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**BOROUGH OF GLEN OSBORNE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 429

**AN ORDINANCE OF THE BOROUGH OF GLEN OSBORNE,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
AND RESTATING IN ITS ENTIRETY CHAPTER 155 OF
THE BOROUGH OF GLEN OSBORNE, CODE OF
ORDINANCES, ZONING, AND ADOPTING A
COMPREHENSIVE AMENDMENT TO THE OFFICIAL
ZONING MAP OF THE BOROUGH OF GLEN OSBORNE.**

WHEREAS, the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §§10101 *et seq.*, as amended, authorizes the Borough of Glen Osborne ("Borough") to regulate zoning and land use in the Borough; and

WHEREAS, on March 20, 2012, by Ordinance No. 400, as amended, the Borough Council of the Borough of Glen Osborne ("Council") did adopt a Zoning Ordinance ("Zoning Ordinance") and official Zoning Map ("Zoning Map") for the Borough as codified under Chapter 155 of the Borough Code of Ordinances; and

WHEREAS, the Borough Solicitor in conjunction with consultants Herbert, Rowland & Grubic, Inc ("HRG") has reviewed and prepared proposed revisions to the Zoning Ordinance and Zoning Map over the course of several months and has prepared a comprehensive amendment and restatement of the Borough Zoning Ordinance and Zoning Map ("Zoning Amendments"); and

WHEREAS, at its regular meeting held on September 27, 2023, the Borough Planning Commission reviewed and recommended the adoption of the proposed Zoning Amendments; and

WHEREAS, Borough Council has carefully reviewed the Zoning Amendments and has determined the same to be consistent with the Aleppo Sewickley and Osborne Joint Comprehensive Plan ("ASO Plan"); and

WHEREAS, on November 21, 2023, the Council held a duly advertised public hearing on the Zoning Amendments and did at that time receive and consider public comment received thereon; and

WHEREAS, the Council believes that adoption of the Zoning Amendments to be in the best interests of the public health, safety and welfare of the Borough; and

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Glen Osborne, County of Allegheny, and Commonwealth of Pennsylvania, as follows:

SECTION 1.

The Borough Council of the Borough of Glen Osborne hereby amends Chapter 155 of the Borough Code of Ordinances, Zoning, by restating it in its entirety as set forth Exhibit "A" attached hereto and incorporated herein.

SECTION 2.

The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Glen Osborne that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 3.

This Ordinance shall become effective immediately upon enactment.

SECTION 4.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

DULY ENACTED AND ORDAINED this 21 day of November, 2023
by the Borough Council of the Borough of Glen Osborne, Allegheny County,
Pennsylvania.

ATTEST:

BOROUGH OF GLEN OSBORNE

By: 

President, Borough Council

EXAMINED and APPROVED this 21st day of November, 2023.



Mayor

Exhibit “A”

Borough of Glen Osborne Zoning Ordinance

NOVEMBER 21, 2023

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Article I. General Provisions

Section 101. Title

- A. This Chapter shall be known and may be cited as the "Borough of Glen Osborne Zoning Ordinance," and the Zoning Map referred to herein and adopted as part of this Chapter shall be known as the "Borough of Glen Osborne Zoning Map."

Section 102. Purpose

- A. The purpose of this Chapter is to promote, protect, and facilitate the public health, safety, and general welfare of the residents of Glen Osborne Borough by:
1. Encouraging and facilitating the orderly, coordinated, and practical development of the Aleppo-Sewickley-Glen Osborne (ASO) area and promoting balanced growth that will maintain and enhance residents' quality of life and the distinctive character of each community by capitalizing on natural, cultural, recreational, and commercial assets; identified land uses within this Ordinance shall be considered mutually shared with all communities participating in the ASO Joint Comprehensive Plan.
 2. Lessening the danger and congestion of traffic on roads and highways and providing for adequate off-street parking and loading for all land uses.
 3. Securing safety from fire, panic, flood, and other dangers.
 4. Providing for adequate light and air.
 5. Promoting such distribution of population and classification and utilization of land and land uses as will facilitate and conserve adequate provision of transportation, water, drainage, sanitation, educational and other public facilities, recreation, and protection of natural resources and the environment.
 6. Establishing building setback lines and requirements and the locations of buildings or structures designed for appropriate uses within such setback lines to prevent overcrowding.
 7. Dividing the Borough into Zoning Districts to regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land to conserve land, building, and structure values, protect the local tax base, secure economy in governmental expenditures, and encourage variety and quality in land uses.
 8. Providing housing opportunities consistent with the area's population growth and housing demand, both in the present and the future.
 9. Providing for the regulation of nonconforming uses, buildings, lots, and structures.
 10. Encouraging the conservation of nonrenewable energy sources through the use of efficient building methods.
 11. Providing for the timely, equitable, and efficient administration of the provisions, regulations, and restrictions hereof.

Section 103. Community Development Goals Objectives

- A. This Ordinance has been prepared in consideration of the character of the Borough, including existing land use patterns, the character of remaining undeveloped land, and the capacity of the community's basic infrastructure to support additional development. Consideration has also been given to development activities and trends in the area surrounding the Borough. The purpose of this Ordinance is to guide future growth and development within the Borough in accordance with the following goals and objectives:
1. To preserve the quality of life within the Borough's residential neighborhoods.
 2. To provide uses, buildings, and/or structures compatible with the character of development or the permitted uses within the specified zoning districts.
 3. To prevent overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life, or property from fire, flooding, panic, or other dangers.
 4. To provide adequate community facilities and services to meet the needs of Borough residents and its business community.
 5. To undertake physical improvements to the landscape that will create a better community and improve the attractiveness of the Borough as a place to live and work.
 6. To preserve the natural qualities and characteristics of land that is unsuitable for development.
 7. To protect the character and maintain the stability of residential, nonresidential, and open space areas within the Borough.
 8. To promote and foster the community development goals and objectives of the Aleppo – Sewickley – Glen Osborne (ASO) Joint Comprehensive Plan, as amended.
 9. To provide citizens and prospective developers with a clear understanding of the Borough's land use decision making process.
 10. To encourage citizen participation in the land use decision making process.
- B. The land uses identified within this Ordinance shall be considered mutually shared with all communities participating in the ASO Joint Comprehensive Plan, as adopted and amended.

Section 104. Statutory Authority

- A. The authority to promulgate the local regulation of land use and related activities is provided for through the Commonwealth of Pennsylvania, Act 247 of 1968, the Pennsylvania Municipalities Planning Code (MPC), as amended.

Section 105. Conformance and Permits

- A. After the effective date of this Chapter, except for existing legal nonconforming uses or structures, no structure or building shall be erected, reconstructed, structurally altered, enlarged, or moved, and no structure, building, or land shall be used, occupied, or

designed to be used, unless in conformity with the regulations specified herein for the Zoning District in which it is located and with all other applicable provisions of this Chapter, and then only after applying for and securing all permits, licenses, and approvals required by all laws, ordinances, resolutions, regulations, and codes. Specifically noted are Ordinance No. 405, Floodplain Management, and Chapter 121 of the Borough's Code of Ordinances, Subdivision and Land Development.

Section 106. Conflicting Provisions

- A. Where a provision of this Ordinance is found to be in conflict with a provision of any land use ordinance or code, applicable health, building, housing, or safety regulation, or any other ordinance, resolution, or regulation, on or after the effective date of this Ordinance, the provision which establishes the more restrictive standard for protection of the health, safety, and welfare of the people shall prevail.

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Article II. Definitions

Section 201. Word Usage

- A. For the purposes of this Ordinance, the following rules of usage and interpretation shall apply, unless the context indicates otherwise. In the interpretation of this Ordinance, the provisions and rules of this Ordinance shall be observed and applied, except when the context clearly requires otherwise.
1. Words in the present tense include the future.
 2. Words in the singular include the plural, and the plural the singular.
 3. The word "shall" is intended to be mandatory.
 4. The word "lot" shall include the word "plot" or "parcel."
 5. The word "person" includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual.
 6. A building or structure includes any part thereof.
 7. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 8. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 9. The words "either" and "or" indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
 10. The words "Municipal," "Municipality," and "Borough" mean the Borough of Glen Osborne, Allegheny County, Pennsylvania.
 11. The word "County" means the County of Allegheny, Pennsylvania.
 12. The word "Council" shall mean the members of Borough Council of the Borough of Glen Osborne, Allegheny County, Pennsylvania.
 13. The word "Board" shall mean the Zoning Hearing Board of the Borough of Glen Osborne, Allegheny County, Pennsylvania.
 14. The word "Secretary" shall mean the Borough Secretary of the Borough of Glen Osborne, Allegheny County, Pennsylvania.
 15. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
 16. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
 17. In any case of any difference of meaning of terms and text provided this Ordinance and any similar terms and text provided in the PA Municipalities Planning Code (MPC), the MPC shall apply and take precedence.
 18. When a word or phrase is not specifically defined in this Ordinance, or referenced in another Ordinance, then the common meaning of the word or phrase, or the definition contained in Webster's Dictionary, most current version, shall apply.

Section 202. Meaning of Words

ACCESS DRIVE – A public thoroughfare that affords a means of access to an abutting property, parking area, or street and that has a width in accordance with the Borough Standard Construction Details, but in no case shall be less than twenty (20) feet in width. An access drive shall not be considered a driveway.

ACCESSORY DWELLING UNIT – A residential accessory use that consists of creating living space for individuals which is attached to the principal structure via a breezeway or the like that is no longer than 30 feet and has its own bathroom facility and often includes its own kitchen area. Only one (1) accessory dwelling unit is allowed on any single lot in addition to the principal structure. Accessory dwelling units shall have a gross floor area of at least 400 square feet and shall comprise no more than 50% of the gross floor area of the principal structure on the lot that they are associated with and shall not exceed 1,200 square feet for the accessory unit.

ACCESSORY STRUCTURE – A structure which is on the same lot with, but detached from, the principal building or structure and which is customarily incidental and subordinate to the principal structure or principal use of the land, including but not limited to private garages, storage sheds, and the like.

ACCESSORY USE – A use on the same lot with and of a customarily incidental and subordinate nature to the principal use. Such use is secondary and supportive of the principal use, including, but not limited to, the storage of vehicles in a detached garage, the storage of tools in a garden shed, private swimming pools as recreational uses, and satellite dishes for television reception.

ADAPTIVE REUSE – Applies to structures not initially designed for permanent residential use and former public, semipublic and other large buildings (including schools, churches, armories, and other civic structures) which lie within a permitted Zoning District within the Borough with the express purpose of encouraging the adaptive and flexible reuse of such buildings.

ADJACENT PROPERTY – Property that is contiguous with the boundaries of any side of the subject property. Note: Properties separated by a roadway are not considered to be adjacent because they are not contiguous.

AFRICANIZED HONEYBEE – Hybrids of the African Honeybee (*Apis mellifera scutellata*) with various European Honeybees that are aggressive compared to the European subspecies.

AISLE – The portion of the parking lot devoted to providing immediate access to the parking stalls. The recommended aisle width is dependent of the parking angle.

ALLEY – A passage of way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

ALL OTHER USES – Any land use not specified in the Authorized Uses Table of this Ordinance.

ALLUVIAL SOILS – Soils consisting of or formed from material such as gravel, sand, silt, or clay deposited by flowing water and showing little or no modification of the original material by soils-forming processes.

ALTERATIONS – As applied to a building or structure, a change, or rearrangement in the structural parts, or in the exit facilities, or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDMENT – Any addition, deletion, or revision of this Ordinance, including the Borough Zoning Map, officially approved by the governing body.

ANIMAL DAY CARE – A facility that cares for domestic animals for less than twelve (12) consecutive hours in the absence of the pet's owner or a facility that provides training for domestic animals with or without the facility owner receiving compensation for such services. Animal day cares do not include medical or surgical treatment or overnight boarding facilities.

ANIMAL GROOMING FACILITY – A retail establishment that provides bathing, trimming, and grooming services for small domestic animals on a commercial basis. An animal grooming facility does not include medical or surgical treatment or overnight boarding facilities.

ANIMAL HOSPITAL AND VETERINARIAN SERVICES – An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use or temporary boarding during treatment. Animal hospitals and veterinarians do not include kennel services.

ANSI – The American National Standards Institute.

ANTENNA – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna. An antenna shall not include "Tower-Based Wireless Communications Facilities" as defined in this Section.

APIARY – Any place where one (1) or more colonies of bees are kept at a single location.

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

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the

approval of a subdivision plat or plan, or for the approval of a development plan.

AUDITORIUM – A large building or hall used for public gatherings, typically speeches or stage performances.

BANK – Banks, savings, and loan associations, and similar institutions that lend money or are engaged in a finance related business.

BASE FLOOD (ONE-HUNDRED-YEAR FLOOD) – A flood having a frequency or recurrence of one in 100 years (i.e., a one-percent chance of being equaled or exceeded in any given year).

