage sheds or containers, free standing posts, pillars and similar uses.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership, or building, or lot development, provided, however, that the division of land for agricultural purposes into parcels of more than 10 acres, not involving any new structure or easement of access, shall be exempted.

SWIMMING POOL: A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, used as a recreational facility for swimming, bathing or wading and having a depth of over 24 inches. A swimming pool shall be deemed to include all building, equipment and appurtenances incidental to such a pool.

TAVERN: A business selling food and alcoholic beverages for consumption on the premises and duly licensed by the Commonwealth of Pennsylvania.

TEMPORARY STRUCTURE OR USE: Any structure or use which, by the type of materials, construction or intended purpose, is erected or located for not more than one year. Included are tents, stands, construction trailers and other structures or uses of similar character.

TOWNHOUSE DWELLINGS: An attached single family dwelling consisting of a structure with a series of three to six attached dwelling units, separated from one another by continuous vertical walls without a opening from basement to roof.

TRAILER: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding eight feet.

USE: The specific purpose of which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE: Permissive waivers from the terms of this Ordinance, granted by the Zoning Hearing Board in cases where a literal enforcement of provisions of the Ordinance will result in unnecessary hardship, due to special conditions that are self-imposed, and are determined not to be contrary to the public interest and the spirit and intent of this Ordinance.

VIDEO GAME OR AMUSEMENT ARCADE: A business, or portion thereof, having on its premises for use by the public, more than five video or electromechanical devices operated by inserting a coin or token.

WAREHOUSE: A building where wares or goods are stored before distribution to retailers or are kept in reserve or bond.

WHOLESALE BUSINESS: Commercial establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, instructional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

YARD: An open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. (See illustrations.)

YARD, FRONT: A yard extending along the full length of a front lot line and back to the required building line.

YARD, REAR: The required open space extending from the rear of the main building to the rear lot line (not necessarily a street line) across the entire width of the lot.

YARD, SIDE: The required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed as a side line.

ZONING HEARING BOARD: The Zoning Hearing Board of Blawnox Borough.

ZONING OFFICER: The duly constituted official designated to administer and enforce this Ordinance.

ZONING PERMIT: A permit, issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the zoning district in which it is located or is to be located.

ARTICLE THREE

SCHEDULE OF DISTRICT REGULATION

3-300 ESTABLISHMENT OF DISTRICT CLASSIFICATIONS

The Borough of Blawnox is hereby divided into the following zoning districts:

Residential Districts

- R-1 Single Family Residential
- R-2 Single Family and Two Family Residential
- R-3 General Residential

Mixed-Use Districts

- RC-1 Residential/Commercial
- RC-2 Mixed Residential/Limited Manufacturing

Commercial, Industrial Districts

- C-1, C-1A Community Business
- I-1 General Industrial

Special Districts

- CD Conservation

3-301 ZONING DISTRICT MAP AND BOUNDARIES

The boundaries of the various zoning districts established on the map entitled "Official Zoning Map" on file in the office of the Borough Secretary. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The Official Zoning Map shall be dated and shall carry the signature of the President of Council, the Mayor and the Borough Secretary certifying that it is the true map adopted by the Council, and this map shall be sealed with the official Borough seal. All amendments shall be identified on the map and similarly certified.

The boundaries between districts are, unless otherwise indicated, either the centerline of streets or such lines extended, or parallel lines thereto, or property lines, or other physical boundaries, and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by scale shown on the Official Zoning Map.

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not specifically covered above, the Zoning Hearing Board shall interpret the district boundaries.

In the event that a street, alley or other way shown on the Official Zoning Map is vacated, the property formerly in said street or right-of-way shall be included within the zoning district of the adjoining property on either side of said vacated street or way. Where said street forms a zoning district boundary, the new district boundary shall be the new property line created by the former centerline of said vacated street.

3-302 R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS

302.1 Purpose

R-1 districts are intended to be principally single family homes on individual lots with customary residential accessory uses. Certain residentially-related uses will be permitted as conditional uses provided they meet the criteria contained in this Ordinance. Among the permitted uses are planned residential developments which may include a variety of housing types and whose development standards may vary from those otherwise applicable in the R-1 district. (See Article 5)

302.2 Permitted Uses

1. Single family detached dwellings.
2. Planned residential development, as defined by this Ordinance.
3. Residential accessory uses, such as garages, gardens, private swimming pools.
4. Home occupations, as permitted by Article 4 of this Ordinance.
5. Signs, as permitted by Article 4 of this Ordinance.
6. Essential services and public service facilities, as defined by this Ordinance.

302.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance:

1. Schools, excluding boarding facilities.
2. Churches or other places of worship.
3. Public recreational facilities, other public buildings/use.
4. In-home day care facilities, providing care for three to six children and which comply with this Ordinance's definition of home occupation.

302.4 Area and Bulk Regulations - Permitted and Conditional Uses

302.4.1 Minimum Lot Area

- a. Single family dwelling - 6,000 square feet per dwelling.
- b. School, church or place of worship - 10,000 square feet per use.

302.4.2 Minimum Yard Requirement

- a. Front: 20 feet, or the average of the two abutting structures where these yards are less than the minimum required, but no less than 10 feet.
- b. Side: Residential: 5 feet for each side yard. On a corner lot the side yard abutting a public street shall be the same depth as the front yard. Other uses: two side yards, each 15 feet, for any principal structure or use.
- c. Rear: 25 feet for any principal structure and a minimum 5 feet for any accessory structure.

302.4.3 Maximum Lot Coverage: 30 percent for all uses.

302.4.4 Maximum Height: Principal structures - 35 feet; accessory structure; 14 feet.

302.5 Offstreet Parking Requirements

As specified by Section 4-408 of this Ordinance.

302.6 Standards for Planned Residential Development

As specified by Article 5 of this Ordinance.

3-303 R-2 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL

303.1 Purpose

This district provides for a mix of single and two family residential units at varying lot sizes and densities. It also includes, as conditional uses, certain specialized housing types, such as group residences and nursing homes, where these can be developed so as to be compatible with the existing neighborhood and adjacent residences.

303.2 Permitted Uses

1. Single family detached dwellings.
2. Two family detached dwellings.

303.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance.

1. Schools, excluding boarding facilities.
2. Churches or other places of worship.
3. Day care centers, as defined by this Ordinance.
4. Group residences and family boarding homes, as defined by this Ordinance.
5. Public recreational facilities, other public buildings/uses.
6. In-home day care facilities, providing care for three to six children, which comply with this Ordinance's definition of home occupation.
7. Funeral home.

303.4 Area and Bulk Requirements - Permitted and Conditional Uses

303.4.1 Minimum Lot Area

- a. Single family - 5,000 square feet/unit.
- b. Two family - 2,500 square feet/unit.

303.4.2 Minimum Yard Requirements

- a. Front Yard: 15 feet for dwellings; 30 feet for other uses.
- b. Side Yard: Residence (other than multifamily) two side yards totaling 10 feet but none less than 3 feet. On a corner lot, a side yard abutting a street shall be at least equal to the front yard of the rear abutting lot which fronts on that street, but in no event less than 10 feet.

Other Uses - 15 feet each side yard.
- c. Rear Yard: 25 feet for principal structures, and 3 feet for accessory structures.

303.4.3 Maximum Lot Coverage: 40 percent for single and two family dwellings.

303.4.4 Maximum Height

- a. Single, Two Family Dwellings - 35 feet.

303.5 Offstreet Parking Requirements

As specified by Section 4-408 of this Ordinance.

303.6 Conversions of Existing Dwellings

A single or two family detached house, existing at the time of the adoption of this Ordinance, may be converted into a maximum of four dwelling units under the following provisions:

1. The required offstreet parking spaces (1-1/2 spaces per unit) can be provided.
2. Any alterations of the structures for purposes of conversion do not make the structure nonconforming (or any more nonconforming) as to yard, height and lot coverage for a single or two family structure, except

that required parking may be provided in the rear yard area, provided a minimum three-foot landscaped or planted setback is maintained along the rear property line.

3. All other applicable state and local regulations can be met.

3-304 R-3 GENERAL RESIDENTIAL

304.1 Purpose

This district provides for a mix of single, two family, townhome and multi-family residential units at varying lot sizes and densities. It also includes, as conditional uses, certain specialized housing types, such as group residences and nursing homes, where these can be developed so as to be compatible with the existing neighborhood and adjacent residences.

304.2 Permitted Uses

1. Single family detached dwellings.
2. Two family detached dwellings.
3. Townhouses.
4. Multifamily, multistory dwellings, not to exceed four stories.
5. Residential conversions of existing single or two family structures to not more than four multifamily units.
6. Residential accessory uses, such as garages, gardens, private swimming pools.
7. Home occupation, as permitted by Article 4 of this Ordinance.
8. Signs, as permitted by Article 4 of this Ordinance.
9. Essential services and public service facilities, as defined by this Ordinance.

304.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance.

1. Schools, excluding boarding facilities.
2. Churches or other places of worship.
3. Day care centers, as defined by this Ordinance.
4. Nursing or convalescent homes.
5. Group residences and family boarding homes, as defined by this Ordinance.
6. Public recreational facilities, other public buildings/uses.
7. In-home day care facilities, providing care for three to six children, which comply with this Ordinance's definition of home occupation.
8. Funeral home.

304.4 Area and Bulk Requirements - Permitted and Conditional Uses

304.4.1 Minimum Lot Area

- a. Single family - 5,000 square feet/unit.
- b. Two family - 2,500 square feet/unit.
- c. Townhouses, multifamily - 1,400 square feet/unit, provided that no more than 25 units per acre shall be permitted.
- d. Group residence, family boarding home - 6,000 square feet.
- e. Schools, churches, nursing homes, day care facilities - 10,000 square feet.

304.4.2 Minimum Yard Requirements

- a. Front Yard: 15 feet for dwellings; 30 feet for other uses.

- b. Side Yard: Residence (other than multifamily) two side yards totaling 10 feet but not less than 3 feet. On a corner lot, a side yard abutting a street shall be at least equal to the front yard of the rear abutting lot which fronts on that street, but in no event less than 10 feet.

Other Uses - 15 feet each side yard.

- c. Rear Yard: 25 feet for principal structures, and 3 feet for accessory structures.
- d. Yards for Multifamily Dwellings: No specified front, side and rear yard, provided that no structure is closer than 15 feet to any property or street right-of-way line.
- e. Building Spacing for Multifamily Dwellings: Groups of buildings within a single development site shall be arranged so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances and to be accessible to emergency vehicles. In no case shall any structure on the same site or an abutting property when having a side-to-side(wall), rear-to-side or rear-to-rear orientation; or closer than 15 feet when having a front-to-front, front-to-rear or front-to-side orientation.

304.4.3 Maximum Lot Coverage: 40 percent for single, two family dwellings, group residences, family boarding homes; 70 percent for townhouses, multifamily and other uses.

304.4.4 Maximum Height

- a. Single, Two Family Dwellings - 35 feet.
- b. Multifamily Dwellings, Other Uses 45 feet or no more than 4 stories above mean ground level.

304.5 Offstreet Parking Requirements

As specified by Section 4-408 of this Ordinance.

304.6 Conversions of Existing Dwellings

A single or two family detached house, existing at the time of the adoption of this Ordinance, may be converted into a maximum of four dwelling units under the following provisions:

1. The required offstreet parking spaces (1-1/2 spaces per unit) can be provided.
2. Any alterations of the structures for purposes of conversion do not make the structure nonconforming (or any more nonconforming) as to yard, height and lot coverage for a single or two family structure, except that required parking may be provided in the rear yard area, provided a minimum three-foot landscaped or planted setback is maintained along the rear property line.
3. All other applicable state and local regulations can be met.

3-305 R/C-1 RESIDENTIAL/COMMERCIAL

305.1 Purpose

This district designates neighborhoods where new commercial uses may be located, as conditional uses, although the area is still predominately residential. These areas, generally adjacent to other commercial or industrial zones, are ones where older homes already have been converted to businesses. Additional conversions may be appropriate, provided they meet certain standards to avoid negative impacts on other residences.

305.2 Permitted Uses

1. Single and two family detached dwellings.
2. Townhouses.
3. Multifamily dwellings.
4. Customary residential accessory uses, such as garages, gardens, private swimming pools.
5. Home occupations, as permitted by Article 4 of this Ordinance.
6. Signs, as permitted by Article 4 of this Ordinance.
7. Essential and public services, as defined by this Ordinance.

305.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance.

1. Convenience retail businesses such as food store, drug store, bakery, clothing shop, speciality store.
2. Personal service businesses, such as barber and beauty shops, shoe repair, laundry (no cleaning or processing on premises).
3. Business services, such as stationery supplies and printing and copying, computer and data processing.
4. Banks and financial institutions.
5. Business and professional offices.
6. Public or private schools.
7. Day care centers, as defined by this Ordinance.
8. Group residences and family boarding homes, as defined by this Ordinance.
9. Manufactured (or mobile) home parks.
10. Public recreation, other public building/use.
11. Institutional Facility.
12. Rooming House.

305.4 Area and Bulk Regulations - Permitted and Conditional Uses

305.4.1 Minimum Lot Area

- a. Single family dwelling - 2,600 square feet per dwelling.
- b. Two family dwelling - 3,000 square feet per dwelling.
- c. Multifamily - 1,200 square feet per dwelling.
- d. Manufactured or mobile home parks - five acres for the park area and 5,000 square feet per manufactured home unit.

- e. Nonresidential, conditional uses - no prescribed minimum, lot areas shall be sufficient to meet requirements for yards, setbacks, lot coverage, offstreet parking and loading, and other applicable provisions of this Ordinance.

305.4.2 Minimum Yard Requirements

- a. Dwellings: Front - 10 feet or an average of the setbacks of the structures abutting both sides of property; Side - 3 feet each; Rear - 10 feet.
- b. Manufactured Homes - See Article 6 of this Ordinance.
- c. Nonresidential: Front - same as nearest abutting structures; if these setbacks vary, then the setback shall be the average setback of the abutting structures.