BASEMENT – The space enclosed by the foundation or ground-floor walls of a building partly below the average level of adjacent ground. A basement shall not be counted as a story for the purpose of height measurement unless half or more of its volume is above the average level of the adjacent ground.

BED & BREAKFAST – A commercial establishment that occupies a single-family dwelling and associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g., such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms, each of which is accessible from the interior of the principal structure and/or existing accessory structure (constructed prior to the date of this Chapter) and each of which do not contain cooking facilities. New construction, alteration, or reconstruction of any structure shall also be governed by this Chapter. The owner of said use shall be a permanent resident on the site.

BEE – Any stage of the honeybee (*Apis mellifera*) with exception of the Africanized Honeybee as defined herein

BEE DISEASE – Disease such as American Foulbrood or other actionable disease as determined by the Department of Agriculture.

BEEKEEPER – A person who owns or has charge of one (1) or more colonies of honeybees.

BILLBOARDS – See the definition provided under “Signs” in this Section.

BOROUGH – The Borough of Glen Osborne, Allegheny County, Pennsylvania.

BOROUGH COUNCIL – The Borough Council of the Borough of Glen Osborne, Allegheny County, Pennsylvania.

BOROUGH CONSTRUCTION STANDARDS – The plans and specifications for building infrastructure and other defined systems and/or facilities in the Borough as outlined

in the Borough's Minimum Construction Standards. These standards may be amended from time to time.

BOROUGH ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Borough Council to serve as the engineer for the Borough. See also "Registered Professional" in this Section.

BOROUGH SECRETARY – A person retained by the Borough Council as the Secretary of Glen Osborne Borough and responsible for directing and controlling the business and administrative affairs of the Borough.

BOROUGH SOLICITOR – An attorney licensed as such in the Commonwealth of Pennsylvania and retained by and responsible to the Borough Council to furnish legal assistance for the administration of municipal regulations and arrangements relative to this Chapter.

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

BUILDABLE AREA ANALYSIS – The process by which sensitive natural resources are inventoried and net buildable area is calculated.

BUILDING – A roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure, or the protection of persons, goods, materials, or animals.

BUILDING CODE – The Uniform Construction Code (UCC), or approved equivalent, and any supplements thereto as most recently adopted by the Borough.

BUILDING FAÇADE – That portion of any exterior elevation on the building extending from finished grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

BUILDING FRONT – The wall of the building where the principal entrance is located, usually fronting on a public street.

BUILDING HEIGHT – See "Structure Height" in this Section.

BUILDING INSPECTOR – The person appointed by the Borough to enforce the Building Code and inspect buildings and lots for conformance thereto.

BUILDING PERMIT – A permit for activities regulated by the Uniform Construction Code (UCC) and in accordance with the Borough Construction Standards, as amended, including construction, alteration, repair, demolition, or an addition to a structure.

BUILDING, PRINCIPAL – The building or buildings on a lot in which the principal use or uses are conducted.

BUILDING SETBACK, FRONT – The line of that face of the building nearest the front line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING SETBACK, REAR – The line of that face of the building nearest the rear line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUILDING SETBACK, SIDE – The line of that face of the building nearest the side line of the lot. This face includes sun parlors, covered porches, and covered patios, whether enclosed or unenclosed, but does not include steps.

BUSINESS SERVICES – A commercial establishment which provides 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, document reproduction and related services, and computer and data processing services.

CANOPY – A permanent, freestanding roofed structure without walls and not intended for human shelter.

CARE FACILITIES AND SENIOR HOUSING – An establishment that contains dwelling units, intended or designed to be used, rented, leased, let, or hired out to be occupied for living purposes based on age and/or resident needs. Each care facility type designated below is provided for separately in the land use chart under “Care Facility Type.”

CARE FACILITY AND SENIOR HOUSING TYPES:

ASSISTED LIVING FACILITY – Any premises in which food, shelter, assisted living services, assistance or supervision, and supplemental health care services are provided for a period exceeding 24 hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

INDEPENDENT LIVING FACILITY – Residential dwelling units that restrict the minimum age of residents within the community or residential development. Independent living facilities include, but are not limited to, active adult communities, retirement communities, or 55+ communities composed of non-multi-family dwelling units.

LIFE CARE COMMUNITY – A corporation or association or other business entity that, in exchange for the payment of entrance and monthly fees, provides:

1. Residential accommodations meeting the minimum standards for residents set forth by law and ordinances and providing a design to meet the physical, social, and psychological needs of older people;
2. Medical and nursing care covering, under ordinary circumstances, the balance of a resident's life;
3. Prepaid medical consultation opportunities through independent professionals selected by the organization or through some equivalent arrangement; or
4. Financial self-sufficiency, not dependent on outside support to any significant degree, with entrance and monthly fees adjusting to meet changing costs.

NURSING HOME – An institution licensed by the commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding 24 hours.

RETIREMENT HOUSING FACILITY – A multi-family dwelling facility intended for senior citizens. Typically, each person or couple in the home has an apartment-style room or suite of rooms.

CARPORT – A detached accessory structure that includes private parking area(s) for the storage of one (1) or more vehicles. A carport may be covered by a roof supported by columns or posts and has no more than three (3) walls. An attached carport is an extension of the principal building and subject to the related building codes and zoning regulations of the permitted principal use. See also “Garage, Private” in this Section.

CEMETERY – Any site containing at least one (1) burial, marked or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and non-perpetual care cemeteries. This land use classification includes mausoleums and columbaria but not crematoriums.

CHANGE OF ZONING – The reassignment of a lot or group of contiguous lots from one zoning district to another zoning district.

CLEAR-CUTTING – The felling of all trees in a woodland, or in any contiguous one-acre portion of a larger woodland, at one time.

CLEARING AND GRUBBING – The work of clearing and grubbing consists of the cutting, removal, and satisfactory disposal of all vegetation and surface debris.

Clearing and grubbing shall be conducted in a manner to prevent damage to adjacent property and vegetation that is intended to remain growing.

CLUSTER LOT DEVELOPMENT – A development design technique used in Planned Residential Developments (PRDs) that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

COMMERCIAL SCHOOL – An educational establishment that provides specialized instruction and on-site training of business, commercial, clerical, industrial, managerial, trade, and/or artistic skills and which does not satisfy the definition of "School" in this Section.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within the development site, designed as an intended for the use or enjoyment by the public or residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Stormwater management facilities such as drainageways, swales, and stormwater basins shall not be considered eligible to meet common open space requirements.

COMMONWEALTH – The Commonwealth of Pennsylvania.

COMMUNICATIONS ANTENNA(S) – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signal owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such a device. This definition shall not include a satellite dish less than 24 inches in diameter or television antennas or amateur radio equipment, including without limitation ham or citizen band radio antennas.

COMMUNICATIONS TOWER – Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a communications antenna or similar apparatus above ground.

COMMUNICATIONS TOWER, COMMERCIAL – Any structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals through the air and that does not meet the definition of a standard antenna. Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to retransmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one (1) or more antenna. See standards in Article XII.

COMMUNITY GARDEN – An area of land managed and maintained by a group of individuals to grow and harvest agriculture products and/or nonfood, ornamental agriculture products, such as flowers, for personal or group use, consumption, or

donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members. No retail sales shall be permitted to occur on the lot where a community garden exists.

COMPREHENSIVE PLAN – The official Joint Comprehensive Plan of the Boroughs of Glen Osborne and Sewickley and the Township of Aleppo, as amended from time to time, adopted pursuant to the provisions of Article III of the MPC. The Plan is often referred to as the Joint ASO Plan. The Borough of Glen Osborne partners with Sewickley Borough and Aleppo Township, neighboring communities, to share land uses as part of the Joint Comprehensive Plan.

CONDITIONAL USE – A use which may be permitted in one (1) or more Zoning Districts upon the recommendation of the Borough Planning Commission to the Borough Council, who may grant approval pursuant to specific standards and criteria identified herein and the provisions identified in Article VII and also Article VI of the PA MPC.

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

CONSTRUCTION RELATED BUSINESS – Construction related businesses shall include building related industries such as carpentry, electrical, plumbing, HVAC, etc. Construction related business may include retail and/or offices space related to the sales and distribution of the principal use. Supply yards and/or storage yards may be permitted as accessory uses. See also “Supply Yard” and “Storage Yard” in this Section.

CONVENIENCE STORE – A retail establishment offering for sale a limited selection of goods such as food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than 10,000 square feet. Convenience stores may sometimes be located in conjunction with a Gas/Fuel Station use but only when the Gas/Fuel Station use is also allowable in the Zoning District.

CONVERSION DWELLINGS – See “Dwelling Types” in this Section.

COUNTY– The County of Allegheny, Pennsylvania.

COUNTY PLANNING AGENCY – The Allegheny County Department of Economic Development, Planning Division.

CUL-DE-SAC – A local street intersecting another street at one end and terminating in the form of a loop at the other end or a dead-end street provided with a terminus in the form of a loop.

CRYPTOCURRENCY MINING – The operation of specialized computer equipment for

the purpose of mining one (1) or more blockchain-based cryptocurrencies, such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

DAY CARE CENTER, ADULT – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of the elderly and/or functionally impaired adults for a portion of a 24-hour day.

DAY CARE CENTER, CHILD – A facility, licensed by the Commonwealth of Pennsylvania, located within a building which is not used as a dwelling unit, for the care of children under the age of sixteen (16) for a portion of a 24-hour day. This land use classification includes nursery schools which provide daytime care and/or instruction for two (2) or more children of preschool age.

DAY CARE, HOME-BASED – An accessory use in which care is provided pursuant to approval of the Pennsylvania Department of Public Welfare, for children under the age of sixteen (16) who are unrelated by blood or marriage to all owners of the premises and to all owners and operators of the Family Child Day Care Home operation being conducted on the premises. Provided, further, that the premises wherein the Family Child Day Care Home operation or business is located must be the full-time bona fide residence of the owner of said operation or business and said premises must be in compliance with all applicable provisions and requirements of the most recent editions of the Building Code, Residential Code, and Fire Code, as adopted by the Borough, and the Rules and Regulations of the Pennsylvania Department of Public Welfare relating to Family Child Day Care Homes, and any other applicable law, ordinance, or regulation.

DECIBEL (dBa) – A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels (dBa).

DECK – A freestanding or attached accessory structure to a dwelling which is constructed of natural or synthetic wood, either on or above the ground, without a roof or awning, and with flooring that is not completely impervious, and which may include steps or railings.

DEDICATED OPEN SPACE OR RECREATION LAND – A parcel of land integrated within a subdivision or land development that is dedicated, either publicly or privately, specifically for use as a park, open space, and/or active recreation area.

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use Ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Allegheny County and the judicial district wherein the municipality lies.

DENSITY – The number of dwelling units in a lot, or group of lots, divided by the area in acres of the lot, or group of lots, computed exclusive of any portion of the ROW of any public road.

DETACHED GARAGE – An accessory building in a residential zoning district, that may or may not be attached or physically connected to the principal building of a lot, for storing vehicles operated by the residents of the dwelling building on the same lot but not itself containing any dwelling units.

DETENTION POND – An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DETERMINATION – The final action by an officer, body, or agency charged with the administration of any land use Ordinance or applications thereunder except the Borough Council; the Zoning Hearing Board (ZHB); the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance (SALDO) or other applicable provisions.

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

DEVELOPMENT – See “Land Development” in this Section.

DEVELOPMENT PLAN – The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location, and bulk of development, streets, ways, and parking facilities, common open space, and public utilities. The phrase "provisions of the development plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

DIAMETER BREAST HEIGHT (DBH) – The total diameter, in inches, of a tree trunk or trunks measured at a point four and one-half (4.5) feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

DRAINAGE WAY – A depression across the ground surface that collects water runoff from higher surrounding land and directs it to a stream or other collection system.

DRIVEWAY – A private area which provides vehicular access to a parking space,

garage, dwelling, or other structure.

DWELLING – A building that contains dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes. Each dwelling type designated below is provided for separately in the land use chart under “Dwelling Type.”

DWELLING TYPES:

APARTMENT – A suite of rooms or a single room in a building containing three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities, and with access directly or by a common hallway to the outside.

CONVERSION DWELLING – A dwelling unit or units created from a larger existing residential dwelling, whether entirely from the existing structure or by building additions or combinations thereof. Conversion dwellings involve the creation of additional dwelling units in a structure from existing dwellings, not initially intended or designed when the dwelling was initially constructed. Conversion dwellings are primarily intended to serve as rental units and are defined separately from Accessory Dwellings Units or In-Law Suites which are primarily intended to house family members.

DUPLEX – A detached house designed for and occupied exclusively as not more than two (2) units, each living as an independent housekeeping unit and with no internal connectivity between units.

GARDEN APARTMENT – A multi-family residential building no more than three (3) stories in height containing three (3) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

MANUFACTURED OR MODULAR HOME – A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, that arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. Manufactured homes were made after 1977.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, nonmedical office, or place of assembly, contained in one (1) or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used

with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MULTI-FAMILY – A residential building or portion thereof designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more separate dwelling units including garden apartments and high-rise apartments but not including single-family, duplex, townhouse, or quadruplex dwellings.

QUADRUPLEX – A residential building, other than a townhome or garden apartment, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

ROW HOUSE – See “Townhouse” in this Section.

SINGLE-FAMILY – A detached residential building that is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit with a minimum square footage of 750 square feet.

TOWNHOUSE – A single-family dwelling unit no more than three and one-half (3.5) stories in height constructed in a group of not less than three (3) but not more than eight (8) attached units in which each unit shares no more than three (3) common walls that extend from the foundation to the roof.

TWO-FAMILY DWELLING – A residential building containing two (2) independent dwelling units, each having a separate entrance, and which is the only principal building on the lot.

DWELLING UNIT – A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT – A grant of the specified use of a parcel of land to the public, a corporation, or a person.

EDUCATIONAL INSTITUTION – A structure, part of a structure, or structures designed and used for training and teaching of children, youth, or adults, including laboratories appurtenant thereto. An educational institution does not include a school, as defined within this Section.

EMERGENCY SERVICES – A building, structure and/or lot used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide private and/or public rescue or ambulatory services, fire and/or police

services.

EMERGENCY SERVICES FACILITY – An area utilized for the maintenance, fueling, storage, dispatching, or parking of vehicles and/or equipment providing rescue or ambulatory services, except rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

EMERGENCY SHELTER – A facility, including rescue missions, for persons seeking temporary voluntary shelter for a duration not to exceed 60 days.

ENFORCEMENT NOTICE – A notice as provided in §616.1 of the MPC, 53 P.S. §10616.1, sent by the Borough to the owner or occupant of record of a parcel on which a violation of this Chapter has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner or occupant of record, the purpose of which is to initiate enforcement proceedings.

ENGINEER, PROFESSIONAL – A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

EPA – The United States Environmental Protection Agency (EPA) or any agency successor thereto.

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

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

EXISTING CONDITIONS – Land use and characteristics present on a parcel or lot prior to a land development or other land use related application being submitted to the Borough for review and approval.

FAMILY – One (1) of the following: An individual; two (2) or more persons related by blood, marriage, or adoption; or not more than four (4) unrelated persons living as a single housekeeping unit. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the *Fair Housing Act, 42 USC §3601 et seq.*

FARMERS MARKET – A retail establishment at which fruits, vegetables, breads, eggs, milk, cheese, meat, flowers, and the like are sold by persons who typically grow, harvest, or process such items from their farm or agricultural operation.

FCC – Federal Communications Commission.

FENCE – A free standing, accessory structure, which may include entrance and exit gates or openings, designed and constructed for the purpose of enclosing space or separating parcels of land, screening, protection, confinement, and/or privacy.

FILL – Any act by which earth, sand, gravel, rock or any other material, exclusive of structures, is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; the material used to make a fill.

FINAL APPROVAL – The ultimate approval of a development plan granted by the Borough Council which follows tentative approval and filing of an application for final approval.

FLAG – Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of the United States of America, the Commonwealth of Pennsylvania, the County of Allegheny County, the Borough of Glen Osborne, an institution, or business. A flag is not a sign.

FLOODPLAIN – As defined by the Glen Osborne Borough Floodplain Management Ordinance, Ordinance 405, as amended.

FLOODPLAIN MANAGEMENT ORDINANCE (FMO) – The Glen Osborne Borough Floodplain Management Ordinance, Ordinance 405, as amended.

FLOODWAY – The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood (100-year floodplain) without cumulatively increasing the water surface elevation more than one (1) foot, or as amended by the National Flood Insurance Program (NFIP).

FLOODWAY FRINGE – The remainder of the floodplain, after the floodway has been determined. Generally, the slower velocity backwater area of the floodplain.

FLOOR – A habitable area of uniform vertical elevation that is contained within the outside walls of a building or structure.

FLOOR AREA – The sum of the gross floor areas for each of a building's stories, including the basement, but not including the attic unless the attic meets the International Code Council (ICC) International Property Maintenance Code.

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

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

FLYAWAY BARRIER – A wall, fence, vegetation, hedge, or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

FOOTCANDLE – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

FORESTRY – The management of woodlands and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivation, harvesting, transporting, and selling trees for commercial purposes and does not involve any land development.

FRONTAGE – See “Street Frontage.”

FRONT YARD – See “Yard, Front.”

FUNERAL HOME – A building used for the embalming of deceased human beings for burial and for the display of the deceased and ceremonies connected therewith before burial or cremation, and which may include a crematorium.

GARAGE, ATTACHED NONRESIDENTIAL – An attached nonresidential garage is an extension of a permitted principal building and subject to the regulations of the underlying District.

GARAGE, ATTACHED RESIDENTIAL – An attached residential garage is an extension of a permitted residential dwelling and subject to Section 312 of this Ordinance.

GARAGE, PRIVATE – A detached accessory structure that is not accessible to the general public. A private garage is designed for the storage of private vehicles and personal property of the occupants of the principal building. All nonresidential detached storage structures are defined as storage buildings. See also “Storage Buildings” and “Carport.”

GARDEN APARTMENT – See “Dwelling Types” in this Section.

GAS/FUEL STATION – A building(s), premises, or portions thereof, which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. This land use classification shall include electric recharge stations for electric motor vehicles. Gas stations may include the operation of a convenience food store in conjunction with the retail sale of petroleum products. Gas stations may sometimes also be located with a Vehicle Repair and Service use, but only when the Vehicle Repair and Service use is also allowable in the Zoning District.

GAZEBO – A freestanding, accessory, roofed structure usually open on the sides.

GEOLOGICAL HAZARD REPORT – A report that provides a summary of the potential geologic hazards present at a site that may affect the site and surrounding parcels including fault zones, landslide prone areas, floodplains, floodways, etc.

GEOTECHNICAL ENGINEERING SITE INVESTIGATION REPORT – A comprehensive assessment of geological conditions of a particular area where construction or installation of any kind needs to be undertaken. A geotechnical engineering investigation will include surface exploration and subsurface exploration of a site. The purpose of a Geotechnical Engineering Site Investigation Report is to obtain information on the physical properties of soil earthworks and foundations for proposed structures and for repair of distress to earthworks and structures caused by subsurface conditions.

GOVERNING BODY – The Borough Council of the Borough of Glen Osborne.

GRADING ORDINANCE – The Grading Ordinance of Glen Osborne Borough, Chapter 79 of the Borough Code of Ordinances or Ordinance No. 351, as amended.

GRANNY FLAT/CARRIAGE HOUSE/IN-LAW SUITE – An accessory dwelling unit situated on a lot which has its own entrance, kitchen, bathroom, and living area. Such an accessory dwelling often is one (1) of the following types:

- A. A dwelling unit situated above a rear detached garage;
- B. A dwelling unit attached to a single detached dwelling at grade; or
- C. A dwelling unit detached from the principal dwelling.

GREEN ROOF – A roof on a building that is partially or completely covered in vegetation, a growing medium, and a waterproofing membrane. The purpose of a green roof is to absorb rainwater, provide insulation, create biodiversity, and mitigate the heat island effect.

GROUP CARE FACILITY – A facility which provides room and board and specialized services for:

1. No more than eight (8) residents who are mentally or physically

handicapped;

2. Any number of permanent residents who are dependent and/or delinquent children under the age of eighteen (18) adjudicated by the court system;
3. Mentally handicapped persons of any age; or
4. Persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community reentry services following incarceration, and other such transitional and/or supervised short-term assignments.

Staff shall be qualified by the sponsoring agency, who may or may not reside at the facility, and who provide health, social, and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency.

GROUP HOME – A dwelling unit where room and board is provided to not more than eight (8) permanent residents who are mentally or physically handicapped persons of any age, who need supervision and specialized services, and no more than two (2) caretakers on any shift, who may or may not reside in the dwelling and who provide health, social, and/or rehabilitative services to the residents. The service shall be provided only by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation, and the facility shall meet all minimum requirements of the sponsoring agency. A group home does not include persons assigned by a court of law or public or semipublic agency on a short-term basis for supervision, care, and counseling for a specified period of time, including alcoholic recovery, shelters for battered persons and their children, community re-entry services following incarceration, and other such transitional and/or supervised short-term assignments. A group home shall be considered a single-family dwelling and shall be authorized wherever a single-family dwelling is permitted subject to the requirements of the District applicable to single-family dwellings.

HALFWAY HOUSE – A residential facility that provides a supervised environment to ease the transition of its residents between institution living and independent living and is conducted under regulations of the Commonwealth and the auspices of a social service agency.

HEARING – An administrative proceeding conducted by a board pursuant to §909.1 of the MPC.

HISTORIC STRUCTURE – Means any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily

determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Registry;

- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or,
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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

- A. The business activity shall be compatible with the residential use of the lot and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates excess noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is in violation of the provisions set forth in this Ordinance in Article VI.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

HOME OCCUPATION, LOW-IMPACT – A business or commercial activity carried on entirely within a building whose principal use is a single-family dwelling but does not meet the requirements of a no-impact home-based business.

HOTEL – A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests. Hotels have a common reception area on premises which is staffed 24 hours a day where clients check in to obtain access to a room. Hotels may provide such additional supporting services such as restaurants, meeting rooms, and recreation facilities.

HYDRIC SOILS – Soils, classified by the Allegheny County Conservation District, whose major components are conducive to wetland conditions, are located in a high-water table, and are saturated with water close to the surface most of the year.

IMPERVIOUS SURFACE – Impervious surfaces are those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any area in concrete and asphalt shall be considered impervious surface within this definition. In addition, other areas determined by a professional engineer licensed in the Commonwealth of Pennsylvania selected by the Borough to be impervious within the meaning of this definition will also be classified as impervious surfaces.

INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) – An international education and scientific association of transportation professionals who are responsible for meeting transportation and mobility needs.

INTERNAL DRIVEWAY SYSTEM – The portion of the parking lot devoted to providing access to individual parking lot aisles.

JUNKYARD – Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, wastepaper, glass, rags, containers, and other discarded materials. Under this Chapter, two (2) or more scrapped, abandoned, unregistered, inoperable or junked motor vehicles shall constitute a junkyard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junkyard. See “Salvage Yard” in this Section.

LAND DEVELOPMENT – Includes any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;

or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

C. Land development shall not include:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

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

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See “Registered Professional.”

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in the Subdivision and Land Development Ordinance (SALDO).

LANDSCAPE SERVICE CENTER, RETAIL – A business primarily engaged in selling indoor or outdoor grown plants and landscaping materials to the general public.

LANDSCAPE SERVICE CENTER, WHOLESALE – A business primarily engaged in processing, selling, and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional, or professional users or to other wholesalers.

LEGAL NON-CONFORMING – Refers to uses and structures which were begun or constructed when the law allowed for them but have since become non-compliant due to a change in legislation.

LEVEL OF SERVICE (LOS) – A qualitative measure used to categorize roadways and intersections based on traffic flow and quality level based on performance measures.

LIVE-WORK UNITS – A commercial use, such as a shop, studio, office, café, deli, personal service establishment, or other place of business, in combination with a dwelling unit located above such place of business. Only the proprietor of the business may occupy the residential unit. All connections between the uses must be internal to the structure. See also “Mixed Use.”

LOADING BERTH – A portion of a lot used for the standing, loading, or unloading of motor vehicles.

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

LOT TYPES (also see “Figure 1” at the end of this Article):

LOT, CORNER – A lot at an intersection of, and fronting on, of two (2) or more streets.

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

LOT, THROUGH OR MULTIPLE FRONTAGE – A lot having frontage on two (2) or more parallel or approximately parallel streets and which is not a corner lot.

LOT AREA – The total area within the boundary of the lot excluding any areas contained in a public street ROW.

LOT COVERAGE – The percentage of the area of a lot covered by all principal and accessory structures.

LOT, FLAG – A lot that has any portion of its front lot line or front yard abut the rear or side yard of an adjacent lot rather than a public road ROW and where access to the public road ROW would typically be by a narrow, private ROW or driveway.

LOT LINE – A line that denotes the boundary of a lot or parcel of land, as defined herein.

LOT LINE TYPES:

LOT LINE FRONT – A line measured along the ROW of any street frontage, whether public or private, between the side lot lines.

LOT LINE REAR – That lot line that is generally opposite to the front lot line.

LOT LINE SIDE – Any lot line that is not a front lot line or rear lot line.

LOT OF RECORD – Any lot which individually or as a part of a subdivision, has been recorded in the Department of Real Estate of the County.

LOT, WIDTH – The horizontal distance between side lot lines, measured at the front setback line.

MAILED NOTICE – Notice given by the Borough by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MANUFACTURED HOME – See “Dwelling Types” in this Section.