Side and Rear - no minimum, provided that no structure shall be closer than three feet from any property line and that the three feet setback be maintained as a planted or otherwise screened buffer area, as provided in Section 4-406 of this Ordinance.

305.4.3 Maximum Lot Coverage: None

305.4.4 Maximum Height

- a. Single Family, Two Family Townhouse Structures - 35 feet.
- b. Multifamily, Nonresidential - 45 feet.
- c. Accessory Structures - 14 feet.

305.5 Offstreet Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

305.6 Other Standards

- 1. Conversions of existing structures to multifamil dwellings must comply with the offstreet parking, lot area, and yard requirements of this Ordinance and applicable standards of the borough building code.

2. Where an existing business proposes to expand by thirty (30) percent or more of its gross area, it shall provide the required offstreet parking and loading areas for the entire use, based on the gross area of both existing facilities and the proposed expansion.
3. All nonresidential uses must meet the performance standards for noise, air and water quality and similar items, which are contained in Section 4-410 of this Ordinance.

3-306 RC-2 - RESIDENTIAL/LIMITED MANUFACTURING

306.1 Purpose

This District designates areas which are predominately residential but include scattered, smaller light manufacturing and commercial uses. These areas generally border industrial zones and may be viewed as transitional areas. Additional new commercial and light manufacturing uses will be permitted as conditional uses. However, they must meet certain criteria to assure that their location and operations are compatible with adjacent residences and that they do not create blighting influences or hazardous conditions in the neighborhood.

306.2 Permitted Uses

1. Single and two family detached dwellings.
2. Townhouse.
3. Multifamily dwellings.
4. Customary residential accessory uses, such as garages, gardens, private swimming pools.
5. Home occupations, as permitted by Article 4 of this Ordinance.
6. Signs, as permitted by Article 4 of this Ordinance.
7. Essential and public service, as defined by this Ordinance.

306.3 Conditional Uses

The following uses are subject to the conditions set forth in Article 6 of this Ordinance:

1. Neighborhood convenience commercial, including small food, dairy store, drug stores, newsstand, stationery or variety store. (Less than 3,000 square feet)
2. Commercial uses providing services or supplies to other businesses or industries, such as advertising, mailing, reproduction and printing, computer and data processing.
3. Business or professional offices.
4. Light manufacturing, including production, processing, testing, repair, or servicing of apparel and other textile products, furniture and fixtures, paper and allied products, printing and publishing, rubber and plastics, leather and leather products, instruments and related products, jewelry, musical instruments, toys and sporting goods, pencils, pens and art supplies, signs and advertising displays and burial caskets.
5. Vehicular repair and service.
6. Wholesale distribution and storage.
7. Contractor's office and equipment storage.
8. Public recreation facilities, public buildings/uses.

306.4 Area and Bulk Regulations - Permitted and Conditional Uses

306.4.1 Minimum Lot Area

- a. Single family, two family dwellings - 2,500 square feet per unit.
- b. Multifamily dwellings - 1,200 square feet per unit.
- c. Nonresidential, conditional uses - no prescribed minimum; lot area shall be sufficient to meet requirements for yards, setbacks, lot coverage, offstreet parking and loading, and other applicable provisions of this Ordinance.

306.4.2 Minimum Yard Requirements

- a. Dwellings: Front - Same as nearest abutting structures or, if these setbacks vary, the average

of the setbacks of abutting structures; Side - 3 feet each; Rear - 15 feet.

- b. Nonresidential, Conditional Uses: Front - same as for dwellings; Side - 3 feet, maintained as a planted or otherwise screened buffer area; Rear - 15 feet.

306.4.3 Maximum Lot Coverage: None

306.4.4 Maximum Height

- a. Principal Structures - 40 feet above ground level.
- b. Accessory Structures - 14 feet.

306.5 Offstreet Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

306.6 Other Standards

1. Conversions of existing structures to multifamily dwellings must comply with the offstreet parking, lot area, and yard requirements of this Ordinance and with applicable standards of the borough building code.
2. Where an existing business proposes to expand by 30 percent or more of its gross area, it shall provide the required offstreet parking and loading areas for the entire use, based on gross area of both existing facilities and the proposed expansion.
3. All nonresidential uses must meet the performance standards for noise, air and water quality and similar items, which are contained in Section 4-412 of this Ordinance.

3-307 C-1 AND C-1A - COMMUNITY BUSINESS DISTRICT

307.1 Purpose

This district provides for a broad range of commercial uses and offices typical of the borough's central business area along Freeport Road. The intent of this district is to encourage continued business and employment growth, as well as additional residential development.

The C-1 district, located along the south side of Freeport Road, is primarily retail and service business located on separately owned lots, rather than unified shopping centers. Businesses in this district should be compatible in terms of general market and operating characteristics.

The C-1A district, located along the north side of Freeport Road, provides areas for expansion of business, office commercial and multifamily residential uses. Due to changes in topography and considerations of traffic access and safety and the immediately adjacent residential district, uses in the C-1A district must comply with the special area and dimensional and traffic access requirements.

307.2 Permitted Uses

307.2.1 C-1 District

1. Shopper's convenience and general retail uses, such as food, drugs, bakery, apparel, hardware, appliances and furniture, jewelry, speciality shops.
2. Personal services such as barber and beauty shops, laundry and cleaning (no processing on premises), and shoe repair.
3. Business and personal service, such as financial institutions, insurance/real estate offices, printing and copying, computer and data processing.
4. Eating and drinking establishments (excluding drive-in restaurants).
5. Medical and dental offices.
6. Business and professional office buildings.
7. Funeral home.
8. Private school or day care center for pre-primary age children.
9. Private school for dancing, music or similar art or craft instruction.
10. Private clubs and fraternal organizations.
11. Public facility, building, or recreational areas.

12. Customary accessory uses, such as parking, enclosed storage, to any permitted uses.
13. Essential services and public service facilities, as defined by this Ordinance.
14. Signs, as permitted by Article 4 of this Ordinance.

307.2.2 C-1A District

1. Any use permitted in a C-1 District excluding eating and drinking establishments (sit-down and drive-in type) and private clubs and fraternal organizations.
2. Existing single and two family dwellings.
3. Multifamily dwellings, including townhouses and garden dwellings.

307.3 Conditional Uses

307.3.1 C-1 District

1. Multifamily dwellings as accessory to commercial structures.
2. Commercial recreation uses, such as bowling, racquetball, exercise clubs.
3. Gasoline service stations, as defined by this Ordinance.
4. Retail plumbing, heating, electrical and similar building material sales (excluding wholesale and warehousing).
5. Theatres.
6. Animal hospital or veterinarian offices (excluding boarding facilities).
7. Video game or amusement arcades, as defined by this Ordinance.
8. Drive-in restaurants.
9. Auto convenience market as defined by this Ordinance.

307.3.2 C-1A District

1. Any conditional use allowable in C-1 District.

307.4 Area and Bulk Regulations - Permitted and Conditional Uses

307.4.1 Minimum Lot Area

- a. C-1 Districts: 2,500 square feet.
- b. C-1A District:
 - (1) Residential - 1,200 square feet/dwelling Unit;
 - (2) Non-Residential - 5,000 square feet.

307.4.2 Minimum Yard Requirements:

- a. C-1 District: No required front, side or rear yard. Where the rear yard abuts a residential property the rear yard setback shall be 5 feet and shall require a buffer as set forth in Section 4-406. Where the rear yard abuts a public access roadway, the parking requirements as set forth in Section 4-408 may be developed in the front or rear yard area and there shall be no setback requirement.
- b. C-1A District:
 - (1) Front (Residential and Nonresidential) - If lot frontage less than 50 feet, then the front yard setback shall be equal to the average of the two abutting structures but not less than 10 feet; if the lot frontage is 50 feet or over, then the front yard shall be a minimum of 20 feet.
 - (2) Side (Residential and Nonresidential) - 3 feet, maintained as a landscaped or otherwise screened buffer area, as provided in Section 4-406.
 - (3) Rear (Residential and Nonresidential) - 5 feet. Rear yards abutting a residential district shall require a buffer as set forth in Section 4-406. Where the rear yard abuts a residential district or a public access roadway, the parking

requirements of Section 4-408 may be developed in the rear yard or front yard areas.

307.4.3 Maximum Lot Coverage:

- a. C-1 District: None.
- b. C-1A District: 60 Percent.

307.4.4 Maximum Height:

- a. C-1 District: 45 feet or no more than four (4) stories.
- b. C-1A District: 35 feet or no more than three (3) stories.

307.4.5 Building Groups: In both C-1 and C-1A Districts, groupings of building within a single development site shall be arranged so as to ensure adequate light and air exposure for walls containing main window exposure or main entrances and so as to be accessible on all sides of the building to emergency vehicles.

No single townhouse structure shall contain more than six (6) units. No residential structure shall be located closer than ten (10) feet to any other structure on the same site or an abutting property when having a side-to-side wall, rear-to-side, or rear-to-rear orientation. When the building orientation is front-to-front, front-to-rear, or front-to-side, then the minimum spacing between buildings shall be fifteen (15) feet.

307.5 Offstreet Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

307.6 Other Standards

- 1. Conversions of existing structure to multifamily dwellings or commercial uses must comply with the offstreet parking and lot area requirements of this district and applicable provisions of the borough building code. The minimum front, side or rear yard requirements may be waived for an existing structure which does not comply, provided the proposed

conversion does not make the structure any more nonconforming as to yard setbacks.

2. A conversion of existing structures to nonresidential uses must provide a minimum three-foot planted screen along any side or rear property line abutting a residential use, in accordance with Section 4-406 of this Ordinance.
3. Offstreet parking may be located in a required rear yard, provided a minimum three-foot setback is maintained along the rear property line. This setback must be planted or otherwise screened in accordance with Section 4-408 of this Ordinance.
4. To preserve the traffic capacity and safety of Freeport Road, vehicular access to properties fronting on the north side of Freeport Road shall be from the rear of the property wherever feasible. All driveways must be located and designed in accordance with the Pennsylvania Department of Transportation (PennDot) requirements (67 PA Code, Chapter 1). If direct access is proposed from Freeport Road, the required permit must be obtained from PennDot prior to approval of the conditional use application.

Access to these properties must be approved by Borough Council. As a condition of approval, applicants may be asked to:

- a. Provide a shared access with one or more adjacent properties;
- b. Construct, or dedicate land for, a portion of service or frontage road along Freeport Road which provides ingress and egress at points which do not impede normal operating conditions of the road or do not create hazardous traffic conditions.

Council may impose any other reasonable conditions to assure safe traffic and pedestrian access and preserve the safety and traffic operating characteristics of Freeport Road and the surrounding street system. Any costs incurred by the Borough for traffic engineering studies relative to these determinations shall be paid by the applicant or developer.

3-308 I-1 - GENERAL INDUSTRIAL DISTRICTS

308.1 Purpose

This district designates suitable areas for new and expanded manufacturing industrial uses which comply with the performance standards of this Ordinance.

308.2 Permitted Uses

1. Any production, fabricating, processing, cleaning, servicing, repair, testing, or storage of goods or products, provided the use conforms to the performance standards in Section 4-410 of this Ordinance.
2. Any business or commercial establishment which provides supplies or services to industrial and manufacturing customers and which conforms to the performance standards in Section 4-410 of this Ordinance.
3. Railway, truck and freight terminals.
4. Wholesale and distribution establishments, including warehousing, parcel delivery, storage, and beverage bottling plants.
5. Any light industrial use permitted in R/C-2 zones.
6. Animal hospitals and kennels.
7. Gasoline sales and service stations.
8. Vehicular repair.
9. Customary accessory uses, such as business offices, storage areas, snack bar or cafeteria.
10. Public facilities and essential services.
11. New or used auto sales.

308.3 Conditional Uses

1. Car Wash.
2. Adult Use Business, as defined by this Ordinance.

308.4 Area and Bulk Regulations - Permitted and Conditional Uses

308.4.1 Minimum Lot Area: 4,000 square feet for all uses.

308.4.2 Minimum Yard Requirements:

a. Front - 25 feet.

b. Side - 10 feet each side.

c. Rear - 18 feet.

308.4.3 Maximum Lot Coverage: 70 Percent.

308.4.4 Maximum Height: 50 Feet.

308.5 Offstreet Parking and Loading Requirements

As specified by Sections 4-408 and 4-409 of this Ordinance.

308.6 Other Standards

1. Storage or other outdoor operations shall not be conducted in required front yards. They may be located in side or rear yards if such area is separated from a public street or property (except property in I-1 District) by a planted or screened buffer area, in accordance with this Ordinance.

2. If a lot in an I-1 District adjoins a R/C-1 or R/C-2 District, a planted or otherwise screened buffer area shall be provided at the lot line to protect on a year-round basis the privacy of the adjoining residential uses.

3-309 CONSERVATION DISTRICTS

309.1 Purpose

This district includes natural and environmentally sensitive areas, such as floodplains, the Allegheny River Island or islands, or steep slopes, which require special regulations to assure their protection, preservation, and/or safe use.

309.2 Permitted Uses

None.

309.3 Conditional Uses

The following uses are permitted subject to the conditions of this Ordinance, the Borough Floodplain Ordinance, or other applicable federal, state and local regulations:

1. Single Family.
2. Townhouse Development.
3. Public or private recreational uses and related facilities.
4. River-oriented recreation and commercial uses adjacent to the Allegheny River, such as marinas, boat docks, storage and launching facilities, fishing piers or area, eating and drinking establishments, specialty shops, and similar uses.
5. Farming, greenhouses, plant nursery, and gardens.
6. Permitted accessory uses to a use permitted in an I-1 or R/C-1 district where the property in the I-1 or R/C-1 district fronts on the Allegheny River.