MARINA – Any structure constructed on pilings over open water or supported by flotation on the water which provides three or more boats slips for the purpose of sale or lease.

MARINA FACILITY – A use of land involved in the operation of a marina, including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping out, chartering, launching and dry-storage of boats and boating equipment.

MASSAGE THERAPY ESTABLISHMENT – Any establishment or business which provides the services of massage and body manipulation, including exercises, heat, and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor, or professional physical therapist licensed by the State of Pennsylvania. This definition does not include an athletic club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an identical or accessory service. A massage establishment may not include any aspects of adult entertainment or an adult-oriented establishment, as either are elsewhere defined and regulated in this Chapter. Massage therapy professionals must be licensed by an approving agency, association, or school.

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

MINI-WAREHOUSE AND SELF-STORAGE BUILDING – A building or group of buildings in a controlled access and fenced compound that contains various sizes of individualized, compartmentalized, and controlled access stalls and/or lockers leased by the general public for a specified period of time for the dead storage of personal lot.

MIXED USE – A commercial use in combination with a residential use in a single principal structure. A mixed use is distinguished from live-work units due to the lack of any internal connections between the uses. See also “Live-Work Units.”

MOBILE HOME PARK – A lot or series of lots, usually under single ownership, which has been planned to contain and improved for the placement of two (2) or more

mobile home lots in which each lot has been planned and improved for the placement of one (1) mobile home for non-transient use.

MOBILE OR MODULAR HOME – See ‘Dwelling Types” in this Section.

MULTI-FAMILY DWELLING – See “Dwelling Types” in this Section.

MUNICIPAL ACTIVITY – An event held by the Borough, or any public emergency service provider serving the Borough and its residents, for the purpose of conducting official business, including, without limitation, public hearings, meetings, public forums, presentations, and exhibits.

MUNICIPAL BUILDING – A building occupied by the principal offices and departments of the Borough.

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

NET BUILDABLE AREA – The area of a site or lot that may be built upon under the regulations of this Chapter for the District in which the site or lot is located.

NET DENSITY – The number of dwelling units per net lot area or net site area expressed in acres.

NET FLOOR AREA – The total of the floor areas of a building, measured from the interior faces of walls, excluding stairwells and elevator shafts, common hallways which are not rentable space, lobbies, restrooms, storage (except in conjunction with warehouses and other industrial uses) and equipment rooms, food preparation areas, interior vehicle parking or loading areas, and any other areas not accessible to the general public.

NON-CONFORMING LOT – A lot, the area or dimension of which was lawful prior to the adoption or subsequent amendments of the Borough's first Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NON-CONFORMING BUILDING STRUCTURE – A structure or part of a structure not complying in its design with the applicable provisions of the Borough's first Zoning Ordinance or subsequent amendments, where such structure lawfully existed prior to the application of this Chapter or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE – A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such

ordinance or amendment to its location by reason of annexation.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) – All non-tower WCFs, including but not limited to, antennae and related equipment. Non-tower WCFs shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground-level.

OBSTRUCTION, WATER – Any wall, dam, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel watercourse or designated floodplain district:

- A. Which may impede, retard, or change the directions of the flow of water, either in itself or by catching or collecting debris carried by such water; or,
- B. Is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY – The physical possession upon, on, or within any lot or structure for a use.

OCCUPANCY PERMIT – A permit for the use or occupancy of a building, structure, or lot indicating compliance with all provisions of this Chapter and the ICC International Property Maintenance Code.

OFF-STREET PARKING – An area wholly outside any public right-of-way, constructed to accommodate the storage of vehicles as required by this chapter and connected to a public street by a driveway or access aisle.

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

OFFICE, MEDICAL – A building or a series of buildings or rooms where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without overnight observation. A medical office shall include such uses as reception areas, offices, examination rooms, and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.

OFFICE, MEDICAL TYPES:

MEDICAL OFFICE, HIGH INTENSITY – A facility that contains more than four (4) exam rooms (not including laboratories or x-ray rooms).

MEDICAL OFFICE, LOW INTENSITY – A facility that contains a total of four (4) or fewer examination rooms (not including laboratories and/or x-ray rooms).

OFFICIAL ZONING MAP – The official plan delineating the official Zoning Districts of Glen Osborne Borough, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

OPEN SPACE – Public or private land used for recreation, resource protection, amenity, and/or buffers, not including any area of a lot, any part an existing or future street ROW, easement of access or areas set aside for public or private utilities, stormwater facilities, and easements.

OVERLAY DISTRICT – A Zoning District that encompasses one (1) or more underlying Zoning Districts and that imposes additional requirements or provisions above that required by the underlying Zoning District.

PARK/PLAYGROUND – Land designed for the purposes of recreation and leisure and maintained by a private or public entity as such.

PARK, PUBLIC OR SEMIPUBLIC – A parcel of land owned by the Commonwealth of Pennsylvania, Allegheny County, and/or the Borough that is dedicated, either publicly or privately, specifically for outdoor use for open space and/or active or passive recreation purposes. A park shall also include a parcel of land owned by an HOA or condominium association, as part of a Borough-approved subdivision, land development, and/or PRD that is dedicated, either publicly or privately, specifically for the use as a park, open space and/or active or passive recreation area.

PARKING LOT – Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a single-family or two-family dwelling.

PARKING LOT, COMMERCIAL – Any lot, parcel, or yard used in whole or in part for the temporary storage or parking of two (2) or more vehicles where such usage is the principal use on the site.

PATIO – A structure accessory to a dwelling constructed on the ground from impervious material such as concrete, stones, bricks, blocks, or other paving material and which may or may not have a roof or awning.

PERCENT GRADE – The number of feet of rise per 100 feet in length, i.e., a twenty (20) foot rise in a 100-foot length is said to be a twenty percent (20%) grade.

PERFORMANCE STANDARDS – Minimum or maximum levels of performance designed to soften the impact of potentially deteriorating conditions upon adjacent lots in particular and the environment in general.

PERMITTED USE – An authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this Chapter.

PERSONAL SERVICES – Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including but not limited to shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, and related activities.

PERSONS – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the Borough or to any department or agency of the Borough.

PET BOARDING – Taking custody or possession of more than four (4) dogs and/or more than six (6) cats for the keeping, accommodation, care, training, or feeding for fee or reward at a property other than the animal's normal place of residence. The domesticated animal can be left in the care of said establishment for a variable period of time. The establishment must be able to accommodate domesticated pets for extended periods of time, including but not limited to, overnight stays within indoor facilities.

PILOT MANUFACTURING – An establishment or part thereof used to test concepts and ideas, determine physical layouts, material flows and processes, types of equipment required, costs, and other information necessary prior to undertaking full-scale production.

PLACE OF ASSEMBLY – A building, structure, use, and/or lot or portion of land that is designed for the assembly or collection of persons at any one time, or adapted or used for purpose of assembly, where persons may congregate for civic, political, educational, social, recreational, and amusement purposes.

PLACE OF WORSHIP – A semipublic use, including any of the following: church, manse, rectory, convent, synagogue, parish, monastery, seminary, or similar building incidental to the particular use; but this term does not include business offices, except administrative offices incidental to the operation of the particular use, rescue missions, or the occasional use for religious purposes of properties not regularly so used.

PLANNING COMMISSION – The Planning Commission of Glen Osborne Borough.

PLANNING AGENCY, COUNTY – Allegheny County Economic Development, Planning Division.

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

PORCH – A roofed or uncovered accessory structure without enclosing walls that is attached to or part of the principal building and which has direct access to and from the principal building.

PORTABLE STORAGE UNIT/CONTAINER – A portable, weather resistant receptacle or structure designed and used for the storage or shipment of household goods, housewares, building materials, or merchandise. The term “portable storage container” shall not include roll-off/storage containers having a storage capacity of less than 150 cubic feet, receptacles or structures constructed with a footing, a trailer with or without a motor, or any other operable or inoperable vehicle or portion thereof.

PRINCIPAL BUILDING OR STRUCTURE – The building(s) or structure(s) on a lot in which the principal use or uses are conducted.

PRINCIPAL USE – The primary or predominant use of any lot or structure.

PRINTING FACILITY – A retail operation that directly serves the consumer through point-of-sale printing, copying and engraving services, which may include but are not limited to self-service copying, computer access, small job engraving, and trophy making.

PRIVATE CLUB – A for-profit or not-for-profit establishment operated by a private organization for social, recreational, educational, or fraternal purpose, but open only to members and their guests and not to the general public.

PRIVATE UTILITY – A privately operated service for a defined portion of residents or businesses that elect not to utilize public utilities for the distribution of water, gas, electricity, oil or steam, or collecting sanitary sewage, and consequently provide the means or portion of the means to support and maintain such privately operated systems.

PROFESSIONAL CONSULTANT – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

PUBLIC – Owned, operated, or controlled by a government agency (Federal, State, County, or local).

PUBLIC AND SEMIPUBLIC USES – Uses operated by the public or semipublic body such as schools, public libraries, public safety buildings, museums, public meeting halls, and community centers. This definition shall not include hospitals and continuing care facilities.

PUBLIC BUILDING – Of, or pertaining to, buildings, structures, or uses belonging to, or affecting, any duly authorized governmental body, which is available for common, or general use by all.

PUBLIC GROUNDS – Land reserved for but not limited to, one (1) or more of the following: (1) Parks, playgrounds, trails, paths, and other recreational areas and public areas; (2) Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; (3) Publicly owned or operated scenic or historic sites.

PUBLIC HEARING – A formal meeting open to the general public held pursuant to proper public notice by the Council of Glen Osborne Borough or planning agency, intended to inform and obtain public comment prior to taking action in accordance with this Chapter.

PUBLIC IMPROVEMENTS – All roads, streets, walkways, sidewalks, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices, and other facilities to be dedicated to or maintained by the Borough.

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."

PUBLIC NOTICE – A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

QUADRUPLEX DWELLING – See "Dwelling Types" in this Section.

RADIO OR TELEVISION TRANSMITTER – A piece of equipment that relays radio or television signals.

RAILROAD FACILITY – A series of buildings, with or without an open yard, with a permanent road laid with rails, commonly in one (1) or more pairs of continuous lines forming a track or tracks, on which locomotives and cars are kept for maintenance and/or storage.

REAR YARD – See "Yard, Rear" in this Section.

RECREATION, PASSIVE – Activity or area intended for public use, relaxation, or other leisure activities. Passive recreation uses include open space, trails, and similar low impact activities.

RECREATIONAL VEHICLE – A single-axle or multiple-axle structure mounted on wheels or otherwise capable of being made mobile, either with its own motive power or designed to be mounted on or drawn by an automotive vehicle, for the purpose of travel, camping, vacation, and recreational use, including but not limited to: travel trailers, mobile homes, motor homes, tent trailers, boats, boat trailers, pop-up

campers, pickup campers, horse trailers, snow mobiles, jet skis, wave runners, motorcycles, and all-terrain vehicles.

REGIONAL PLANNING AGENCY – A planning agency that is comprised of representatives of more than one (1) County. Regional planning agency responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines, and reviewing County comprehensive plans for consistency with one another.

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Chapter and qualified by training and experience to perform the specific services and/or activities with technical competence.

RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, related equipment includes generators and base stations.

RENEWABLE ENERGY SOURCE – Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESTAURANT – A retail establishment which prepares and serves food to paying customers.

FAST-FOOD – A commercial establishment which serves ready-to-eat food, desserts, or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption on or off the premises, typically including a public service area with counter and queuing areas and no or limited table service.

SIT-DOWN – A commercial establishment with kitchen facilities which provides food for consumption on the premises at all times and includes tables and chairs with table service where customers are provided with an individual menu. The sale of alcoholic beverages is incidental to the sale and consumption of food.

TAKEOUT RESTAURANT – A commercial establishment which serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption off the premises, typically including a public service area with counter and queuing areas and no table service.

RETAIL STORE – A commercial establishment located entirely within an enclosed building which sells goods, services, or merchandise to the general public for personal, household or nonmedical office consumption and which shall not include

wholesaling, manufacturing or processing of the goods offered for sale.

RETENTION POND/WASTEWATER PIT – Open pit lined with water-tight material used for the storage of gas drilling wastewater, produced "briny" water, or the flow back of fracking fluids.

RIGHT-OF-WAY (ROW) – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses. A ROW grants a lot interest to the grantee and no permanent structure may be erected therein.

SATELLITE DISH ANTENNA – A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such a device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCHOOL – Any public, private, or parochial place of instruction which teaches those academic subjects that are fundamental and essential in general education and which provide instruction at the pre-primary level and/or kindergarten through 12th grade, or a vocational school, and meets the requirements of the Department of Education of the Commonwealth of Pennsylvania, as applicable. Schools exclude "Educational Institution" as defined in this Section.

SELF-STORAGE FACILITY – See "Mini-Warehouse and Self-Storage Facility" as defined in this Section.

SERVICE STATION – A retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repair as spray painting, body, fender, axle, frame, major engine overhaul, or recapping/retreading of tires. A service station may also include the operation of a convenience food store. Service Stations may sometimes be located in conjunction with a Gas/Fuel Station or Convenience Store use but only when the Gas/Fuel Station and Convenience Store uses are also allowable in the Zoning District.

SETBACK LINE – A line parallel to a lot line, defining the building setback required by this Chapter.

SETBACK LINE, FRONT – The building setback line that is parallel to the front lot line, located at a distance as required by this Chapter.

SETBACK LINE, REAR – The building setback line that is parallel to the rear lot line, located at a distance as required by this Chapter.

SETBACK LINE, SIDE – The building setback line that is parallel to the side lot line, located at a distance equal to the side yard required by this Chapter.

SHED – A detached, accessory structure which is incidental to a permitted residential structure. Sheds typically sit on a simple concrete slab, piers, or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, residential greenhouses, and pool equipment structures. All nonresidential detached storage structures are defined as storage buildings. See also “Storage Buildings.”

SIGN – A name, identification, description, display, illustration, or device which is affixed or represented directly or indirectly upon a building, structure, or land and which functions as an Accessory Use by directing attention to a product, place, activity, person, institution, or business. The following terms and definitions are associated with the sign regulations contained in this Chapter.

A-FRAME – A portable sign comprised of two (2) separate panels or faces joined at the top and spread apart at the bottom to form the base on which the sign stands.

ADDRESS – The number or other designation assigned to a housing unit, business establishment, or other structure for all purposes of location, mail delivery, and emergency services. An address sign may include the name and address of the occupant of the premises.

AGRICULTURAL SALES SIGN – A sign displayed on a farm by the owner or other operator thereof, for the purpose of identifying such farm or advertising products thereof.

ANIMATED OR MOVING – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. Changeable copy signs as defined herein are not considered animated or moving signs.

ANIMATION – The movement, or the optical illusion of movement, of any part of the sign structure, design, or pictorial segment including the movement of any illumination or the flashing, scintillating, or varying of light intensity. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

ARCADE – A sign suspended beneath a ceiling of an arcade, a roof, or a marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof, or marquee to identify the location of establishments within a shopping center or similar building.

AWNING, CANOPY – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BANNER – A sign or outside advertising display having the character, letters, illustrations, ornamentations, symbols, color, or visual representation applied to cloth, paper, vinyl, fabric, plastic, or like kind of malleable material with or without frame. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

BILLBOARD – A permanently installed sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.

BUILDING IDENTIFICATION – A small pedestrian-oriented sign attached to a building, which bears only the name, number(s) and/or logo of the building but not the tenant and which is intended to be legible only from the pedestrian ways immediately adjacent to the sign.

CHANGEABLE COPY – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually to change the message on the sign without altering the face or surface of the sign.

CHANGEABLE COPY, BULLETIN – A type of changeable copy sign constructed to allow letters or symbols to be changed periodically such as those used by places of worship and schools to announce events.

CHANGEABLE COPY, REMOTE – A sign that is designed so that characters, letters, or illustrations can be changed or rearranged remotely by electronic or other means to change the message or sign without altering the face or surface of the sign.

COMMERCIAL MESSAGE – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION – A temporary sign announcing the name of contractors, mechanics, or artisans engaged in performing work on the premises and only during active construction activities.

DEVELOPMENT – A temporary sign erected during the period of construction and/or development of a property by the contractor and developer or their agent.

DIGITAL SIGN – A computer programmable sign capable of displaying words, numbers, symbols, figures, or picture images that can be altered or rearranged by remote or automatically without physically altering the face or surface of the sign. These signs typically utilize light-emitting diode, plasma, or liquid crystal display technology to produce the character and graphic of the display. Digital signs shall include static alphanumeric displays and electronic message boards.

DIRECTIONAL, INCIDENTAL – A sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone," and other similar directives, and provided that such sign does not exceed five (5) square feet. Directional, incidental signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

ELECTRONIC MESSAGE BOARD – A type of digital sign which displays messages, such as time and temperature, in alternating light cycles.

FLASHING – A sign that contains an intermittent or sequential flashing light source or has a light source which is not stationary, varies in illumination intensity, or contains elements which give the appearance of any of the aforementioned.

FREESTANDING – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL – A sign, which is owned, installed, and maintained by the Borough or other governmental agency.

GROUND/MONUMENT – A freestanding sign, which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign. It shall not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

HOME OCCUPATION IDENTIFICATION – A sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.

ILLUMINATED SIGN, EXTERNAL – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

ILLUMINATED SIGN, INTERNAL – A sign containing a source of light contained within the sign structure or sign cabinet.

INFLATABLE – A three-dimensional (3-D) object, filled with air or gas, and located in such a manner as to attract attention.

MARQUEE – An integral part of the building consisting of a roof which is supported by the building and may also be supported by columns or piers, and which includes porches, porticos, and porte-cocheres, but does not include canopies or awnings.

MARQUEE SIGN – A wall sign attached to a marquee.

MEMORIAL OR HISTORICAL PLAQUE – A commemorative plaque(s) placed by a recognized agency of the Borough, County, State, or Federal government.

MENU BOARD SIGN – A sign that lists for consumers the various options of products, goods, or services provided by a business.

MURAL – A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

NITS – The measure of the light emanating from an object that is used to quantify digital sign brightness, which is calculated by the total amount of light emitted from a sign divided by the surface area of the sign measured as candelas per square meter.

NOTIFICATION – A sign bearing legal and/or lot notices such as no trespassing, private lot, no turnaround, safety zone, no hunting, or similar messages and signs posted by a governmental agency for the safety of the general public.

OFF-PREMISE – A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However, billboard signs shall not be considered to be off-premises signs.

ON-PREMISE – A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located.

PANEL – The primary surface of a sign that carries the identifying/advertising message.

PENNANT – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE/PYLON SIGN – A freestanding sign erected on a pole, poles, pylon, or pylons, or other supporting structure where the bottom edge of a sign face is installed above the ground. Pole/pylon signs that have pole covers which extend from the base of the sign face to the ground shall not be considered ground/monument signs.

POLITICAL – A temporary sign which indicates the name, cause, or affiliation of a person seeking public or elected office or on which reference is made to an issue for which a public election or referendum is scheduled to be held.

PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public ROW, unless vehicle is used in the normal day-to-day operations of the business.

PROJECTION – A sign, which reproduces a remote image, by optical or any other means, on any surface.

PUBLIC UTILITY – Signs in connection with the identification, operation, or protection of any public utility, on the same lot therewith, provided that the total sign area on any one (1) street frontage does not exceed eight (8) square feet.

REAL ESTATE SIGN – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale. The signs may also bear the words “sold,” “sale pending,” or “rented” across their face.

RESIDENTIAL – Any sign located in a District zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Chapter.

RESIDENTIAL DEVELOPMENT IDENTIFICATION – A permanent wall or freestanding ground sign containing the name and address of a plan of subdivision or a multi-family building or development. The sign shall contain no commercial message and if a ground sign, shall be located at the principal entrance or entrances of a development. The sign shall indicate that the development is located within the Borough by clearly stating “Borough of Glen Osborne” on the sign in lettering at least half the size of the lettering identifying the name of the development.

ROOF SIGN – A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on a wall that supports the roofline.

SAFETY CONTROL – Public safety sign pursuant to federal, state, or local public safety regulations.

SECONDARY SIGN – A sign located on a structure whereas the sign is intended for the advertisement of a product, service, or directions related to goods and/or service sold or provided on the subject property.

SIGN BASE – The support on which a sign face stands. The sign base shall not communicate any messages or include business identification.

SIGN FACE – The area or display surface, including the advertising surface and any framing, trim, or molding, used for the message on a single plane.

SIGN or SIGNBOARD – Any writing, printing, painting, display, emblem, drawing, graphic, electronic display, computerized display, or other device designed to be viewed by the public, designed and intended for advertising, and the structure supporting the display.

SITE DEVELOPMENT SIGN – A sign indicating that the premises is in the process of being subdivided and/or developed for the future construction of dwellings or other buildings before any actual construction activity has begun.

STATIC ALPHANUMERIC DISPLAY – A type of a digital sign that is only capable of displaying numbers and letters and that is not designed or programmed to flash, blink, move, or display multiple messages over a preset time interval.

STREAMER – A string or strip of miniature or full-size pennants or flags which may or may not be suspended between two (2) points.

SUSPENDED – A sign which is suspended from a structure above into a vehicular or pedestrian access way, more than one (1) foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

TEMPORARY SIGN, GENERAL – Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frame, displayed for a period not exceeding 30 days. Temporary signs shall be permitted to advertise grand openings, distress sales, change in ownership; or temporary businesses which have been approved by the Zoning Officer, Planning Commission, Borough Council, or ZHB.

TIME-AND-TEMPERATURE SIGN – A sign which indicates changing time and/or temperature.

TRAFFIC CONTROL SIGN – A sign regulating traffic.

WALL SIGN – Any sign painted, attached to, or affixed to a building or structure, attached flat against the wall surface, in such a way that only one (1) face of a sign is visible. The sign may project outward no more than six (6) inches from the wall of the building.

WINDOW SIGN – Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is temporarily affixed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SINGLE-FAMILY DWELLING – See “Dwelling Types” in this Section.

SITE – The original tract of land which exists prior to any subdivision activity and which is the subject of an application for development, as defined by the Subdivision and Land Development Ordinance (SALDO).

SITE AREA – The total area of all lots, ROWs, easements, open space, and other features contained within the boundaries of a site. The total project area is determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. Also see “Lot Area” in this Section.

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

SLOPE MAP – A plan identifying the location and extent of topographic gradient changes based upon contour intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less. Slopes shall be identified by color or symbols.

SLOPE AND SOIL STABILITY ANALYSIS – Slope stability analysis is a static or dynamic, analytical, or empirical method to evaluate the stability of earth and rock-fill dams, embankments, excavated slopes, and natural slopes in soil and rock. Slope stability refers to the condition of inclined soil or rock slopes to withstand or undergo movement.

SOLAR ENERGY SYSTEM, SMALL – A solar collection system consisting of one (1) or more roof and/or ground mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SOLAR RELATED EQUIPMENT – Items including a solar photovoltaic cell, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and possibly foundations used for or intended to be used for collection of solar energy.

SOUND LEVEL – The intensity of sound, measured in dBa, and produced by the operation of a permitted use.

SOUND LEVEL METER – An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIAL EVENT – Any temporary display, sale of goods, use, or event that is located outside of a principal building structure and is accessory to the principal use of the lot that has the potential to create an increase in traffic, congestion, and/or noise than that which is typically caused by the principal use of the lot.

SPECIAL EXCEPTION – See “Use by Special Exception” as defined in this Section.

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

STACK – Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

STEALTH TECHNOLOGY – Camouflaging methods applied to wireless communications towers, antennae, and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

STEEP SLOPE – Any portion of any lot which has a natural or finished slope in excess of eight percent (8%) shall be considered a steep slope and shall be subject to these regulations, except that high walls remaining from mineral removal activities shall be exempt from these regulations. Slope is calculated based upon contours at intervals of not more than two (2) feet.

STORMWATER MANAGEMENT FACILITIES – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins; open channels; storm sewers; pipes; and infiltration facilities. For the stormwater related regulations, refer to the Borough Stormwater Management Ordinance, Chapter 117 of the Borough Code of Ordinances.

STORY – That portion of a building included between the surface of any finished floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it. In determining the number of stories for purposes of height measurement, a basement shall be counted as a story if the ceiling is more than five (5) feet above the average adjoining ground level at the front setback, and a mezzanine shall be counted as a story if it covers 50% or more of the area of the story underneath such mezzanine. An attic or a cellar shall not be counted as a story.

STREET – All land between ROW lines, whether public or private, and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway road, freeway, parkway, lane, viaduct, or other vehicular way. The term shall not include the word “Driveway.”

ARTERIAL– A public street that serves large volumes of high speed and long-distance traffic.

BOROUGH – A street adopted as a public street by the Borough or having become a Borough street as legally determined.

COLLECTOR– A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads.

LOCAL – A two-laned roadway which functions to give access to individual land parcels.

PRIVATE – A street that privately owned and is not owned by the Borough, State, or County.

STREET FRONTAGE – The length of the front lot line. See also “Lot Line.”

STREET WALL – The wall of a building adjoining a sidewalk at the edge of the street ROW; or architectural elements, such as walls, piers, pillars, fences, colonnades, porches, and porticoes, in lieu of a building wall when a building is set back from the street wall line.

STREET TREE – Any tree planted within the ROW of a street. Street trees are not the same as trees planted in the front yard of a residential home or lot.

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

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

STRUCTURE HEIGHT – The vertical distance from the lowest finished grade level to the peak of the roof.