309.4 Area and Bulk Regulations - Permitted and Conditional Uses

309.4.1 Minimum Lot Area: 8,000 square feet.

309.4.2 Minimum Yard Requirements: All yard and setback requirements will be established by Borough Council during the review of the conditional use application, based on the type of use proposed, site access, connection required to adjacent uses or properties, and similar conditions.

309.4.3 Maximum Lot Coverage: Total impervious surfaces shall not exceed 30 percent of lot area.

309.4.4 Maximim Height: 35 Feet.

309.5 Offstreet Parking and Loading Requirements

As specified by Section 4-408 and 4-409 of this Ordinance.

ARTICLE FOUR
SUPPLEMENTAL REGULATIONS

4-401 GENERAL INTENT

The regulations contained in this Article are intended to apply to all zoning districts, uses, structures or lots except as otherwise provided in this Ordinance.

4-402 GENERAL PROVISIONS AND EXCEPTIONS

402.1 Pending Building Permits

Nothing in this Ordinance shall require any change in construction or use of any structure for which a building permit was lawfully issued prior to the effective date of this Ordinance, or any amendment thereto, provided that construction has begun or a contract or contracts have been let pursuant to the permit issued prior to the effective date of this Ordinance.

However, any building permit which was issued thirty (30) days prior to the adoption of this Ordinance shall be declared void at the time of adoption of this Ordinance, if the structure or use does not conform to the provisions of this Ordinance and if no substantial construction has begun or contract(s) let.

402.2 Principal Building

In the R-1 District, there shall be only one principal building on each zoning lot.

402.3 Mixed Uses

Land, buildings and structures shall be designed and used only for authorized uses within respective zoning districts. Except where specifically authorized by this Ordinance, multiple uses of land, buildings or structures are prohibited.

402.4 Dwelling in a Basement

No dwelling unit or units shall be contained in a basement or cellar.

402.5 Trash and Garbage Disposal Storage

In C-1, C-1A and I-I Districts and for conditional uses in R/C-1, R/C-2 and CD Districts, exterior trash or garbage storage shall be screened from a public street or adjacent property.

402.6 Floodplain District

The Floodplain Districts (including floodway and flood fringe areas), as established by the Borough's Floodplain District Ordinances (Nos. 400, 401, 402), shall be an overlay to the underlying zoning districts shown on the Official Zoning Map. The provisions for a Floodplain District shall supplement the underlying district provisions contained in this Ordinance. No zoning use or occupancy permit shall be issued to any use or structure unless the required floodplain building permit has been obtained.

402.7 Stormwater Management

Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

- a. To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or
- b. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

The U. S. Soil Conservation Service (SCS) Method (as published in SCS publication TR-55, most current edition) shall be used to prepare all calculations of pre- and post-development runoff and storage requirements. If the development site is located within a watershed for which a stormwater management plan has been prepared pursuant to the Pennsylvania Storm Water Management Act (167), then any proposed stormwater control measures shall be consistent with the watershed plan. The control measures for an individual development or site shall be approved by the Borough Engineer.

402.8 Visibility at Intersections

No use or structure, whether publicly or privately owned, shall obstruct the clear sight distances at street or driveway intersections. The entire clear sight triangle, as defined by this Ordinance, shall be maintained. Required sight distances along intersecting streets shall be in accordance with the requirements of the Pennsylvania Department of Transportation regulations (67 PA Code, Chapter 1). Borough Council may approve a modification of these requirements where the applicant can demonstrate that a pre-existing condition, which is not created by the applicant, makes it impossible to provide the required sight distances.

4-403 GENERAL HEIGHT PROVISIONS AND EXCEPTIONS

403.1 Measurement of Height

The authorized height of buildings shall be measured in accordance with the definition of "Height, Maximum" in this Ordinance.

403.2 Height Exceptions

Chimneys, flues, smoke stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar rooftop structures required to operate the building, as well as flag poles, television aerials, water towers and tanks, church spires and towers, electric transmission towers, and transmission towers for licensed amateur radio operators may exceed the maximum height standard. No such object shall exceed a height of seventy-five (75) feet, and the required side yards shall be increased one foot for each five (5) feet such object exceed forty-five (45) feet.

4-404 GENERAL LOT AREA PROVISIONS AND EXCEPTIONS

404.1 Lot Area

Any lot together with the required yards and open areas on it shall be equal to or exceed the minimum lot area established for the zoning district in which the lot is located.

404.2 Required Lot Area

A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculating the number of dwelling units permitted on that lot, shall not be again used as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part.

Any portion of a lot which is recorded or otherwise reserved for future street purposes shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

404.3 Front Yard Exception

The front yard setback of a lot may be reduced to the average of the front yards of the two abutting structures. Where the lot is situated between two lots on which the principal structures have maintained a lesser setback since the enactment of this Ordinance.

Where the lot adjoins only one lot having a main building that projects beyond the established front yard line, then the front yard on such lot may be the average of the front yard of the existing building and the established front yard line.

404.4 Unenclosed Porches

For any residential structure, an unenclosed porch may be erected in a required front or rear yard, provided it does not extend more than ten feet into a required yard and does not exceed 14 feet or one story in height.

404.5 Projections into a Permitted Yard

A buttress, chimney, cornice, pier or pilaster, not projecting more than eighteen (18) inches from the wall of a building, as well as unenclosed fire escapes, may project into a required yard.

4-405 ACCESSORY USES

405.1 Permitted Accessory Uses

A permitted accessory use must comply with the definition of "accessory use" contained in Article II of this Ordinance. Examples of permitted uses are:

1. Garage, carport, shed or building for domestic storage, or open storage of a boat, trailer or camper shall be limited to the rear yard.
2. Child's playhouse, garden house, gazebo and private greenhouse.
3. Private residential swimming pool or private recreational facility shall be limited to the rear yard only and if in ground shall require a fence of at least four (4) feet in height but not to exceed six (6) feet. Any above ground pool structure less than four (4) feet above the ground shall require a fence of a minimum of four (4) feet.
4. Civil defense shelter for not more than two (2) families.
5. Storage of merchandise normally carried in stock on the same lot with a permitted retail, service or business use, only in the rear yard area, unless such storage is excluded by the district regulations.

6. Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, in the rear yard only, unless such storage is excluded by the district regulations.
7. Offstreet motor vehicle parking areas, and loading and unloading facilities.
8. Signs where permitted by this Ordinance.
9. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.

405.2 Prohibited Accessory Uses

1. Outdoor storage or overnight parking of trucks or vans exceeding 7,000 pounds in gross vehicle weight or designated as Class III or above by the Pennsylvania Motor Vehicle Code, or any vehicles with dual rear wheels, or construction vehicles or equipment shall be prohibited in any residential or mixed-use district. Construction vehicles or equipment may be parked on a lot while construction activity is proceeding, provided a building permit and/or zoning approval has been duly granted for the construction activity.
2. Outdoor storage of campers, boats and boat trailers or similar recreational vehicles is permitted in a rear yard in residential and mixed-use districts.
3. Outdoor storage, except as specifically permitted by the district regulations.

405.3 Location of Accessory Uses

Unless otherwise stipulated by this Ordinance, the following standards shall apply.

1. R-1 Districts

a. Accessory uses, excluding signs permitted by this Ordinance, shall not be located in a required front or side yard. However, a garage or carport attached to the main structure may extend into a required side yard, provided it is set back at least three (3) feet from the side lot line. On a corner lot, the minimum setback shall be five (5) feet.

b. Accessory uses and structures may be located in a required rear yard provided they are set back at least three feet from the rear lot

line and shall maintain the same side yard as that required for the principal structure, unless otherwise permitted by this Ordinance.

2. R-2 Districts

a. Locational requirements for accessory uses for single and two family detached dwellings shall be the same as for R-1 districts (Subsections 1(a), (b) above).

b. For new or converted multifamily dwellings and other uses, accessory uses, excluding permitted signs, shall not be permitted in a required front or side yard.

3. R/C-1, R/C-2, I-1 and CD Districts

a. Accessory uses shall not be located in a required front yard.

b. Accessory uses and structures shall be located in a required rear yard provided they are set back at least three (3) feet from the rear lot line and shall maintain the same side yard as that required for the principal structure, unless otherwise permitted by this Ordinance.

4. Notwithstanding any other provision of this Ordinance, no part of any accessory structure shall be located closer than six (6) feet to any principal structure, unless it is attached to or forms a part of such principal structure. No accessory structure shall be located closer than three (3) feet to another accessory structure on an abutting property.

5. Accessory structures and uses shall otherwise comply the bulk regulations applicable in the district in which they are located.

405.4 Use Limitations

1. All accessory structures and uses shall comply with the use limitations applicable to the zoning district in which they are located.

2. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

405.5 Permit and Maintenance Requirements

A zoning permit must be obtained from the Borough Building Inspector for any new, expanded or altered accessory use or structure. The owner is responsible for maintaining the accessory use/structure in safe condition in accordance with all applicable regulations.

If the Building Inspector finds that an accessory structure is not being used for its intended purpose or not being maintained, the Building Officer shall give written notice to the owner to immediately repair or remove it within twenty (20) days from the receipt of the notice. In the event the owner fails to comply with the Building Inspector's written notice, the owner shall be considered in violation of this Ordinance and subject to all of the penalties contained herein.

4-406 FENCING AND SCREENING RETAINING WALLS

Unless otherwise stipulated, the following standards shall apply.

406.1 Placement, Materials, Height

1. Fences, walls (other than retaining) or screens may be erected only in a side or rear yard, and within lot boundaries, in any zoning district.
2. A retaining wall may be erected along any property line where it is required to prevent a landslide or other hazardous conditions.
3. A fence or screen cannot be erected in a public or dedicated right-of-way.
4. For residential uses, a fence or screen shall not exceed six (6) feet in height except for private pools which shall be eight (8) feet in height.
5. Fences or screens for schools, playgrounds, parks and pools shall have a ratio of open to solid portion of not less than 6:1 and shall not exceed ten (10) feet in height, unless otherwise approved by Borough Council.

406.2 Performance Standards for Fences, Walls and Screens

1. In any district, trees, shrubs and other planting are permitted in any front yard provided they do not block a clear view or vision for vehicular traffic.
2. Authorized fences and screens whether publicly or privately owned, shall not obstruct the clear sight distances at street intersections, as required by Section 402.8 of this Ordinance.
3. Fences shall not contain barbs or similar types of injurious hazards, unless specifically approved by Borough Council for security reasons.

406.3 Screening, Fencing for Commercial, Industrial Uses

Wherever this Ordinance requires screening of a commercial or industrial use, or portion thereof, the following standards shall apply:

1. A planted screen shall be of sufficient density and type of planting material to provide a year-round visual barrier, within two growing seasons of planting. The minimum height shall be five (5) feet, but the Zoning Officer may require additional height where it is necessary to achieve adequate visual screening of the use.
2. Walls, fences or other visual screens may be used in accordance with Section 4-406 of this Ordinance.
3. Screening of offstreet parking and loading areas shall be in accordance with Section 4-408 of this Ordinance.
4. The property or business owner shall be responsible for the continuing maintenance of any planted screen, fence, or wall.
5. Water towers, storage tanks, processing equipment, fans, cooling towers, vents, and any other structures or equipment that rise above the roof line, other than a radio or television antenna, shall be effectively shielded from view of any public or private street by an architecturally sound method.

406.4 Permit and Maintenance Requirements

A zoning permit must be obtained from the Borough for the erection of any fence, wall or screen.

If a fence, wall or screen is not maintained in a safe condition and in accordance with Borough regulations, the Zoning Officer shall give written notice to the owner to repair or remove the fence within twenty (20) days of receipt of the notice. In the event the owner fails to comply with the order, the owner shall be considered in violation of this Ordinance and subject to the penalties contained herein.

If a fence, wall or screen is destroyed or deteriorates beyond 50 percent of its total linear displacement, then it must be replaced or removed within forty-five (45) days of receipt of written notice from the Zoning Officer.

4-407 SIGNS

407.1 Application

No sign shall be erected, altered, painted, relocated, remodeled, expanded or maintained that is not in accordance with the provisions of this Ordinance and all other applicable Borough Codes.

407.2 Permitted Signs and Size Limitations

1. Residential Districts (R-1, R-2, R-3)

a. Nameplates or identification signs indicating the occupants of the residence or a permitted home occupation, not exceeding one (1) square foot and attached to a wall of the residence.

b. Principal identification signs for authorized conditional uses, planned residential developments, multi-family developments, not exceeding twelve (12) square feet. Such signs may be either attached to a building or free standing provided their placement conforms to this Ordinance.

c. Real estate signs, not exceeding six (6) square feet, advertising the premise for sale or lease and to be removed within twenty (20) days of the sale or lease of the premises. One (1) real estate sign per road frontage, up to a maximum of two (2) such signs on any one (1) lot at a time.

d. Signs advertising the sale or lease of a planned residential development, multifamily development or lot subdivision development shall not exceed twelve (12) feet and shall be removed within fifteen (15) days of the last sale or lease of property. One (1) real estate sign per road frontage up to a maximum of two (2) such signs on any one (1) lot at a time.

e. Construction signs advertising the development or improvement of a property by a builder, contractor or similar person provided that not more than one such sign shall be permitted for a development property. The sign shall not exceed twelve (12) square feet, and it shall be removed within ten (10) days of the completion of work. One (1) real estate sign per road frontage, up to a maximum of two (2) such signs on any one (1) lot at a time.

2. Mixed Use Districts (R/C-1, -2)

- a. Signs for any permitted or conditional residential use shall be the same as for R-1 Districts.
 - b. Identification or business signs for commercial, office or industrial uses, permitted as conditional uses, indicating the services or products sold on the premises, but not exceeding twenty-four (24) square feet.
 - c. Nameplates or identification signs for other authorized conditional uses, not exceeding twelve (12) square feet.
 - d. Construction signs as permitted in R-1 Districts.
- 3. Commercial Districts (C-1, C-1A) and Conservation Districts (CD)
 - a. Any sign authorized on R-1 District.
 - b. Identification or business signs, indicating the services or products sold on the premises and not exceeding thirty (30) square feet.
 - 4. Industrial Districts (I-1)
 - a. Any sign authorized in residential or commercial districts.
 - b. Identification or business signs for uses permitted in these districts shall not exceed fifty (50) square feet.