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

TYPES OF SUBVISIONS:

SUBDIVISION, MAJOR – Any subdivision not classified as a minor subdivision; or is proposing the subdivision or development of three (3) or more lots; or involves a planned development, any new street, or the extension of a utility or other Borough facility.

SUBDIVISION, MINOR – A subdivision of land that involves no more than two (2) lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other Borough facility. Minor subdivisions also include:

LOT CONSOLIDATION – The consolidation of two (2) or more lots into a smaller number of lots.

REVERSE SUBDIVISION – The consolidation of two (2) or more previously subdivided lots into a smaller number of lots.

LOT LINE REVISION – A subdivision that only involves the revision or adjustments of lot lines on previously recorded lots of record either for the purpose of transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional new lots.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) – The Glen Osborne Borough Subdivision and Land Development Ordinance (SALDO), Chapter 121 of the Borough Code of Ordinances, as adopted and amended by the Borough Council.

SUBSTANTIAL CHANGE TO A WIRELESS COMMUNICATION FACILITY – A modification to an existing wireless communications facility that substantially changes the physical dimensions of a tower or base station and meets any of the following criteria: (1) for communications tower outside the public ROW, it increases the height of the facility by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for communications towers in the ROW, it increases the height of the facility by more than ten percent (10%) or ten (10) feet, whichever is greater; (2) for communications towers outside the public ROW, it

protrudes from the edge of the WCF by more than twenty (20) feet, or more than the width of the tower structures at the level off the appurtenance, whichever is greater; for those communications tower in the public ROW, it protrudes from the edge of the structure by more than six (6) feet; (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; (4) it entails any excavation of deployment outside the current site of the communications tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the communications tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

SURFACE AREA OF A SIGN – The area of all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed (whether such background is open or enclosed), but excluding any supporting framework and bracing which are solely incident to the display itself, provided that the same do not contain such lettering, wording, designs, or symbols. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols. Where a sign consists of a double face, only one (1) side shall be considered for the purpose of calculating the sign area, provided that both faces are identical.

SURVEYOR – A professional surveyor licensed in the State of Pennsylvania. See “Registered Professional.”

SWIMMING POOL – Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes above ground and in ground swimming pools as well as hot tubs and spas. All swimming pools shall meet the requirements set forth in this Ordinance and in the Borough adopted building codes.

SWIMMING POOL, PRIVATE HOME – A swimming pool, whether above ground or in ground, on private property on which there is a family dwelling, the swimming pool being an accessory use thereof.

TAVERN OR BAR – Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption, which may or may not include dancing. Taverns may include prepared food sales but such prepared foods are typically accessory or incidental to the primary purpose as a Tavern.

TEMPORARY USE OR STRUCTURE – Any use or structure that is an accessory to an existing principal use on a lot intended to be used for less than six (6) consecutive months and located outside of the right-of-way, including but not limited to construction or land sales trailers, tents, bleachers, air supported structures, seasonal displays, PODS, dumpsters, and similar structures. Structures intended to be used for

more than six (6) months shall be considered permanent and shall meet the use and structure requirements for permanent structures.

TENTATIVE APPROVAL – An approval prerequisite to final approval of a development plan granted by the Borough Council in accordance with this Chapter.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – A structure that is used for the purpose of supporting one (1) or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles, and light poles. DAS hub facilities are considered to be tower-based WCFs.

TOWNHOUSE – See “Dwelling Types” in this Section.

TOXIC POLLUTANTS – A subset of hazardous substances, including pollutants that after discharge and upon exposure, ingestion or inhalation by any organism will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, physiological malfunctions, or physical deformations in such organisms or their offspring.

TRAFFIC IMPACT STUDY – A study, provided in letter or report format and prepared by a professional engineer licensed in the Commonwealth of Pennsylvania, that provides a review of existing conditions and the effects of a proposed development or land use on site access and circulation as well as new trips on roadways and intersections.

TRANSFERABLE DEVELOPMENT RIGHTS – The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

TREE – Any object of natural growth that is not a shrub or flower.

TREE PRESERVATION PLAN – A map or site plan which illustrates the general layout of proposed buildings, structures, driveways, and on-site areas on a lot or tract of land, along with the design of landscaped areas, including detail of the location, species, and trunk circumference of all legacy trees which are to be retained or removed, trees which are to be planted as replacement trees, and trees which are to be retained on-site for mitigation purposes.

TURBINE HEIGHT – The distance measured from the highest point of the wind turbine rotor plane to the ground level.

TWO-FAMILY DWELLING – See “Dwelling Types” in this Section.

USE – Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure or on a tract of land.

USE, ACCESSORY – A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

USE, BY SPECIAL EXCEPTION – An authorized use in a particular Zoning District pursuant to Article VII of this Ordinance which may be granted only by the ZHB in accordance with express standards and criteria specified in this Chapter after a public hearing.

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

UTILITIES – See "Public Utility Facility" in this Section.

UTILITY SYSTEMS – Within the terms of this Chapter, utility systems shall be defined as gas, electric, telephone, cable TV, and/or any such service regulated by the Pennsylvania Public Utility Commission (PUC).

VARIANCE – Relief granted by the ZHB from requirements of this Chapter and as authorized by the MPC.

VEHICLE REPAIR GARAGE – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of vehicles weighing less than 8,500 pounds Gross Vehicle Weight Rating (GVWR). Businesses solely devoted to vehicle electronics repair and/or installation shall be considered retail stores.

VETERINARY CLINIC – See "Animal Hospitals and Veterinarian Services" in this Section.

WAREHOUSE AND STORAGE SERVICES – A structure primarily used for the storage of goods and materials which also includes refrigeration and cold storage services. This use does not include distribution centers.

WATER STORAGE – Any impoundment of water by a public or private authority, agency, or corporation for the purpose of providing water supply or recreation to the general public.

WBCA – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

WETLANDS – Those areas which are inundated by water with sufficient frequency to support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction, including, but not necessarily limited to, swamps, marshes, bogs, sloughs, wet meadows, river floodplains, mud flats

and wet prairies.

WIND CHARGER – A wind-driven, direct-current generator used for charging storage batteries.

WIND ENERGY CONVERSION SYSTEM (WECS) – A device such as a wind charger, wind turbine or windmill, and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIND ENERGY SYSTEM, SMALL – A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

WINDMILL – A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND TURBINE – A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WIRELESS – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF) – The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics, and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT OR APPLICANT) – Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public ROW or other Borough-owned land or property.

WIRELESS COMMUNICATIONS RELATED EQUIPMENT – Any piece of equipment related to, incidental to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a tower-based WCF or any other support structure that could support the placement or installation of a WCF, if approved by the Borough.

WOODLANDS – A plant community composed predominantly of healthy trees and other woody vegetation, well stocked, and growing more or less closely together.

YARD – The portion of a lot between the principal building/structure and the lot line. Where the configuration of a principal building/structure or a lot makes it difficult to discern the location of yards, the Zoning Officer shall establish such yards at his/her sole discretion. (See Figure 1)

YARD, FRONT – A yard extending between side lot lines across the full lot width from the front lot line to a line parallel to the front face of the structure of the principal use of the lot (See Figure 1).

YARD, REAR – A yard extending between the side lot lines across the full lot width from the rear lot line to a line parallel to the rear face of the structure of the principal use of the lot (See Figure 1).

YARD, SIDE – A yard extending from the front yard line to the rear yard line parallel to the side lot line (See Figure 1).

ZONING CERTIFICATE – A document signed and issued by the Zoning Officer upon a request to certify the correct Zoning District, the compatibility of existing land uses, the compatibility of proposed land uses, and/or the legal status of a nonconforming use, structure, or lot.

ZONING DISTRICT – An area in the Borough in which regulations under this Chapter uniformly apply, including Overlay Districts.

ZONING HEARING BOARD (ZHB) – The Zoning Hearing Board of Glen Osborne Borough, Allegheny County, Pennsylvania as defined by and appointed in accordance with the MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

ZONING HEARING BOARD SOLICITOR – The ZHB Solicitor shall be an attorney other than the Borough Solicitor and shall not be employed within the same law firm as the Borough Solicitor. The ZHB Solicitor shall be licensed as such in the Commonwealth of Pennsylvania and represents the ZHB.

ZONING MAP – The Official Zoning Map delineating the Zoning Districts of Glen Osborne Borough, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER – The designated official or authorized representative appointed by the Borough Council whose duty it shall be to administer this Ordinance and as

identified in §614 of the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

ZONING ORDINANCE – The Glen Osborne Borough Zoning Ordinance, Ordinance No. 400, as amended. Chapter 155 of the Borough Code of Ordinances.

ZONING AND OCCUPANCY PERMIT – A permit issued by the Zoning Officer which is required by this Chapter prior to: the commencement of a use; the construction, reconstruction, alteration, remodeling, enlargement, movement, occupancy, or use of a building, structure, or lot; the change in use of a building, structure, or lot; any change to, or enlargement or extension of a nonconforming use; and/or the construction, reconstruction, alteration, or movement of a retaining wall.

FIGURE 1: YARD TYPE ILLUSTRATION

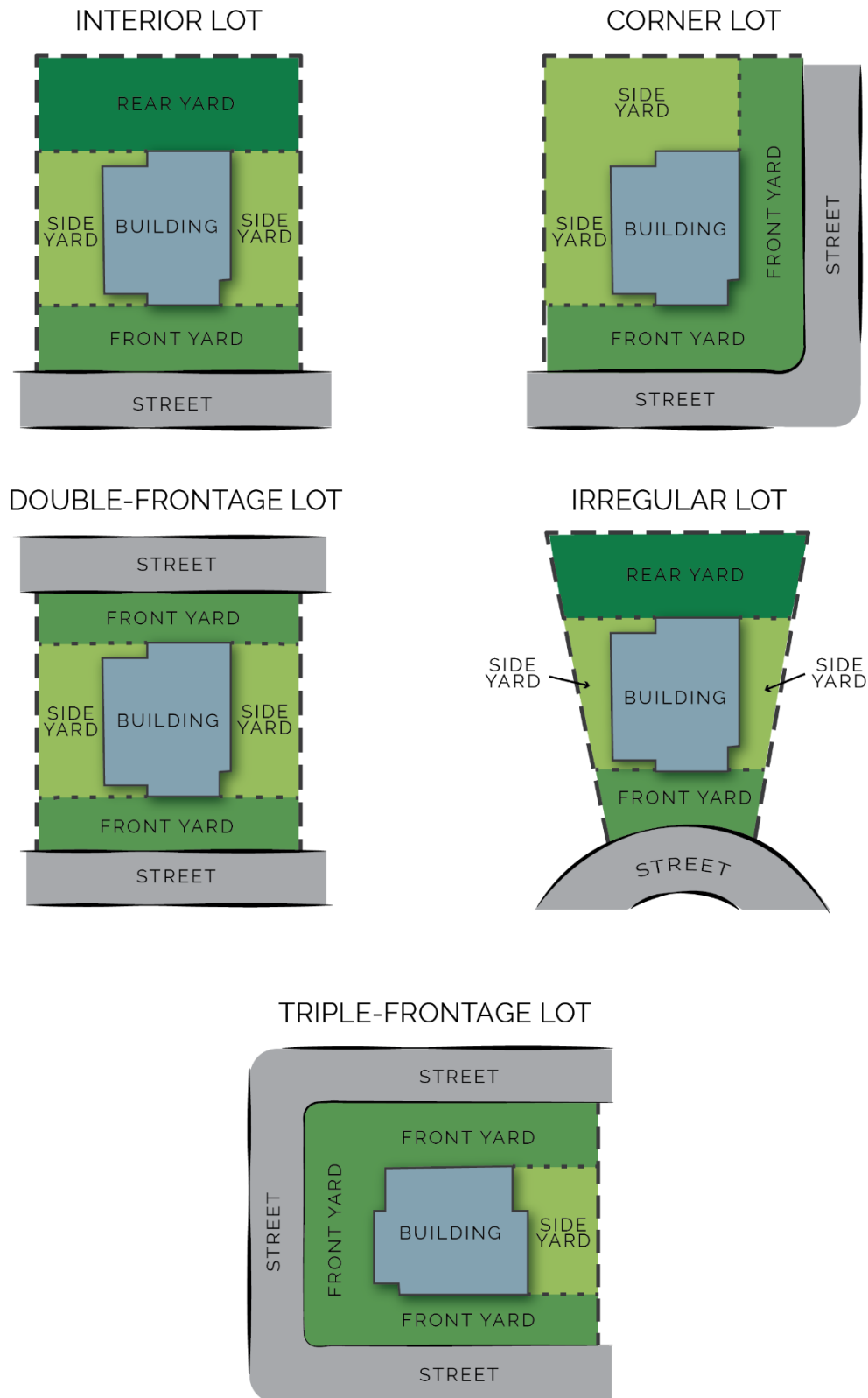
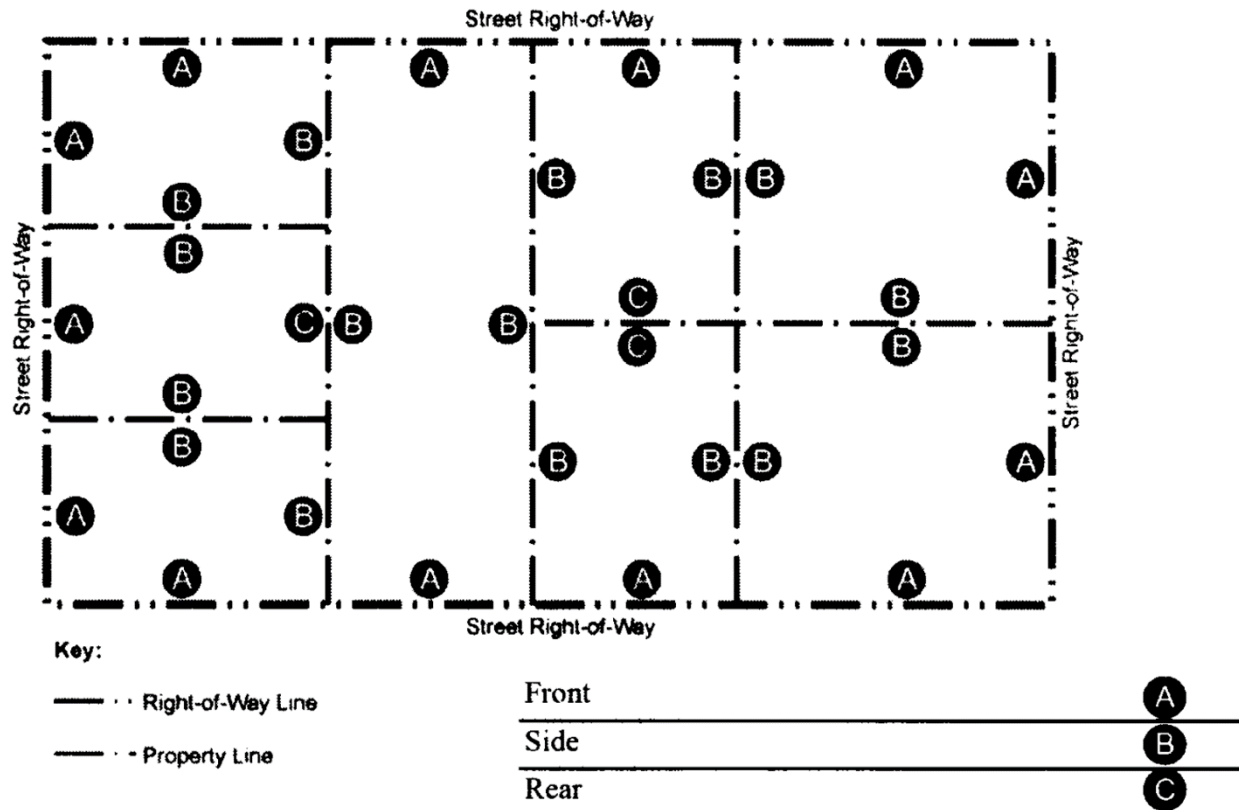


FIGURE 2: ROW LINES



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Article III. District Regulations

Section 301. Official Zoning Map

- A. A map entitled “Borough of Glen Osborne Official Zoning Map” is hereby adopted as part of this Ordinance. The Official Zoning Map shall be kept on file and made available for examination through the Borough Secretary and via the Borough’s website.

Section 302. Zoning Districts

- A. The Borough is divided into a series of Zoning Districts and Overlay Districts stated in this Ordinance and as shown by the district boundaries on the Official Zoning Map.

1. Zoning Districts

- a. R-1–Low Density Residential
- b. R-2–Moderate Density Residential
- c. R-3–Suburban Density Residential
- d. R-4–Urban Density Residential
- e. C-1–Commercial

2. Overlay Districts

- a. FHD–Flood Hazard District Overlay
- b. NRP–Natural Resource Protection Overlay
- c. NPE–Neighborhood Protection Overlay East
- d. NPW–Neighborhood Protection Overlay West

Section 303. District Boundaries

- A. District boundaries shown within the lines of roads, streams, and transportation ROWs shall be deemed to follow the centerline. The vacation of roads shall not affect the location of such District boundaries.
- B. When the Zoning Officer cannot definitively determine the location of a District boundary by such centerline, by the scale or dimension stated on the Official Zoning Map, or by the fact that it clearly coincides with a lot line, the Zoning Officer shall refuse action, and the ZHB upon appeal shall interpret the location of the District boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

Section 304. Use of Property

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the District in which it is located.

- B. No land, structure, building, or development approval shall be issued unless the proposed development conforms to the regulations prescribed within the applicable Zoning District and this Ordinance.
- C. In all residential Zoning Districts, there shall only be one (1) principal use and structure on a lot.
- D. In all nonresidential Zoning Districts authorized by this Ordinance, two (2) or more nonresidential principal buildings can occupy the same lot and two (2) or more authorized nonresidential uses may occupy the same lot or building. Provided in all cases that all applicable requirements for each of the structures or uses can be met on the lot.
- E. In addition to the provisions for principal uses, accessory uses shall also be permitted in accordance with the provisions of this Ordinance. In all Zoning Districts, all accessory uses and structures shall be located on the same lot with the principal structure and the use to which they are accessory. Accessory uses regulations are set forth in Article III of this Ordinance.

Section 305. Bulk and Area Regulations

- A. Bulk and area regulations for uses by zoning district are specified in Tables 1 and 2.

Section 306. Restrictions

- A. No building shall hereafter be erected or altered:
 - 1. To exceed the height limitations of the District where it is located;
 - 2. To accommodate a greater number of families than permitted by the District regulations where it is located;
 - 3. To occupy a greater percentage of lot area than permitted by the District regulations where it is located;
 - 4. To have narrower or smaller rear yards, front yards, or side yards than are specified herein for the District in which such building is located;
 - 5. To be on a lot or parcel that is within a FEMA identified flood zone.
- B. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- C. Lots with a slope of two (2) feet horizontal to one (1) foot vertical (2':1'), or greater, for a distance of 50% of its total depth shall be configured with a minimum of 25% total increase in lot depth dimension than is required by this Ordinance before a zoning/building permit is issued.
- D. This Ordinance shall not apply to any existing or proposed building or extension thereof or appurtenance used or to be used by essential services, where the present or proposed situation of the building or appurtenance in question is necessary for the convenience or welfare of the public.

TABLE 1: RESIDENTIAL BULK AND AREA REGULATIONS

| Residential Bulk and Area Regulations | | | | | | | |
|--|-----------------------|-----------|---------------------------|------------------|-----------|-----------|---------------------|
| | Lot Size (Minimum) | Lot Width | Lot Coverage (Maximum) | Minimum Setbacks | | | Height (Maximum) |
| | | | | Front Yard | Side Yard | Rear Yard | |
| Low Density Residential (R-1) | | | | | | | |
| Single-Family | 25,000 sq. ft. | 80 ft. | 40% | 30 ft. | 15 ft. | 30 ft. | 35 ft. |
| Moderate Density Residential (R-2) | | | | | | | |
| Single-Family | 15,000 sq. ft. | 70 ft. | 45% | 20 ft. | 15 ft. | 30 ft. | 35 ft. |
| Suburban Residential (R-3) | | | | | | | |
| Single-Family | 7,500 sq. ft. | 50 ft. | 45% | 20 ft. | 10 ft. | 30 ft. | 35 ft. |
| Urban Residential (R-4) | | | | | | | |
| Single-Family | 4,500 sq. ft. | 50 ft. | 50% | 20 ft. | 7 ft. | 20 ft. | 35 ft. |
| Two-Family | 4,500 sq. ft. | 50 ft. | 50% | 20 ft. | 7 ft. | 20 ft. | 35 ft. |
| Townhome | 4,500 sq. ft. | 20 ft. | 50% | 20 ft. | 7 ft. | 20 ft. | 35 ft. |
| Multi-Family | 4,500 sq. ft. | 50 ft. | 50% | 20 ft. | 7 ft. | 20 ft. | 35 ft. |
| Duplex | 4,500 sq. ft. | 50 ft. | 50% | 20 ft. | 7 ft. | 20 ft. | 35 ft. |
| Quadruplex | 4,500 sq. ft. | 50 ft. | 50% | 20 ft. | 7 ft. | 20 ft. | 35 ft. |
| *Side setbacks are not required for dwellings that share common walls along the shared wall. The side setback applies to end units only. | | | | | | | |

Section 307. R-1 Low Density Residential District

- A. Purpose. The purpose of this District is to protect the character of existing, larger lot, low-density single-family neighborhoods along or north of the Beaver Road corridor, to promote a suitable environment for family life, and to accommodate additional single family residential development at a similar form, scale, and density.
- B. Authorized Principal and Accessory Uses. See Section 312, Table of Authorized Uses (Tables 3 and 4), for authorized principal and accessory uses and method of authorization in the R-1 District.
- C. Area and Bulk Regulations. The area and bulk regulations within the R-1 Zoning District shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, and uses by special exception.

- D. Off-Street Parking and Loading. See Article X of this Ordinance for off-street parking and loading requirements.

Section 308. R-2 Moderate Density Residential District

- A. Purpose. The purpose of this District is to protect the character of the existing moderate density single-family neighborhoods of the Beaver Road corridor and to preserve the integrity of this District by promoting responsible infill and redevelopment techniques.
- B. Authorized Principal and Accessory Uses. See Section 312, Table of Authorized Uses (Tables 3 and 4), for authorized principal and accessory uses and method of authorization in the R-2 District.
- C. Area and bulk regulations: The area and bulk regulations within the Zoning District shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article X of this Ordinance for off-street parking and loading requirements.

Section 309. R-3 Suburban Residential District

- A. Purpose. The purpose of this District is to preserve and protect the existing density of development in the area of the Borough between Ohio River Boulevard and Beaver Road and between McKown Lane and the Nature Park and to provide for low-density suburban single family residential opportunities.
- B. Authorized Principal and Accessory Uses. See Section 312, Table of Authorized Uses (Tables 3 and 4), for authorized principal and accessory uses and method of authorization in the R-3 District.
- C. Area and bulk regulations: The area and bulk regulations within the Zoning District shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article X of this Ordinance for off-street parking and loading requirements.

Section 310. R-4 Urban Density Residential District

- A. Purpose. The purpose of this District is to accommodate existing development on smaller lots existing in the area between Ohio River Boulevard and the Ohio River.
- B. Authorized Principal and Accessory Uses. See Section 312, Table of Authorized Uses (Tables 3 and 4), for authorized principal and accessory uses and method of authorization in the R-4 District.
- C. Area and bulk regulations: The area and bulk regulations within the Zoning District shall be subject to the standards identified in Table 1, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.

- D. Off-street parking and loading. See Article X of this Ordinance for off-street parking and loading requirements.

Section 311. C-1 Commercial District

- A. Purpose. The purpose of this District is to enhance the character and vibrancy of the community's business environment for small-scale enterprises and consumer services.
- B. Authorized Principal and Accessory Uses. See Section 312, Table of Authorized Uses (Tables 3 and 4), for authorized principal and accessory uses and method of authorization in the C-1 District.
- C. Area and bulk regulations: The area and bulk regulations within the Zoning District shall be subject to the standards identified in Table 2, except as they may be modified by the express standards and criteria for the specific permitted uses, conditional uses, or uses by special exception.
- D. Off-street parking and loading. See Article X of this Ordinance for off-street parking and loading requirements.

TABLE 2: COMMERCIAL BULK AND AREA REGULATIONS

| Bulk and Area Regulations C-1 Commercial Zoning District | |
|---|----------------|
| Lot Size (minimum) | 21,780 sq. ft. |
| Lot Width (minimum) | 75 feet |
| Height (maximum) | 40 ft. |
| Front Setback (minimum) | 35 ft. |
| Side Setback (minimum) | 10 ft. |
| Rear Setback (minimum) | 15 ft. |
| Lot Coverage (maximum) | 60% |

Section 312. Authorized Principal and Accessory Uses

- A. Tables 3 and 4 establish the authorized principal and accessory uses and the Zoning Districts where the principal and accessory use is authorized and the method of authorization.
1. P – Permitted Use by Right
 2. A – Accessory Use
 3. S – Use by Special Exception (see General Standards for all Conditional Uses and Special Exceptions in Article VII)
 4. CU – Conditional Use (see General Standards for all Conditional Uses and Special Exceptions in Article VII)
 5. Blank cells indicate that the use is not permitted in the corresponding District.