407.3 Placement of Signs

- 1. No sign shall be erected except on the property to which it is related, except in accordance with Sections 407.5.8.
- 2. No sign shall be erected upon or applied to any roof.
- 3. Identification or business establishment signs in R/C-1 or R/C-2, C-1 and C-1A Districts shall be attached to a front or side wall of a building, parallel to the facade of the building. Signs shall be erected so that no portion of the sign is less than nine (9) feet above entrance grade.

In I-1 Districts, business identification signs may be free standing or attached to a main building.

4. No sign shall project beyond any property line. Permitted free standing signs in residential districts shall be set back a minimum of five (5) feet from the property line. Free standing signs permitted in other zoning districts shall be set back a minimum of ten (10) feet from the street right-of-way.

5. A free standing sign shall not obstruct in a required clear sight triangle.

407.4 Height of Signs

1. No authorized free-standing sign in an R-1, R-2, R/C-1, R/C-2 District, shall exceed five (5) feet in height, as measured from ground level at the base of, or below, the sign to the highest element of the sign.

2. In I-1 Districts, free-standing signs shall not exceed twenty (20) feet in height, as measured from ground level at the base of, or below, the sign to the highest element of the sign.

407.5 Area of Signs

1. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself, except for canopy signs which shall only include the lettering, wording or accompanying design or symbol.

2. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.

3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape that can enclose such letters or symbols.

4. In computing square foot area of a double-face sign, only one (1) side shall be considered provided both faces are identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

407.6 Additional Requirements

1. Signs that are animated or have flashing illumination are prohibited in all districts.
2. Illuminated signs shall be designed and placed so as not to interfere with, distract, confuse, or blind operators of motor vehicles.
3. Flood lighting shall be placed so that it is not visible from any point off the lot and only the sign is directly illuminated.
4. Every authorized sign must be constructed of durable materials and maintained in good condition and repair. If any sign becomes dilapidated to that point that it constitutes an unsightly or hazardous condition, then the Zoning Officer shall order it repaired within ten (10) days or removed.
5. If a use ceases for a period of six (6) months, all signs for that use must be removed.
6. Zoning permits for the erection, alteration, relocation or replacement of any sign must be obtained according to provisions of Article 8 of this Ordinance.
7. No sign shall be attached to any tree or utility pole on public or private property.
8. Billboards, or outdoor advertising signs, which are not related to the use of the property on which they are located, shall only be permitted in I-1 Districts. Only one such sign shall be permitted per property or lot, and it shall comply with applicable standards for yards and sign height for I-1 Districts. No billboard shall be placed so as to face a lot on the same street with a church, public school or building, park, playground or scenic area.
9. No more than three permanent signs shall be permitted for any single commercial or industrial establishment, provided that the total square footage of all signs does not exceed the maximum sign area for the zoning district in which it is located. Where a business established fronts on more than one (1) street, one sign may be located on each street frontage, and the total permitted sign area may be increased to 48 square feet; the total of three (3) signs may not be exceeded.

407.7 Temporary Signs

Temporary outdoor signs advertising special business promotional activities, business openings or closings, temporary

activities such as a church carnival or a street fair or festival, are permitted provided:

1. The temporary sign received a permit from the Zoning Officer; the period of the permit shall not exceed thirty (30) days.
2. The sign is only located on the premises where the special activity is taking place, and only one such sign shall be permitted for the premises.
3. The sign does not exceed six (6) square feet.
4. The sign is not animated or flashing, and any illumination for the sign does not create an unsafe condition for motorists or glare on surrounding properties.
5. Temporary signs identified as banners must be hung a minimum of twenty (20) feet above the street, with supports and fastenings to be approved by the Building Inspector. Temporary cloth signs, banners, streamers, etc., requested to be hung over streets shall be for civic or community affairs of a public or semipublic nature and not for private gain. They shall be removed as soon as torn or damaged, and not later than thirty (30) days after erection. Also, an indemnification is required, saving the Borough harmless from any and all judgments, costs or expenses which the Borough may incur or suffer by permitting the erection of the temporary sign.
6. Political signs may be erected or maintained for a period not to exceed thirty (30) days prior to the date the election to which such signs are applicable is scheduled to occur. The same shall be removed within five (5) days following the election. Temporary political signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher. The following provisions shall also apply:

(a) Public right-of-way. There shall be no limit on the permitted number of temporary signs displayed.

(b) In the public right-of-way, no such sign may be located across, over or extending onto the paved portion of any public roadway. Temporary political signs located in a public right-of-way shall be erected or installed in such a manner so as not to interfere with or obstruct access, activity or vision along any public right-of-way. Further, such signs shall not be attached to or placed on traffic signals, utility poles, trees or other similar vegetation.

407.8 Exemptions

The following signs shall be exempt from the requirements of this Section:

1. Flags or emblems of a government, political, civic, philanthropic, educational or religious organization displayed on private property.
2. Signs placed by a governmental body, including, but not limited to, promotional activities, traffic or directional devices, legal notices and warning, instructional or regulatory signs.
3. Address numerals and other signs required to be maintained by law or governmental regulation, provided that the content and size of the sign does not exceed the requirements of such law or regulation.
4. Small signs, not exceeding five (5) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, and the like.
5. Incidental signs displayed inside a window of a commercial establishment to advertise special sales of products sold, credit cards accepted, or those required by law or ordinance.
6. Official notices posted by public officers or employees in the performance of the officer's or employee's duties.
7. Directional signs for hospitals, medical clinics, ambulances, essential services, libraries and churches, up to four (4) square feet, with no more than three (3) erected at different locations, at any one (1) time, throughout the Borough, each to be under ten (10) feet in height. Same may not be located within the public right-of-way.

407.9 Permit and Maintenance Requirements

A zoning permit must be obtained from the Borough Zoning Officer for any new, expanded or altered sign. The owner is responsible for maintaining the sign in a safe and functional condition in accordance with all applicable Borough Ordinances.

If the sign is not maintained, the Zoning Officer shall give written notice to the owner to repair, replace or remove the sign with twenty (20) days of the receipt of the notice. In the event the owner fails to comply with the order, the owner shall be considered in violation of this Ordinance and subject to the penalties contained herein.

4-408 OFFSTREET PARKING REQUIREMENTS

408.1 Application

In any zoning district, all structures built and all uses established hereafter shall provide offstreet parking areas in accordance with this Ordinance. When an existing structure or use is expanded, parking spaces for the area or capacity of such expansion shall be required in accordance with this Ordinance. Borough Council may waive or vary offstreet parking requirements for any conditional use as part of the conditional use approval.

408.2 General Provisions

1. Utilization. Required offstreet parking facilities shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such use.

2. Access. Each required offstreet parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. This provision does not apply to dwelling units where parking in a driveway is counted as part of the required offstreet parking.

3. Open Parking. Open-air parking areas shall be located in accordance with the requirements of Section 4-405 of this Ordinance.

4. Enclosed Parking. Enclosed buildings containing offstreet parking shall be subject to the area and bulk requirements of the district in which they are located, unless otherwise stipulated by this Ordinance.

5. Design and Maintenance.

a. Size. The minimum dimensions for a conventional parking space will be 9 feet in width by 18 feet in length, exclusive of curbs and maneuvering space. For a handicapped parking space, the size shall be 12.5 feet in width by 20 feet in length.

b. Design. The minimum dimension of interior drives and parking aisles shall be:

<u>Parking Angle</u>	<u>Minimum Aisle Width</u>
90°	20 feet
60°	18 feet (one-way)
45°	13 feet (one-way)
30°	11 feet (one-way)

Driveways and aisles shall be designed so that each vehicle may have ingress and egress from the space without moving any other vehicle. All accessways shall be designed so as to provide safe exit and entrance from the public street, in accordance with applicable Borough standards or PennDot specifications.

c. Surfacing. All parking areas, except required parking spaces for a single family dwelling, shall be graded and paved or otherwise improved with an all-weather, dustless material, and shall require a minimum of eight (8%) percent green space area.

6. Screening. All open offstreet parking areas containing more than eight (8) parking spaces shall be effectively screened on each side by a wall, fence or densely planted compact evergreen hedge not less than four (4) feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Clear sight triangles, as defined by this Ordinance, shall be maintained.

7. Lighting. Any lighting used to illuminate offstreet parking areas and driveways shall be directed away from residential properties or public street in such away as not to inter- with such uses. The lighting system shall furnish minimally an average of two (2) foot candles during hours operation with lighting standards being located not more than eighty (80) feet apart.

8. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with any off street parking facilities.

9. Multiple Parking Occupancy. When a number of different uses are proposed within a structure, facility or complex, and when it can be demonstrated that one or more of such use require parking spaces at times other than normal business or operating hours for other uses, the applicant may present to the Zoning Officer a written report stating that a maximum combination of all such uses will not require that total accumulative parking spaces required by this Ordinance. If the Zoning Officer, after review, determines that a reduced overall parking requirement can satisfy the offstreet parking needs of the combined facilities, the applicant shall be permitted to reduce the parking spaces provided in accordance with the plan approved by the Zoning Officer.

10. Location. All parking spaces required to serve structures or uses shall be located on the same zoning lot as the structure or use served or within 600 feet of a main entrance to the structure of use served.

408.3 Required-Spaces by Type of Use

Use Type

Residential Uses

R-1 Districts

Single Family, Two Family

Two spaces per dwelling unit

Multifamily in Planned

One and one-half (1 1/2) space

Residential Developments	per dwelling unit
R-2 R/C-1, MD Districts	
Single Family, Two Family, Multifamily	Two spaces per dwelling unit
R/C-2, C-1, C-IA Districts	
Single Family, Two Family, Multifamily	One space per dwelling unit
R-3 General Residential	Two spaces per dwelling unit
<u>Commercial Uses</u>	
Automotive Repair	One per 150 square feet of GFA
Bank, Savings & Loan Association	One per 200 square feet of Gross Floor Area (GFA)
Bank, Drive-in	One per one-quarter exterior Teller window and four for each interior teller window
Business & Professional Offices other than medical or dental offices	One per 500 square feet of GFA
Day Care Center, Pre-Primary School	One per staff member, plus one space per six (6) children
Doctor and Dentist Offices	One per 300 square feet of GFA
Eating and Drinking Establishments (sit-down type)	One per four seats and one per two seats at a bar or counter, plus one per two employees
Eating and Drinking Establishments (drive-in type)	One per two seats, plus one per employee
Gasoline Service Station	Two spaces per service bay, Plus one per employee
Laundromats	One per three washing or dry cleaning machine (exclusive of dryers)
Medical and Dental Clinic or Laboratory	One per 200 square feet GFA

Mortuary	One per three seats in any chapel or seating area and not less than five spaces for each viewing area or room
Motel or Hotel	One per guest room plus parking requirements for any restaurant, bar or other facilities as required by this Ordinance
Personal Service & Repair Establishments	One per 100 square feet of <i>GFA</i> plus one for each two employees
Retail or Service Commercial,	One per 200 square feet of <i>GFA</i> unless specifically listed
Theater	One per four seats
Veterinary Office or Clinic or Hospital	One per 150 square feet of <i>GF</i> plus one per staff member
<u>Commercial Recreation</u>	
Bowling alleys	Four per alley
Swimming pools and clubs	One space per 38 square feet of water area
Tennis, racquetball courts, etc.	4.5 spaces per court
Other commercial recreational facilities not specifically mentioned	Based on review of Borough Council
<u>Public. Semi-Public Uses</u>	
Elementary, Junior or Senior High School	Based on review by Zoning Hearing Board
Colleges, Universities and other special institutions	Based on review by Zoning Hearing Board
Private School for Art, Music, Crafts, Dance, etc.	One per staff member, plus one per three students
Hospitals	One and one-half per bed plus one for each staff physician and one for each two other employees

Nursing or Convalescent Homes	One per three beds
Public or Nonprofit Recreation	One per four persons of design capacity for the facility
Private clubs and lodges	One per 1.5 members
Churches	One per three fixed seats, plus one per employee
Public utilities	One per two employees on two largest shifts combined

Industrial Uses

Manufacturing, warehouse and wholesale	One per two employees on the two largest shifts combined
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For all other uses not specifically covered above, parking shall be provided as determined by Borough Council based on the number of employees, normal visitors or patrons and site location.

4-409 OFFSTREET LOADING REQUIREMENTS

409.1 Applicability

In any zoning district, all structures and uses which require the receipt or distribution of materials or products by trucks or similar vehicles, shall provide accessory offstreet loading spaces, as required by this Ordinance. When an existing structure is expanded, accessory offstreet loading spaces shall be provided for the area of such expansion in accordance with the following regulations. Borough Council may waive or vary the offstreet loading requirements for any conditional use during the conditional use approval.

409.2 General Provisions

1. Location. All required loading spaces or berths shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane. All motor vehicle loading berths which abutt or are adjacent to a residence district or use shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, door, planted screen, or any combination thereof, not less than six (6) feet nor more than eight (8) feet in height.

No permitted or required loading space or berth shall be located within forty (40) feet of the nearest point of intersection of any two public streets or highways. No loading space or berth shall be located in a required front yard, and any loading space or berth located in a required rear yard shall be open to the sky.

2. Area. Unless otherwise specified, a required offstreet loading space shall be ten (10) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least sixteen (16) feet. The required length may be reduced by ten (10) feet, if the applicant certifies that the offstreet loading use will only be single-unit trucks or smaller.

3. Access. Each required offstreet loading space shall be designated with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.

4. Surfacing. All open offstreet loading shall be improved with a compacted select gravel base, not less than seven (7) inches thick, surfaced with an all-weather dustless material.

5. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any offstreet loading facilities.

6. Utilization. Space allocated for any offstreet loading berth shall not be used to satisfy the space requirements for any offstreet parking facilities or portions thereof.

409.3 Required Offstreet Loading Spaces

<u>Use</u>	<u>Required Berth (based on gross floor area)</u>
Manufacturing	One berth for every 10,000 square feet
Wholesale, Other Uses	One berth for every 8,000 square feet
Business and Professional Office	One berth for every 10,000 square feet. Not exceeding a total of two Required stalls.
Food Stores and Other Retail Stores	One berth for every 5,000 square feet up to a maximum of two stalls And then one berth for every 20,000 Square feet or fraction thereof.

Uses for which offstreet loading facilities are required by this Section, but which are located in buildings that have a floor area that is less than the minimum for which offstreet loading facilities are required, shall provide adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive, or open space on the same lot, in accordance with the applicable provisions of this Section.

4-410 HOME OCCUPATIONS

410.1 Authorization

Home occupations, which comply with the definition and standards of this Ordinance, shall be permitted as an incidental use to any principal dwelling unit.

410.2 Use Limitations

The following regulations shall apply to all home occupations permitted under the provisions of this Ordinance:

1. No more than one person other than members of the family occupying the dwelling shall be employed.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square-foot in area, non-illuminated, and mounted flush with the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or

television receivers off the premises, or causes fluctuations in line voltage off the premises.

6. There shall be no outdoor storage of equipment, materials, or finished products related to the home occupation.

410.3 Particular Home Occupations Prohibited

Permitted home occupations shall not be deemed to include:

1. Nursery schools, dancing schools, exercise or health centers, day care centers, unless specifically permitted by the district regulations.
2. Funeral homes.
3. Eating and drinking establishments.
4. Animal kennels or hospitals.
5. Tourist homes, rooming houses, unless specifically permitted by the district regulations.
6. Medical or dental clinic or hospitals.
7. Automobile, truck, bus, or boat repairs or rental facilities.
8. Video game and amusement arcades.
9. Theaters and other entertainment and commercial recreation facilities.
10. Home tanning booths, massage parlors, and/or sauna, steam or other therapy facilities and exercise facilities.

4-411 GASOLINE SERVICE STATIONS

411.1 Definition

A gasoline service station shall include a building or buildings for the sale of petroleum products, tires and automotive service. It shall not provide major repair facilities including paintspraying, body or fender work or separate automobile washing facilities commonly known as a car wash.

411.2 Use Limitations

1. No gasoline service station shall be located within 1,000 feet of a similar facility.

2. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
3. Fuel pumps, air towers, water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than 15 feet of any property line.
4. Inspections, lubrication, oil changes, tire changes and similar minor repairs are permitted if conducted entirely, within a building.
5. All automobile parts and supplies shall be stored within a building, except that automotive supplies may be displayed for sale at the fuel pump and at a distance no greater than five feet from the pumps.
6. All refuse shall be stored within a building or enclosed area.
7. No more than two vehicles, awaiting repairs, shall be stored outdoors during non-business hours. Junk vehicles shall not be stored in the open at any time.
8. Automobile, van (less than 20 feet) or utility trailer rental is an authorized accessory use, provided that no more than three vehicles are visible on the premises at any time.
9. Offstreet parking spaces shall be provided in accordance with Section 4-408 of this Ordinance.

4-412 AUTOMOTIVE REPAIR FACILITIES AND CAR WASHES

412.1 Definition

Automotive repair facilities provide major mechanical repairs, painting and body work, in addition to parts and routine maintenance. A car wash may be a separate use or a part of other automotive repair activities.

412.2 Use Limitations

1. All repair services shall be conducted within an enclosed building which complies with state and borough regulations for such uses.
2. All automotive parts and supplies shall be stored within an enclosed building.
3. All refuse must be stored within a building or enclosed area.

4. No more than two vehicles, shall be stored outdoors, during non-business hours; junk vehicles shall not be stored in the open at any time.

5. Offstreet parking spaces shall be provided in accordance with Section 4-408 of this Ordinance.

ARTICLE FIVE

PLANNED RESIDENTIAL DEVELOPMENTS

5-501 STATEMENT OF INTENT

It is the intent of the Borough to provide, through the planned development concept, an increased amount of flexibility in the type, location, density and design of residential development and to encourage innovative design and site planning in order to better meet current housing demands, to relate development of the land to the specific site, to permit economies in the provision of public services, and to conserve and protect open space and steep slope areas within the Borough.

These developments are permitted only in R-1 Zoning Districts. The housing type, minimum lot area, dwelling unit densities, yard, height, accessory uses and similar requirements shall be determined by the provisions set out below, which shall prevail over conflicting requirements of this Ordinance.

5-502 MINIMUM SITE REQUIREMENTS

502.1 The minimum land area for a planned residential development (PRD) shall be three (3) contiguous acres.

502.2 Principal access to the PRD site shall be from public streets with sufficient operating capacity and structural condition to carry the proposed traffic generated by the development.

502.3 The proposed PRD shall be served by sanitary sewage treatment and water supply systems which shall be sufficient to meet the needs of the projected population and which have received approvals and operating permits from the appropriate governmental agencies.

5-503 PRD DEVELOPMENT STANDARDS

503.1 Permitted Uses

1. Single family detached dwelling.
2. Two family detached dwelling.
3. Townhouse dwellings.
4. Multifamily, multi-story dwellings (not to exceed four stories).
5. Open space and recreational facilities designed to serve residents of the development.

6. Customary residential accessory uses such as garages, gardens and similar uses.

503.2 Density Standards

1. A maximum of 80 percent of the site may be used for residential uses, including structures, streets, parking areas, private open spaces, courts, and patios.

2. A minimum of 20 percent of the site must be set aside for open-air recreational use or other open space which may be preserved in its natural condition but is accessible to and usable by PRD residents.

3. The gross development density (total units per acre) shall be established by Borough Council during the review of the PRD application, based upon topography of the site, geological and soil conditions, the amount and location of common open space, the adequacy of utilities, public facilities and services, streets and traffic circulation. However, the following maximum densities shall apply:

a. Single family detached - 4,000 square feet.

b. Two family detached - 8,000 square feet.

c. Townhouse - 2,000 square feet/unit.

d. Multifamily, multi-story - 1,500 square feet/unit.

503.3 Lot Sizes and Setbacks

1. There shall be no minimum lot size, setbacks (unless otherwise required), percentage of lot coverage or lot width. Proposals for these items shall be shown on the site plan and either approved, modified or disapproved by Borough Council.

2. However, each residential unit shall have access to a public street or other approved right-of-way

3. All structures shall be set back at least 25 feet from any perimeter of the PRD site and 20 feet from street rights-of-way.

503.4 Building Groupings

1. There shall be no townhouse structure containing more than six (6) dwelling units. Townhouse and other multi-unit structures shall be arranged so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. In no case shall any structure be located closer than 10 feet to any other structure when having a side-to-side (wall), rear-to-side, or rear-to-rear

orientation; or closer than 20 feet when having a front-to-front, front-to-rear, or front-to-side orientation.

2. Each building shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings and adjacent lots. All buildings shall be sited so as to be accessible by emergency vehicles.

503.5 Screening

Screens shall be provided along perimeter lines of the PRD site including public rights-of-way. Such screens shall be one, or a combination, of the following:

1. A continuous planted strip of at least 12 feet in width and not less than 6 feet in height, and of such species and size of plants so as to provide an effective year-round visual screen within three years of planting.

2. Natural or artificial land forms, including natural slopes and wooded areas, may be used to achieve visual screening, provided such areas are preserved from future development by easement, deed restriction, covenant or similar measure.

3. Decorative fencing may be used as a screen along public rights-of-way.

4. The maintenance plan for common open space and facilities in the PRD, as required by this Ordinance, shall include provisions for the continuing maintenance of all planted screens and fencing. If any plant dies within the one year of planting, it shall be replaced.

5. Clear sight triangles, as specified by this Ordinance, shall be maintained.

6. Additional requirements may be imposed by the Borough Council where necessary to shield adjacent lots from on-site lighting, headlights and otherwise to reduce the visual encroachments of multiple dwellings.

503.6 Parking Requirements

Offstreet parking shall be provided at the ratio of two spaces for each dwelling in a single or two family house and 1.5 spaces for each townhouse or multifamily dwelling.

Wherever possible, parking lots and areas shall be level except for necessary drainage purposes. Open parking areas shall be interspersed with land forms and planting. Parking and loading areas shall be designed in accordance with Section 4-408 of this Ordinance.

503.7 Construction of Streets and Parking Areas

The construction of roads, parking areas and pedestrian ways, whether or not they are to be dedicated to the Borough, shall conform to all applicable Borough ordinances and/or PennDot 408 Specifications. However, Borough Council may waive or modify certain standards where it finds that such specifications are not consistent with the PRD site or overall design and that such modifications are not inconsistent with the interests of the entire Borough.

503.8 Stormwater Management

The proposed PRD shall provide a stormwater management system in accordance with the provisions of Section 402.4 of this Ordinance.

503.9 Common open Space, Improvements and Facilities

Common open space must be appropriate to the scale and character of the development considering its size, density, anticipated population, topography and types of dwelling unit, and consistent with the minimum requirements of Section 503.2.2.

It must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any structures or improvements which are added shall conserve and enhance the amenities of the open spaces and be properly related to their topography and natural condition.

All common open space and recreation areas must be conveyed in one of the following ways, as approved by Council: (1) in part or totally to the Borough; or (2) in part or totally to an organization for ownership and maintenance according to the provisions of the municipalities Planning Code and any other applicable state statutes.

503.10 Maintenance of Common Open Space and Facilities

In cases where the Borough will not be accepting dedications of streets, sidewalks, utilities, drainage facilities, recreation areas or open spaces, or other common areas, the land owner shall provide for an organization or trust for ownership and continuing maintenance.

The owner shall submit a plan describing the proposed organization, its powers, rights, dues, responsibilities in regard to the ownership and continuing maintenance of common facilities and open space. This plan must be approved by Borough Council prior to approval of the final PRD application.

Such organization or trust shall not be dissolved, nor shall it dispose of any common facilities or open space in any manner whatsoever, except to another organization or trust established to maintain such common areas. However, common facilities or areas may be dedicated to the Borough at a later date, subject to approval by Borough Council.

In the event of default of ownership and/or maintenance responsibilities by the established organization, the Borough may assume control and the resulting costs may be assessed against the properties that have right of enjoyment of these spaces and facilities as specified by applicable state statutes. It shall be prima facie evidence of default where no organization or trust has been set up or is inoperative for one year. The recorded plan of lots shall contain a statement to this effect. Also, the landowner shall record in the Recorder of Deed's Office of Allegheny County an agreement between the landowner and Borough to this effect so that future owners are properly advised of this condition.

Whether common facilities and open spaces are to be owned by the PRD organization or in trust, or dedicated to the Borough, the landowner shall be required to post financial security to guarantee the structural integrity and functioning of such common areas. Such financial security shall be in accordance with the Pennsylvania Municipalities Planning Code for guaranteeing improvements for subdivisions and land developments. The term for the security shall be 18 months from the date of acceptance of ownership and shall equal to 15 percent of the actual cost of installation of the improvements, facilities and open spaces.

5-504 APPLICATION FOR TENTATIVE APPROVAL OF PRD PLAN

504.1 Contents and Forms of Application

The landowner, or agent(s) acting in his behalf, shall submit to Council a tentative application consisting of the following:

1. Five (5) copies of the overall site plan of the PRD showing the location of the site and its size and topography; all existing and proposed structures and uses; the amount of acreage to be devoted to each use; the proposed density; the height and bulk of all structures; and the location of and amount of common open space recreation areas.

2. Five (5) copies of the plan showing the proposed circulation system for vehicular and pedestrian traffic, and the location and widths of proposed streets, public and private.

3. Five (5) copies of the plan for the provision of sanitary sewerage and water systems, the plan for adequate storm drainage facilities, and the plan to prevent soil erosion and sedimentation during and after development and construction.

4. A statement relative to the form of the organization proposed to own and maintain the common open space areas.

5. A statement of any covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.

6. A statement indicating any required modification in the land use regulations otherwise applicable to the subject property.

7. A written statement by the applicant indicating his/her interest in the land proposed to be developed and the reasons why the applicant believes the planned development would be in the public interest and would be consistent with the Borough's Statement of Community Development Objectives.

504.2 Review of the Tentative Application

1. Borough Council shall refer the application to the Borough Planning Commission and the Allegheny County Planning Department for study and recommendation. The County Planning Department shall be required to report to the Borough within 30 days or forfeit the right to review. The Borough Planning Commission shall submit its review at least ten days prior to the public hearing. Copies of this report shall be available to the applicant and public.

2. Within sixty (60) days after receipt of the tentative application, Council shall have a public hearing pursuant to public notice in a manner prescribed for the enactment of an amendment to this Ordinance. Council may continue the hearing from time to time and may refer the plan back to the Planning Commission for additional study. However, the public hearing shall be concluded within sixty (60) days.

The presiding officer at the hearing may administer oaths and compel the attendance of witnesses. All testimony by witnesses at the hearing shall be given under oath and every party of record at the hearing shall have the right to cross-examine adverse witnesses. A verbatim record of the hearing shall be made and whenever a copy of such records is requested by any party to the proceedings, the cost of such record shall be borne by that party. All exhibits accepted into

evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion shall be noted in the record.

3. Within thirty (30) days following the conclusion of the public hearing, Council shall make a written report by certified mail to the applicant. Said report shall either grant tentative approval of the development plan as submitted or grant tentative approval subject to specified conditions not included in the development plan, or deny tentative approval to the plan. Failure to act within the thirty (30) day period shall be deemed to be a grant of tentative approval of the development plan as submitted.

If tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written report, notify Council of his/her refusal to accept all said conditions. In this case, Council shall be deemed to have denied tentative approval of the development plan. If the landowner does not, within said period, notify Council of his/her refusal to accept all said conditions, tentative approval of the development plan, with said conditions, shall stand as granted.

4. The granting or denial of tentative approval by official written communications shall include conclusions and findings of fact related to the proposal and the reasons for the grant, with or without conditions, or the denial. Also contained in the communication shall be a statement of the respects in which the development plan is or is not in the public interest, including, but not limited to, findings of fact and conclusions on the following:

a. In those respects in which the development plan is or is not consistent with the Statement of Community Development Objectives and/or other pertinent plans for the development of the Borough.

b. The extent to which the development plan departs from zoning regulations otherwise applicable to the subject property, including, but not limited to, density, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest.

c. The purpose, location and amount of the common open space in the planned residential development; the reliability of the proposals for maintenance and conservations of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

d. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for public services; provide adequate control over vehicular traffic; and further amenities of light and air, recreation and visual enjoyment.

e. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

f. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents of the planned residential development in the integrity of the development plan.

504.3 Status of the Plan After Tentative Approval

The official written communication shall be certified by the Borough Secretary and filed in his/her office. Where tentative approval has been granted, the same shall be noted on the Official Zoning Map. Tentative approval shall not qualify a plat of the planned residential development for recording, development or the issuance of any building permits. A plan which has received tentative approval shall not be modified, revoked or otherwise impaired by action of the Borough without consent of the applicant, if the time periods for submission of final application specified in said written communication are being fulfilled.

In the event tentative approval was granted, but prior to final approval, the applicant elects to abandon said plan and notifies Council in writing or fails to file for final approval within the specified times, the tentative approval shall be deemed to be revoked. All the area in the development plan which has not received final approval shall be subject to this Ordinance as otherwise applicable thereto and the same shall be noted on the Official Zoning Map and in the records of the Borough.

5-505 APPLICATION PROCEDURE FOR FINAL APPROVAL OF PRD PLAN

505.1 Scope of the Application

The application for final approval of the PRD Plan may be: (1) for all the land included in the plan, or (2) to the extent set forth in the tentative approval, for a section thereof. In either case the final application(s) shall be made to Council within the time specified in the tentative approval.

505.2 Review Procedure

1. A public hearing on an application for final approval of the development plan or part thereof shall not be required, provided the development plan or part thereof submitted for final approval is in

compliance with the development plan given tentative approval and with any specific conditions attached thereto.

2. When the final application has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the official written communication of tentative approval, Council shall, within thirty (30) days of such filing, grant final approval to said plan.

3. When the final application contains variations from the plan given tentative approval, Council may refuse to grant final approval and shall, within thirty (30) days of the filing, so advise the applicant of said refusal, setting forth the reasons why one or more of the variations is not in the public interest.

When a final application is refused, the applicant may either: refile his application without objected variations or request a public hearing on the application for final approval. Either action shall be taken within the time which the applicant was entitled to apply for final approval or within thirty (30) additional days if the said time already passed when the applicant was advised of the denial.

If no action is taken by the applicant, the plan is deemed to have been abandoned. If a public hearing is requested, it shall be conducted in the same manner prescribed for tentative approval. Within thirty (30) days after the hearing, Council shall, by written communication, either grant or deny final approval in the form and content required for an application for tentative approval.

505.3 Status of the Plan After Final Approval

A PRD plan or any part thereof which has received final approval shall be certified by Council and filed by the landowner within ninety (90) days with the Allegheny County Recorder of Deeds. No development shall take place until the plan has been recorded, and from that point of time, no modification of the provisions of said plan or part thereof as finally approved shall be made without the consent of the landowner.

In the event a plan or section thereof has been given final approval and the landowner decides to abandon said plan or section and so notifies Council or fails to develop the plan according to Council's annually updated schedule, no development shall take place on the property included in the plan until the said property is resubdivided and reclassified by enactment of an amendment to this Ordinance.

5-506 JUDICIAL REVIEW

Any decision of Borough Council under this PRD provision granting or denying tentative or final approval of a development plan shall be subject to appeal to the court in the same manner and within the same

time limitation established for zoning appeals, as provided by Pennsylvania Municipalities Planning Code.

5-507 FEES

A fee of \$1,000.00 shall accompany each PRD application for tentative approval. Such fee shall be payable to the Borough of Blawnox and shall be used to cover expenses for all technical, administrative, and legal reviews of the tentative application. Following final approval or denial, any unused portion of the fee shall be returned to the applicant. In the event the costs of reviewing the application exceeds the \$1,000.00 fee, the applicant shall reimburse the Borough directly for the additional expenses.

No fee shall be required for an application for final PRD approval, unless an additional public hearing is required, in which event an additional \$300.00 fee shall be remitted to the Borough. Council may, at its discretion, impose other fees to defray actual expenses incurred during the course of the PRD review.

ARTICLE SIX

CONDITIONAL USES

6-601 APPLICABILITY

Applications for conditional uses, when listed as permissible by this Ordinance, shall be approved or denied by Borough Council in accordance with the standards and criteria of this Article.

6-602 APPLICATION PROCEDURE

602.1 Application Content

Applications for conditional uses shall be submitted to the Zoning Officer in the form prescribed by the Borough. Such materials shall include site and building plans which clearly identify the location, size, shape, and use of the proposed use/structure, surrounding land uses within one-quarter mile, proposed vehicular and pedestrian accesses, and other information necessary to evaluate the application according to the standards contained in this Ordinance.

602.2 Review Procedure

The Zoning Officer shall forward the application to Council and the Planning Commission for review. The Planning Commission shall submit its comments, in writing, to Council within thirty (30) days.

Borough Council shall act to approve or deny the application within seventy-five (75) days of its filing. Council, at its discretion, may hold a public hearing on the application.

Within ten (10) days of its approval or denial of the application, it shall provide the applicant with a written decision, identifying the reasons for its determination and making reference to the facts, ordinance provisions, rules, or regulations upon which Council based its decision. In approving an application, Council may impose reasonable conditions and safeguards, which it determines necessary to accomplish the objectives of this Ordinance.

Where Council fails to render a decision within the seventy-five (75) day period, the application shall be deemed to be approved, unless an extension of time has been agreed to by the applicant.

602.3 Revocation of Approval

The approval of a conditional use application shall be valid for a period of twelve (12) months from date of approval. If within this period, the building permit has not been applied for and/or construction/development begun, then the conditional use approval shall be revoked and the applicant must re-apply for conditional use

approval. One extension of up to six (6) months may be granted by the Zoning Officer where the applicant can show good cause for the delay.

6-603 GENERAL STANDARDS AND CRITERIA

Before approving a conditional use application, Council shall determine that the proposed use will not alter the established character and use of the neighborhood or district in which it is located, and that it will not substantially impair the use or development of adjacent properties. Council shall use the following general standards, among other things, in its evaluation. These standards shall be in addition to any other requirements in this Ordinance for a specific type of use or development.

1. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Ordinance, unless a variance to any provision has been granted by the Zoning Hearing Board, and with other applicable Borough, County and Commonwealth ordinances, laws and regulations.
2. The proposed use is compatible with the surrounding land uses, and it does not have a negative impact on the existing neighborhood or development in terms of air and water quality, noise, potential hazards, illumination and glare, and restrictions to natural light and circulation.
3. The proposed site for the conditional use is suitable in terms of topography and soils conditions and size, based on number of projected users and the frequency of use of the proposed use.
4. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a street capable of handling the traffic generated by the proposed use, and it will not result in undue traffic congestion and hazardous conditions on adjacent streets. The use provides for safe, efficient internal circulation and sufficient offstreet parking and loading.
5. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm drainage, solid and toxic waste storage and disposal.
6. The proposed use provides screening and/or buffer areas as required by this Ordinance.
7. The proposed use/development conforms to the scale, character and exterior appearance of existing structures and uses in neighborhood in which it is located.

6-604 SPECIAL STANDARDS AND CRITERIA

For the types of uses identified in this Section, Council shall also determine that the proposed use complies with these additional standards.

604.1 Standards for Group Residences and Family Boarding Homes

1. Group residences and family boarding homes are allowed as conditional uses only in the zoning districts listed in this Ordinance.

2. In order to prevent the concentration of group residences or family boarding homes in a neighborhood and to avoid impacting existing residences, no group residence or family boarding home may be located within the same block or within 1,000 feet, whichever is more, of a similar facility, nursing or convalescent home, or institutional facility.

3. Offstreet parking requirements for a single family home shall apply, provided that at least one space is provided per resident-supervisor or full-time staff member, and one space per two residents where the facility includes residents capable of operating a motor vehicle.

4. Minimum lot area, yard setback and structural heights shall be as prescribed for single family dwellings in the district where the property is located, unless otherwise stated in this Ordinance. Borough Council may reduce these dimensions when the group residence or family boarding home is to be located in an existing structure.

5. Change of sponsorship or of any other condition contained in the original approval of the group or family boarding facility shall constitute a new use, and the procedure for obtaining conditional use approval of a new facility shall be executed.

6. The operator of the group residence or family boarding home shall obtain any required licenses or certifications from the appropriate commonwealth or county agency prior to the conditional use approval. In no case shall an occupancy permit be granted for the facility until proof of such licenses or certifications has been filed with the Borough.

604.2 Day Care Centers, Private Schools for Pre-Primary Age Children

1. The operator of the day care center or school shall obtain the required licenses and approvals from the appropriate Commonwealth agencies prior to approval of the conditional use application and/or the occupancy permit.

2. The proposed facility shall provide parking in compliance with this Ordinance, and parking areas, regardless of the number of cars, shall be screened as prescribed by Section 408.5.6 of this Ordinance.

604.3 Manufactured (or Mobile) Home Parks

1. A manufactured home park shall have principal access from a street or highway capable of handling the traffic generated by the park and providing adequate access for the individual mobile units without impairing the normal traffic operations of the street or highway.
2. Ten (10) percent of the park's gross site area shall be set aside for common open space, including recreation areas, community buildings, storage facilities for park residents, laundry facilities, management offices for the park, and storage of park maintenance equipment.
3. All internal roads and parking areas shall be improved with an all-weather, dust-free surface. Internal roads shall be designed to meet anticipated traffic loads and shall have a minimum cartway width of 28 feet.
4. Screening around the entire perimeter of the mobile home park shall be provided in accordance with the screening provisions for a planned residential development (see Article 5).
5. The park operator shall obtain required permits and approval from the Pennsylvania Department of Environmental Resources, Allegheny County and Borough agencies for the sanitary sewer and water supply systems.
6. The storm drainage standards for a planned residential development shall apply to a manufactured home park (See Article 5). A park shall have an erosion and sedimentation plan in compliance with Pennsylvania Department of Environmental Resources regulations and reviewed by the Allegheny County Conservation District and approved by the Borough Engineer.
7. Landscaping and planting shall be provided throughout the mobile home park at a ratio of at least two deciduous trees and four deciduous and/or evergreen shrubs per mobile home.
8. No individual mobile home shall be closer than twenty (20) feet to any street right-of-way or to any property line of the park. Nor shall any unit be located within a 100-year floodplain as designated on the Zoning Map.
9. The following lot area and setback requirements shall apply for individual home lots:
 - a. Lot Area: 5,000 square feet.

b. No mobile home unit shall be sited to be within 15 feet of any other unit or accessory structure.

10. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. The hitch which is employed for the normal movement of the unit shall be removed.

11. No mobile home shall be erected on a mobile home lot except upon a mobile home pad. Each mobile home unit shall have its own separate pad.

a. Each mobile home pad shall be at least equal in length and width to the dimensions of the mobile home to be placed on the pad.

b. The pad, at least six (6) inches in thickness, shall be constructed from either concrete, asphalt, or other material adequate to support the mobile home and to prevent abnormal settling or heaving under the weight of the home. In order to prevent wind overturn and rocking, the corners of the mobile homes shall be secured with at least six ties-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

c. Each mobile home shall be set level on sturdy and substantial supports.

12. Two offstreet parking spaces shall be provided for each mobile home lot. Parking areas shall comply with Section 4-408 of this Ordinance.

13. The design, installation and construction, and maintenance of this storage and handling of liquefied petroleum gases shall conform to the Act of Pennsylvania Legislature 1951, December 27, P.L. 1793, as it may be amended, and to all applicable regulations of the Pennsylvania Department of Labor and Industry.

604.4 Video Game and Amusement Arcades

1. No video game or amusement arcade, as defined by this Ordinance, shall be located within 1,000 feet of a public or private school, church, public recreation area, medical building or within 300 feet of the boundary of any R-1 or R-2 zone.

This distance shall be measured from the entrance/exit of the facility in the most direct line or route on, along or across the streets adjacent to the facility, to any school, church, medical building, recreation area or residential zone.

2. The proposed facility shall comply with all provisions of Borough Ordinance No. 417, providing for the regulation and licensing of arcades.

604.5 Adult Use Businesses

1. Borough Council shall review conditional use applications for adult use businesses in light of two major community objectives:

a. To prevent a concentration of these uses which, because of their very nature, are recognized as having serious objectional operational characteristics, particularly when several are located in close proximity of one another.

b. To prevent such uses from having a deleterious effect upon adjacent uses or from contributing to the blighting or downgrading of surrounding neighborhoods and the loss of property values.

These objectives are especially important due to the Borough's small, compact development pattern where residential areas and public/civic uses are immediately adjacent to, and often intermingled with, commercial and industrial areas.

2. No adult use shall be located within, nor closer than, 1,000 feet of any other adult use business.

3. No adult use business shall be located within, nor closer than, 500 feet of an existing school, place of worship, public recreational area, public building or facility.

4. No adult use business shall be located within, nor closer than, 50 feet of the boundary of any residential district.

5. No adult use business shall be located within, nor closer than, 500 feet of any video game or amusement arcade, as defined by this Ordinance, or any establishment licensed by the Pennsylvania Liquor Control Board.

6. An adult use business shall be limited to one exterior sign which shall comply with the size and placement standards contained in Section 4-407 of this Ordinance. Said sign shall not include any depiction, description, illustration of or language relating to any "specified sexual activities" or "specified anatomical areas," as defined by this Ordinance. This provision shall apply to any display, decoration, sign, show window or other opening, which is observable from a public street or any property that is not used as an adult use business.

For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as an adult

use business to the nearest property line of a premise (e.g., school, park) to which a distance restriction applies under the terms of this section.

604.6 Gasoline Service Stations

1. The proposed facility shall comply with the provisions of Article IV, Section 4-411 of this Ordinance.

ARTICLE SEVEN

NONCONFORMITIES

7-701 DEFINITIONS

701.1 Nonconforming Lot of Record

An undeveloped lot which does not comply with the applicable provisions contained in this Ordinance, or any amendment hereafter enacted, but which was lawfully in existence prior to the enactment of this Ordinance.

701.2 Nonconforming Building or Structure

Any structure which is devoted to a use which is permitted in the Zoning District in which it is located, but which is located on a lot that does not conform to applicable lot size and/or area and bulk requirements, where such building or structure existed lawfully prior to the enactment of this Ordinance or amendment.

701.3 Nonconforming Use

A use of part or all of a structure, or a use of land (not involving a structure or only involving a structure which is accessory to such use of land), which does not comply with the applicable use regulations contained in this Ordinance, where such use existed lawfully prior to the enactment of this Ordinance or amendment.

7-702 CONTINUATION

Subject to the provisions of this section, a use of building or land existing at the time of the enactment of this Ordinance may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning Officer shall keep and maintain a list of all nonconforming uses existing at the time of the passage of this Ordinance and which may come to exist in the future.

**7-703 ALTERATIONS, REPAIR, ENLARGEMENT, RECONSTRUCTION OF
NONCONFORMING STRUCTURES**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

A nonconforming building, structure (excluding signs) may be altered, improved or reconstructed provided that the total cost of such work does not exceed 50 percent of the fair market value of the structure at the time of the requested alteration and that the work does not make the structure any more nonconforming in any aspect. This cost

limitation does not apply if the work involves bringing the structure into conformance with applicable zoning regulations.

If a nonconforming structure, or use thereof, is destroyed totally or partially by fire, collapse, explosion or other disaster, it may be reconstructed (and the nonconforming use thereof continued), if work commences within one year of the date of destruction and is pursued diligently to completion. However, reconstruction shall not make the building or structure more nonconforming, in any aspect, than it was prior to destruction. Reconstruction must comply with applicable state and local building codes.

A lawful use in a nonconforming building or structure may expand within the existing building.

7-704 ALTERATION, ENLARGEMENT OR EXPANSION OF A NONCONFORMING USE

704.1 Residential Mixed-Use, Conservation Districts

In such districts, nonconforming uses may expand up to 25 percent of the original building or use area (measured in square feet), to allow for continuation and reasonable growth of the use. Such expansion shall not exceed applicable area and bulk requirements and shall not eliminate required offstreet parking and/or loading areas.

Borough Council may authorize an expansion or enlargement exceeding the 25 percent limitation where the expansion is to provide required offstreet parking or loading space or to improve hazardous conditions.

704.2 Commercial, Industrial Districts

In any commercial or industrial district, a nonconforming use may expand up to 50 percent of the original building or lot area (measured in square feet), in accordance with the same conditions stated in 704.1.

7-705 CHANGE OF USE

A nonconforming use may be changed to a similar nonconforming use within the same type of use category. When a nonconforming use is changed to a permitted one, it shall not be subsequently changed to a nonconforming use. A change of one nonconforming use to another nonconforming use requires review and approval by the Zoning Hearing Board, in accordance with Section 804.6.6 of this Ordinance.

7-706 CONSTRUCTION APPROVED PRIOR TO ORDINANCE

Nothing in this Ordinance shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the entire building completed according to approved plans within one year of the enactment of this Ordinance.

7-707 ABANDONMENT

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one or more of the following conditions apply:

1. The intent of the owner to discontinue the use is apparent.
2. A nonconforming use has been discontinued for a period of six (6) months, unless other facts show intention to resume the nonconforming use.
3. It has been replaced by a conforming use.
4. It has been changed to another nonconforming use under permit from the Zoning Hearing Board.

7-708 UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

7-709 DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to a district of a different classification, the foregoing provisions shall apply to any nonconforming uses, structures or lots of record existing therein.

7-710 NONCONFORMING LOT OF RECORD

In any residential or mixed-use district, notwithstanding the regulations imposed by any other provision of this Ordinance, a single-family detached dwelling which complies with applicable zoning restrictions except for lot area may be erected, provided that the following requirements are met:

1. The lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, at such location was not prohibited by any zoning ordinance then in effect.

2. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.

Construction permitted by the above shall comply with all the regulations, except lot area and yard requirements, applicable to single-family dwellings in the zoning district in which the lot in question is located. However, the following yard requirements shall apply:

1. Front Yards - As prescribed by the regulations for the zoning district in which the lot is located or by the provision for front yard exceptions in Article IV of this Ordinance.

2. Side Yards - The dwelling shall be placed on the lot so as to provide two side yards. A side yard shall not be less than the smaller of: (a) three feet or, (b) the minimum side yard prescribed by the regulations for the applicable zoning district.

3. Rear Yards - As prescribed by the regulations for the zoning district in which the lot is located, or no less than ten (10) feet.

7-711 STATUS OF CONDITIONAL USES

Any use, for which a conditional use permit has been issued as provided by this Ordinance, shall not be deemed to be a nonconforming use, but it shall be deemed a lawful conforming use.

Where a use exists at the effective date of this Ordinance and is permitted by this Ordinance only as a conditional use in the zoning district in which it is located, then it shall be deemed to be a lawful conforming use in such zoning district.

7-712 TERMINATION OF NONCONFORMING SIGNS

1. Upon adoption of this Ordinance, the Zoning Officer shall prepare a list of all nonconforming signs. A nonconforming sign cannot be enlarged or altered in any aspect, except to make safety improvements or changes which will make the sign conforming, or more conforming, to the provisions of this Ordinance.

2. In the case of a nonconforming projecting sign (i.e., a sign attached to but projecting perpendicularly from a structure or building face), it must be replaced with a conforming sign whenever there is a change of ownership of the use or a change of use following the effective date of this Ordinance.

3. If the Zoning Officer orders repairs on any nonconforming sign, which equal 50 percent or more of the sign's replacement value, then the sign shall be brought into conformance as part of the repairs.

ARTICLE EIGHT

ENVIRONMENTAL PERFORMANCE STANDARDS

8-801 APPLICABILITY

All new and existing uses established within the Borough shall comply with the performance standards contained in this Article. The standards shall apply to an existing use or structure, or portion thereof, when it is extended, enlarged, moved, structurally altered or reconstructed.

8-802 FIRE AND EXPLOSIVE HAZARDS

- (A) All activities and all storage of flammable solid, liquid and gaseous substances and explosive materials shall comply with all applicable federal, state and local laws and regulations including the provision of adequate fire-fighting equipment as specified by any law or regulation. All buildings and structures and activities within such buildings and structures shall conform to the Borough building and fire codes and other applicable ordinances.
- (B) Storage tanks or facilities for flammable liquids shall be located at least fifty (50) feet from any lot line and shall obtain permits in accordance with applicable State and County regulations.

8-803 TOXIC, HAZARDOUS AND RADIOACTIVE MATERIALS

Any activity which involves the use of toxic, hazardous or radioactive materials shall comply with all applicable Federal and State requirements regarding the use, storage, transportation, emission, and disposal of such materials. Any such use or activity shall obtain and maintain all necessary licenses and permits from appropriate Federal and State agencies and shall file with the Borough notice of all materials on site, as a condition of occupancy.

8-804 AIR POLLUTION AND ODORS

- (A) There shall be no emission of smoke, ash, dust, fumes, particulate matter or other air pollutant which violates applicable Federal, State, County, or Borough laws and regulations. Any use or activity in the Borough shall obtain and maintain all necessary licenses and permits from the appropriate County, State and Federal agencies as a condition of occupancy.
- (B) There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining streets

or adjacent lots. Odor thresholds shall be measured in accordance with ASTM d-1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

8-805 GLARE

- (A) No direct reflected glare whether from any lighting source or production operation shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Glare shall be defined as direct or indirect light from such activities of greater than one-half (0.5) foot candle at habitable levels.
- (B) When any street lighting produces illumination in excess of one (1) foot-candle at a particular point in a residential zoning district, the contribution by light sources from any property in a non-residential zoning district, as measured at the same point, shall not exceed fifty (50) percent of the street lighting.
- (C) No outdoor lighting shall be of such intensity or brilliance as to cause glare which would impair the vision of drivers.

8-806 NOISE

- (A) No operation or activity shall cause or create noise in excess of the sound levels prescribed below at any point on or beyond a lot boundary. For the purposes of this Ordinance, the noise level will be measured in decibels (dBA) which indicate the sound pressure level obtained from a frequency weighing network corresponding to the A-scale on a standard sound level meter.
 - 1. Residential Districts: Not to exceed a maximum of sixty (60) dBA for more than one (1) hour per twenty-four (24) hours.
 - 2. Commercial Districts: Not to exceed a maximum of sixty-five (65) dBA for more than eight (8) hours per twenty-four (24) hours.
 - 3. Industrial Districts: Not to exceed a maximum of seventy-five (75) dBA.
 - 4. Where two (2) zoning districts in which different noise levels are prescribed, share a common boundary, the most restrictive of the noise level standards shall govern.
- B. The preceding noise standards shall not apply to the following:

1. Noises emanating from construction and/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; and
 3. Transient noises emanating from moving sources, such as trucks, automobiles, motorcycles, airplanes and trains.
- C. In addition to these regulations, all uses or activities within the Borough shall conform to any applicable Borough, County, State or Federal noise regulations.

8-807 VIBRATION

- A. Vibration shall be measured at or beyond any adjacent lot line as indicated in Table A below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three-component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
- B. The maximum vibration given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum particle velocity shall be the vector such of the three (3) individual components recorded. Such particle velocity shall not exceed the values given in Table A. Where vibration is produced as discrete impulses, and such impulses do not exceed a frequency of 100 per minute, then the values in Table A may be multiplied by two (2).

TABLE A		
MAXIMUM GROUND TRANSMITTED VIBRATION BY ZONING DISTRICT		
VIBRATION MEASURED IN	ADJACENT LOT LINE	RESIDENTIAL DISTRICT
Residential Districts	0.02	0.02
Commercial Districts	0.06	0.02
Industrial Districts	0.10	0.02

8-808 STORAGE

All garbage, trash and rubbish shall be stored in covered, vermin-resistant containers and shall be screened from public view.

8-809 DETERMINATION OF COMPLIANCE

- A. If a proposed use or activity appears not to comply with the performance standards contained in this Section, the Borough may require the applicant to submit sufficient data and evidence to make an objective determination. Where the Borough must obtain technical assistance to determine compliance with any standard, the cost of such assistance shall be added to any required application fees.
- B. For any existing use, the Zoning Officer shall investigate any purported violation of the performance standards and, with Council approval, employ qualified experts to assist in the determination of a violation. If a violation does exist, the costs for such technical experts shall be added to any other fines and penalties contained in this Ordinance.

8-810 AIRPORT HAZARD AREAS

- (A) **Authority:** Pursuant to the mandate of Act 164 of 1984, Sub-chapter B, known as the "Airport Zoning Act", the Allegheny County Airport Zoning Regulations are hereby adopted by reference as they relate to any airport hazard areas within the Borough limits.
- (B) **Requirements:** No zoning certificate, building permit or other land use approvals shall be issued or granted for any establishment or change in a land use, erection,

construction, reconstruction, altering, razing, removal or occupancy of a structure or building within an airport hazard area within the Borough except in accordance with these regulations.

ARTICLE NINE

ADMINISTRATION AND ENFORCEMENT

9-901 ZONING OFFICER

901.1 Appointment and Qualifications

The Zoning Officer shall be appointed by Borough Council and shall administer and enforce this Ordinance. The Zoning Officer may also hold the office of Building Inspector, as provided under Borough Ordinance 301. The Zoning Officer's qualifications and terms of office shall coincide with those of the Building Inspector's. The Zoning Officer shall be directly responsible to the President of Council.

901.2 Duties of the Zoning Officer

In order to administer and enforce properly this Ordinance, the Zoning Officer shall:

1. Receive and review all applications for zoning permits and maintain records thereof.
2. Issue zoning permits for construction and occupancy for all applications that comply with the literal terms of this Ordinance and other applicable ordinances.
3. Record and file all applications for zoning permits, with all accompanying plans and documents, at the office of the Borough Secretary.
4. Make reports relative to any application, as Borough Council directs.
5. Receive, file and forward to Borough Council all applications for conditional uses and planned residential developments, maintain records thereof, and issue a zoning permit when authorized by Borough Council.
6. Receive, file and forward to the Zoning Hearing Board the records in all appeals, and all applications for special exception uses, variances and changes of nonconforming uses; maintain records thereof; and issue a zoning permit when authorized by the Zoning Hearing Board.
7. Inspect buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.
8. Issue stop, cease and desist orders and issue written correction orders for any condition found to be in violation of this Ordinance and other applicable ordinances. Such written order shall be delivered

personally or by certified mail to the zoning permit applicant and shall state the period of time given to correct the violation.

9. Institute, with approval of or at direction of Borough Council, appropriate legal action to prevent, restrain, abate, or correct any violation of this Ordinance.

10. Revoke any order or zoning permit issued under a mistake of fact or contrary to the provisions of this Ordinance.

11. Make and maintain accurate and current records of all legal nonconformities under this Ordinance.

9-902 REQUIRED ZONING PERMITS

No use of land shall be made or any building or structure constructed, altered, remodeled, occupied or used, nor any existing use of a building, structure of land be changed until a "Zoning Use and Occupancy Permit," or "Zoning Permit," shall have been issued by the Zoning Officer.

The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the zoning use permit.

Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

902.1 Permit Application and Issuance Procedure

Whenever the proposed activity, whether new construction or alteration of an existing use requires a building permit (under the Borough Building Code), the application for the zoning permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning permit application has been approved.

When no building permit is required, the application for the zoning use and occupancy permit may be made at any time prior to the use or occupancy of the structure or land.

Permit applications shall be submitted in writing on such forms or in such format as established by the Borough. The Zoning Officer may request any information necessary to determine the applications compliance with this Ordinance.

The Zoning Officer shall not issue the zoning use permit until all other required approvals and permits have been obtained from applicable borough, county, state and federal agencies. The applicant shall submit copies of such approvals/permits to the Zoning Officer.

An application for a zoning use permit does not permit occupancy; an occupancy permit is also required.

Upon completion of the applied-for work, the applicant shall notify the Zoning Officer who shall examine the building, structure or use of land involved within ten (10) days of the completion of work and notification. If the Zoning Officer shall find that such construction, erection, structural alteration, or use of building and land has been completed in accordance with the provisions of this Ordinance and other applicable ordinances, a zoning occupancy permit shall be issued.

902.2 Period of Validity

A zoning permit shall become null and void within six (6) months of the date of issuance unless the construction, altering, remodeling of a structure is commenced or a use of land or building is commenced.

902.3 Temporary Zoning Use and Occupancy Permits

The Zoning Officer may issue a temporary zoning occupancy permit which may allow the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection, provided, however, that such a temporary permit shall be valid only for a period not exceeding six (6) months from its issuance, and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the building, structure or land involved.

9-903 SCHEDULE OF FEES

Borough Council shall establish, from time to time, fees and charges for all permits and applications required by this Ordinance. This schedule, along with an explanation of the collection procedure, shall be posted in the offices of the Borough Secretary. All fees and charges shall be adopted by resolution of Borough Council at any regular or special meeting.

9-904 ZONING HEARING BOARD

904.1 Membership of the Board

The membership of the Board shall be three (3) residents of the Borough appointed by Borough Council. Their terms of office shall be three (3) years and so fixed that the term of office on one member shall expire each year. The Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other Office in the Borough, except that no more

than one member of the Board may also be a member of the Borough Planning Commission.

904.2 Removal of Members

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in 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 a vote. A public hearing shall be held prior to the vote if the member shall request it in writing.

904.3 Organization of the Board

The Board shall elect its officers from its own membership, who shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be a majority of all the members of the Board. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and parties may waive further action by the Board as provided below. The Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business and submit an annual report of its activities to Borough Council.

904.4 Expenditures for Services

Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by Borough Council.

904.5 Hearings

1. Notice of hearings shall be given once at least ten (10) days before the date of the hearing in a newspaper of general circulation. A notice shall be mailed to all interested parties, including the applicant, the Zoning Officer, the Borough Secretary, President of Council, the Chairman of the Planning Commission, and every person or organization who shall have registered with the Board for the purpose of receiving such notices. In addition, notice shall be conspicuously posted on the affected tract of land.

2. Hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive the decision or finding by the Board and accept the decision or findings of the hearing officer as final.

3. Parties to the hearing shall be the municipality, any person who is affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

4. The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

7. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

8. The Board or the hearing officer shall: (1) not communicate directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; (2) not take any notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed; and (3) not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

9. The Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. A decision by the Board shall require the majority of any quorum voting on the case. In the event that there is a tie vote, the case shall be deemed denied.

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 this Ordinance or of any act, 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 no stipulation has been made that the officer's decision or findings are final, the

Board shall make reports and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the hearing officer.

Where the Board has power to render a decision and the Board or the hearing officer, as the case may be, fails to render the same within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing to an extension of time. Nothing in this Subsection shall prejudice the right of any party opposing the application to urge that such decisions is erroneous.

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 by certified mail not later than the day following its date. The Board shall provide, by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or all findings may be examined to: (1) all persons who filed their names and address with the Board not later than the last day of the hearing; (2) the Zoning Officer; (3) the Borough Secretary; (4) President of Council; (5) Chairman of the Planning Commission.

904.6 Functions of the Board

904.6.1 Appeals from the Zoning Officer

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the valid Ordinance or Map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny the right to proceed directly in court where appropriate.

904.6.2 Challenges to Validity of the Ordinance or Map

The Board shall hear challenges to the validity of the Zoning Ordinance or Map, with two exceptions:

a. Questions of an alleged defect in the process of enactment or adoption of the Ordinance or Map shall be raised by an appeal taken directly to the court.

b. Where a landowner, on substantive grounds, submits a challenge on the validity of the Ordinance or Map or any provisions thereof which restricts or prohibits the use or development of the owner's land,

accompanied with a request for a curative amendment; the challenge shall go directly to Borough Council.

In all challenges, the Zoning Hearing Board shall take evidence and shall make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to court.

904.6.3 Variances

The Board shall hear requests for variances where it is alleged that the strict application of the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. Application for a variance shall be made on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine a time and place of the hearing.

1. Applicability

Variances from the regulations of this Ordinance shall be granted by the Board only in accordance with the standards described below, and may be granted only in the following instances and in no others:

a. To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:

(1) The minimum lot width and lot depth requirements shall not be reduced more than 20 percent.

(2) The minimum lot area for a single family or two-family dwelling shall not be reduced more than 20 percent.

(3) The minimum lot-area-per-dwelling-unit requirements for multifamily dwellings shall not be reduced so as to permit more than three dwelling units in addition to the number that would be permitted by strict application of the minimum lot area requirements.

b. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements.

c. To vary the applicable offstreet parking and offstreet loading requirements contained in Article 4 of this Ordinance.

d. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures contained in Article 7 of this Ordinance.

2. Standards

The Board may grant a variance, provided 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 the Zoning Ordinance 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 the Zoning Ordinance; and the authorization of a variance is therefore necessary to enable the reasonable use of the property.

c. That such unnecessary hardship had 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 which will afford relief and represent the least modification possible of the regulation in issue.

3. Procedure

The Board may request the review and comments of the Planning Commission on any variance application, which shall be made part of the public record. The Board may attach to any variance such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

The Board shall render a written decision on an application for a variance without unreasonable delay after the close of a hearing, but in all cases, within sixty (60) days from the close of the hearing. The Zoning Officer shall maintain complete records of all actions of the Board with respect to applications for variances.

4. Expiration

Unless otherwise specified by the Zoning Hearing Board or the Planning Code, a variance approved by the Board shall expire if the applicant fails to obtain a zoning permit within six (6) months of the date of the authorization of the variance, or fails to complete more than 60

percent of the work within one (1) year from the date of issuance of the zoning permit.

904.6.4 Special Exceptions

Where this Ordinance states that special expectations may be granted or denied by the Board, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as specified in this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of this Ordinance.

904.6.5 Unified Appeals

Where the Board has jurisdiction over a zoning matter pursuant to Subsections (1) through (3) above, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 804.5 of this Ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

904.6.6 Changes of Nonconforming Uses

In accordance with Article 7 of this Ordinance, the Zoning Hearing Board shall hear requests for a change of one nonconforming use to another nonconforming use. Before approving an application, the Board shall determine that:

- a. The proposed use is within the same type of use category as the original nonconforming use, i.e. one personal service business to another.
- b. The proposed use will not be any more objectionable than the original nonconforming use in terms of traffic generation and requirements for offstreet parking and loading; outdoor storage of wastes, materials, supplies and equipment; height, area and volume of all structures.
- c. The proposed use can comply with the applicable performance standards for noise, air and water quality, glare, odors, fire and explosive hazards, vibrations, screening, and stormwater management in Article 4 of this Ordinance.

904.7 Parties Appellant Before the Board

Appeals under Section 904.6.1 and proceedings to challenge an Ordinance under Section 904.6.2 above may be filed with the Board in writing, by any officer or agency of the Borough or any person aggrieved. Requests for a variance under Section 804.6.3 and for a special exception under Section 804.6.4 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

904.8 Time Limitations

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal 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 on a tentative approval of a planned residential development application or from an adverse decision by a Zoning Officer on a challenge to the validity of an Ordinance or Map, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

904.9 Stay of Proceedings

Upon filing of any proceeding referred to in this Section and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In this case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post bond as a condition to continuing the proceedings before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing, evidence may be presented on the merits of the case. After consideration of all evidence presented, if the court determines that the appeal is

frivolous and is for the purpose of delay, it shall grant the petition. 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.

9-905 ZONING APPEALS

Zoning appeals to court shall be taken to the Court of Common Pleas of Allegheny County. Appeals to Court shall include:

1. Validity of the Ordinance, procedural questions;
2. Appeals from the decisions of the Zoning Hearing Board;
3. Appeals from the decisions of Borough Council relative to a planned residential development or conditional use application.

Zoning appeals to court shall follow procedures prescribed in Article XI of the Pennsylvania Municipalities Planning Code.

9-906 THE PLANNING COMMISSION

The Blawnox Planning Commission shall be appointed by Borough Council as prescribed by the Pennsylvania Municipalities Planning Code and Borough Ordinance 405.

Under the terms of the Zoning Ordinance, the Planning Commission shall perform the following duties:

1. Prepare an annual report to Borough Council outlining any substantive or administrative problems that have been identified in the Ordinance along with recommended changes to correct the problems; and any recommended changes in the Ordinance to reflect changes in development conditions, land uses, population, public services and facilities or similar conditions.
2. Prepare and make recommendations to Borough Council on proposed amendments to the Zoning Ordinance and Map.
3. Review and make recommendations to Borough Council on conditional use applications.
4. Review and make recommendations to Borough Council on applications for planned residential developments.
5. Review and make recommendations to the Zoning Hearing Board on applications for variances or special exceptions, upon request by the Zoning Hearing Board.

6. Provide technical and consultative assistance to other Borough boards, commissions and officials in exercise of their duties relating to this Ordinance.

7. Maintain accurate and current records of all actions taken in relation to the provisions of the Zoning Ordinance.

9-907 AMENDMENTS TO THE ZONING ORDINANCE OR MAP

907.1 Procedure

The following procedures shall apply:

1. Borough Council shall hold a public hearing on any proposed amendment to the Ordinance or Map.

2. Notice of the hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation; the first publication shall not be more than thirty (30) days or less than fourteen (14) days prior to the hearing date. The notice shall include full text of the amendment or a brief summary and a reference to a place in the Borough where a copy of the proposed amendment may be examined.

3. In the case of an amendment other than that prepared by the Planning Commission, Council shall submit each such amendment to the Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Commission an opportunity to submit recommendations. In addition, at least thirty (30) days prior to the hearing on the amendment, the Borough shall submit it to the Allegheny County Planning Commission for its review and recommendations.

4. If after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

5. A vote on any proposed amendment shall take place at a regular or special meeting of Borough Council, following the public hearing or hearings.

907.2 Curative Amendments by Landowners

A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or map (or any provision thereof) which restricts or prohibits the use or development of land in which he/she has an interest, may submit a curative amendment to Borough Council with a written request that the challenge and proposed amendment be heard and decided, as provided by the municipalities Planning Code.

Borough Council shall commence a hearing within sixty (60) days of the request. Procedures for reviewing and conducting hearings on the curative amendment shall follow Section 1004 of the Planning Code.

907.3 Municipal Curative Amendments

1. A municipality, by formal action, may declare its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the governing body of the municipality shall:

a. By resolution make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include: (1) references to specific uses which are either not permitted or not permitted in sufficient quantity, (2) reference to a class of use or uses which require revision, or (3) reference to the entire Ordinance which requires revisions.

b. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the municipality shall enact a curative amendment to, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions of Section 807.1 to cure the declared invalidity of the Zoning Ordinance.

3. Upon the initiation of the procedures, as set forth in Subsection (1) above, Borough Council body shall not be required to entertain or consider any landowner's curative amendment nor shall the Zoning Hearing Board be required to give a report on a challenge to the validity of the Ordinance, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Subsection 1(a) above. Upon completion of the procedures as set forth in Subsections 1 and 2, no rights to a cure pursuant to the provisions of Section 807.2 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

4. The Borough may not again utilize the above procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, pursuant to Subsection 2. However, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the municipality may utilize the provisions of this Section to prepare a

curative amendment to its Ordinance to fulfill said duty or obligation.

9-908 ENFORCEMENT REMEDIES

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of their Ordinance; the Zoning officer, with the approval of the Council, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or use of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. These remedies shall be in addition to any other remedies provided by law.

9-909 ENFORCEMENT PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500.00) dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid over to the Borough.

9-910 EFFECTIVE DATE

This Ordinance shall become effective upon adoption by Blawnox Borough Council.

ENACTMENT

ORDAINED AND ENACTED BY the Council of the Borough of Blawnox,
this ____ day of _____, 2000.

ATTEST:

BOROUGH OF BLAWNOX

Secretary

President of Council

EXAMINED AND APPROVED this ___ day of _____, ____.

Thomas Smith, Mayor

REVISED 7/20/00 at 8:53 a.m.

BOROUGH OF BLAWNOX
ZONING ORDINANCE

ORDINANCE NUMBER 517, ADOPTED 7/31/2000

ALLEGHENY COUNTY
PENNSYLVANIA

BLAWNOX BOROUGH

376 FREEPORT ROAD
BLAWNOX, PENNSYLVANIA 15238

ENACTMENT

ORDAINED AND ENACTED BY the Council of the Borough of Blawnox,
this 31st day of July, 2000.

ATTEST:

BOROUGH OF BLAWNOX

George A. Kordas
Secretary

Samuel H. McLaughlin
President of Council

EXAMINED AND APPROVED this 31st day of July, 2000.

Thomas M. Smith
Thomas Smith, Mayor