B. Accessory Uses and Structures.

1. Applicability. This Section applies to any subordinate use of a building or other structure, or use of land that is:
 - a. Conducted on the same lot as the principal use to which it is related; and
 - b. Clearly incidental to, and customarily found in connection with, the principal use or structure.
2. Establishment of Accessory Uses.
 - a. Accessory structures, buildings or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
 - b. In no instance shall an accessory building or use be established on a vacant lot.
3. All accessory structures and uses are also subject to the general standards listed in Section 313 and the supplemental regulations found in Article VI of this Ordinance.
4. Additional standards related to the specific accessory structures and uses are found in Article VI of this Ordinance.

TABLE 3: TABLE OF AUTHORIZED PRINCIPAL USES

| USE | R-1 | R-2 | R-3 | R-4 | C-1 |
|--|-----------------------|-----|-----|-----|-----|
| Accessory Dwelling Unit | P | P | P | CU | |
| Adaptive Reuse | | | | CU | |
| Animal Day Care | | | | | P |
| Animal Grooming Facility | | | | | P |
| Animal Hospitals and Veterinarian Services | | | | | P |
| Auditorium | | | | | CU |
| Bank | | | | | P |
| Bed & Breakfast | P | P | | | |
| Billboards | Subject to Article IX | | | | |
| Business Services | | | | | P |
| Care Facilities and Senior Housing: | | | | | |
| Assisted Living Facility | | CU | CU | | CU |
| Independent Living Facility | | CU | CU | | CU |
| Life Care Community | | CU | CU | | CU |
| Nursing Home | | CU | CU | | CU |
| Retirement Housing Facility | | CU | CU | | CU |
| Cemetery | CU | | | | |
| Commercial School | | | | | CU |
| Communications Antennae | P | P | P | P | P |
| Communications Tower | | | | | CU |

| USE | R-1 | R-2 | R-3 | R-4 | C-1 |
|--|-----|-----|-----|-----|-----|
| Community Garden | P | P | P | P | |
| Construction Related Business | | | | | P |
| Convenience Store | | | | | CU |
| Cryptocurrency Mining | | | | | CU |
| Day Care Center, Adult | | CU | | | CU |
| Day Care Center, Child | | CU | | | CU |
| Day Care, Home-Based | CU | CU | CU | CU | |
| Dwelling Types: | | | | | |
| Apartment | | | CU | | |
| Conversion Dwelling | | | | CU | |
| Duplex | | | CU | P | CU |
| Garden Apartment | | P | | CU | CU |
| Granny Flat/Carriage House/Mother-In-Law Suite | A | A | A | | |
| Manufactured or Modular Home | P | P | CU | P | |
| Mobile Home | | | | | CU |
| Multifamily Dwelling | | | CU | P | CU |
| Quadruplex | | | CU | P | |
| Single-Family Dwelling | P | P | P | P | |
| Townhouse | | | CU | CU | CU |
| Two-Family Dwelling | | | CU | P | CU |
| Educational Institution | | P | | | CU |
| Emergency Services | | | | | P |
| Emergency Services Facility | | | | | CU |
| Emergency Shelter | | | | | P |
| Essential Services | P | P | P | P | P |
| Farmer's Market | | | | | P |
| Forestry | P | P | P | P | P |
| Funeral Home | | | | | CU |
| Gas/Fuel Station | | | | | CU |
| Group Care Facility | | | | | CU |
| Group Home | CU | CU | CU | CU | CU |
| Halfway House | | | | P | |
| Hotel | | | | | P |
| Junkyard | | | | | CU |
| Landscape Service Center, Retail | | | | | P |
| Landscape Service Center, Wholesale | | | | | CU |
| Live-Work Units | | | | | P |
| Marina | | | | | P |
| Marina Facility | | | | | P |
| Massage Therapy Establishment | | | | | CU |
| Mini-Warehouse and Self-Storage | | | | | P |

| USE | R-1 | R-2 | R-3 | R-4 | C-1 |
|---|---|-----|-----|-----|-----|
| Building | | | | | |
| Mixed Use | | | | | CU |
| Municipal Building | | | | | P |
| Office, Business and Professional | | | | | P |
| Office, Medical (High and Low Intensity) | | | | | P |
| Park/Playground | P | P | P | P | P |
| Park, Public or Semi-Public | P | P | P | P | P |
| Parking Lot, Commercial | | | | | P |
| Personal Services | | | | | P |
| Pet Boarding | | | | | P |
| Pilot Manufacturing | | | | | CU |
| Place of Assembly | CU | CU | CU | CU | CU |
| Place of Worship | CU | CU | CU | CU | CU |
| Printing Facility | | | | | P |
| Private Club | | | | | CU |
| Private Utility | P | P | P | P | P |
| Railroad Facility | | | | CU | CU |
| Recreation, Passive | P | P | P | P | P |
| Restaurant, Fast Food | | | | | CU |
| Restaurant, Sit-Down | | | | | P |
| Restaurant, Take-Out | | | | | CU |
| Retail Store | | | | | P |
| School | | P | | | P |
| Service Station | | | | | CU |
| Solar Energy System, Small | | | | | P |
| Tavern/Bar | | | | | P |
| Vehicle Repair Garage | | | | | CU |
| Warehouse and Storage Services | | | | | P |
| Water Storage | | | | | P |
| Wind Energy System, Small | | | | | P |
| Wireless Communication Facilities | Subject to Article XII | | | | |
| Principal Uses Not Listed: | Please refer to the Use Tables in the Zoning Ordinances of Sewickley Borough and Aleppo Township per the Joint ASO Comprehensive Plan. If a use is still not listed, the proposed use will be subject to Article V as a conditional use in the C-1 Zoning District. | | | | |

Section 313. General Standards for all Accessory Uses and Structures

- A. Permitted Accessory Uses. Accessory uses and structures permitted by this Ordinance are listed in the Table of Authorized Accessory Uses (Table 4). Accessory uses and structures which are not specifically listed in the Table shall not be permitted in the Borough.

TABLE 4: TABLE OF AUTHORIZED ACCESSORY USES

| Use or Structure | R-1 | R-2 | R-3 | R-4 | C-1 |
|--|--|------------|------------|------------|------------|
| Accessory Dwelling Unit | P | P | P | | |
| Apiary | P | P | P | P | |
| Carport | P | P | P | P | |
| Deck | P | P | P | P | |
| Fence | P | P | P | P | P |
| Garage, Attached | P | P | P | P | P |
| Garage, Detached | P | P | P | P | P |
| Gazebo | P | P | P | P | P |
| Granny Flat/Carriage House/In-Law Suite | P | P | P | | |
| Hot Tubs / Outdoor Spas | P | P | P | P | |
| Home Occupation, Low Impact | P | P | P | P | |
| Loading Space / Berth | | | | | P |
| No-Impact Home-based Business | P | P | P | P | |
| Parking Lot | | | | | P |
| Patio | P | P | P | P | P |
| Porch | P | P | P | P | |
| Portable Storage Unit/Container | P | P | P | P | P |
| Satellite Dish | P | P | P | P | |
| Shed | P | P | P | P | |
| Signs | Subject to Article IX | | | | |
| Solar Energy System, Small | P | | | P | P |
| Storage Building | | | | | P |
| Swimming Pool (Above Ground or In Ground) | P | P | P | P | |
| Temporary Use or Structure | P | P | P | P | P |
| Tennis/Basketball/Sports Courts | P | P | P | P | P |
| Accessory Uses Not Listed | Any other Building or Use that is Customarily Incidental to the Permitted Principal Use or Principal Building; Subject to Approval by Zoning Officer | | | | |

- B. If an accessory structure or building is attached to the principal structure, then it shall be considered part of the principal structure and shall be subject to all requirements relating to the principal structure.
- C. Location of Accessory Structures and Uses.
 - 1. Accessory structures and uses, with the exception of authorized signs and fences, shall not be located in the required front yard of any lot in any Zoning District unless a 100 ft. setback is provided from the required front setback line.
 - 2. The location of permitted nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
 - 3. All accessory structures shall be set back a minimum of ten (10) feet from any side or rear property line except where specifically authorized elsewhere in this Ordinance or in the specific area and bulk regulations of the Zoning District in which the property is located.
 - 4. Accessory uses shall be conducted on the same lot as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or structure.
- D. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the Zoning District in which it is located when considering all structures on the lot.
- E. Accessory uses shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
- F. While properties can have multiple accessory structures, not more than one (1) accessory structure by type shall be permitted on an individual lot (e.g., shed, play structure, pool, etc. are types of accessory structures).
- G. Accessory structures shall not exceed the height of the principal structure unless the accessory structure is directly related to an agricultural operation.
- H. Accessory buildings or uses shall not be constructed or established on a lot until the construction of the principal structure is completed or the principal use is established.
- I. Trailers including utility, commercial, mobile homes, living trailers, and motorized recreational vehicles may not be stored in any front or side yard, as defined by this Ordinance.

Section 314. Specific Standards for all Accessory Uses and Structures

- A. Accessory Dwelling Units.
 - 1. Subject to the conditional use standards found in Article VII of this Ordinance.

2. Accessory dwelling units shall be permitted as an accessory structure to a primary residence in the R-1, R-2, and R-3 Zoning Districts and shall meet all applicable setback and area and bulk requirements of the primary structure.
3. Accessory dwelling units shall have a gross floor area of at least 400 square feet and shall comprise no more than 50% of the gross floor area of the principal structure that they are associated with.
4. Maximum total square footage permitted for an accessory dwelling unit shall not exceed 1,200 square feet.

B. Carports.

1. No set back is required for a carport on a residential property in the R-1, R-2, R-3, and R-4 Zoning Districts.
2. The maximum size and height of carports are listed in the Table of Carport Size and Heights (Table 5).

TABLE 5: TABLE OF CARPORT SIZE AND HEIGHTS

| Maximum Size and Height of Carports | | |
|--|---------------------------------------|----------------------------|
| Lot size | Gross Floor Area (Maximum) | Height of Structure |
| Lots ≤ 1 Acre | 675 sq. ft. | 15 ft. |
| Lots > 1 Acre ≤ 2 Acres | 800 sq. ft. | 20 ft. |
| Lots > 2 Acres | 1,000 sq. ft. | 20 ft. |

C. Day Care, Home-Based.

1. Subject to the conditional use standards found in Article VII of this Ordinance.

D. Decks.

1. Decks are permitted as an accessory structure and shall only be attached to the principal structure or to an above ground swimming pool.
2. Decks may not encroach into the required minimum side or rear setbacks, including associated stairs or steps.

E. Fences and Walls.

1. Subject to the standards and supplemental regulations found in Article VI of this Ordinance.

F. Garage, Private.

1. A private garage may include the maximum storage of one (1) private vehicle not registered to family and/or individuals living within the permitted principal use.

2. Finishes and architectural style of detached private garages shall be complementary of those of the principal structure.
3. The maximum size and height of detached private garages are listed in the Table of Detached Garage Size and Heights (Table 6).

TABLE 6: TABLE OF DETACHED GARAGE SIZE AND HEIGHTS

| Maximum Size and Height of Private Garages | | |
|---|---------------------------------------|----------------------------|
| Lot size | Gross Floor Area (Maximum) | Height of Structure |
| Lots ≤ 1 Acre | 675 sq. ft. | 15 ft. |
| Lots > 1 Acre ≤ 2 Acres | 800 sq. ft. | 20 ft. |
| Lots > 2 Acres | 1,000 sq. ft. | 20 ft. |

G. Home Occupation.

1. Subject to the requirements and standards found in Article VI of this Ordinance.

H. Satellite Dish Antennas.

1. Only one satellite dish antenna shall be permitted on a residential lot. The satellite dish antenna must be roof mounted only and is not permitted on the ground or in front yards.
2. A satellite dish antenna shall not be projected above the peak of a roof. No part of the roof mounted satellite dish shall be greater than three (3) feet from the roof's surface. The antenna shall be mounted in the most inconspicuous location possible and not visible from the public street.
3. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than three (3) feet from the roof surface and is mounted in the most inconspicuous location possible and not visible from the public street.

I. Sheds.

1. No part of a shed shall be occupied as a residential living area.
2. The side and rear setback required for sheds shall be five (5) feet.
3. The maximum size and height of sheds are listed in the Table of Shed Size and Heights (Table 7).

TABLE 7: TABLE OF SHED AND SIZE HEIGHT

| Maximum Size and Height of Storage Buildings | | |
|--|-------------------------------|---------------------|
| Lot size | Gross Floor Area (Maximum) | Height of Structure |
| Lots ≤ 0.5 Acres | 144 sq. ft. | 15 ft. |
| Lots > 0.5 Acre ≤ 1 Acres | 400 sq. ft. | 15 ft. |
| Lots > 1 Acres | 650 sq. ft. | 15 ft. |

J. Solar Energy System, Small – Roof Mounted.

1. Zoning approval is required for the construction of any solar-energy facility that is an accessory use on any site or lot.
2. Roof mounted solar panels are permitted on the primary structure of the property only in the Borough.
3. The zoning permit application shall indicate the location of the proposed facility, including the percentage of roof coverage, which shall not exceed 75%.
4. For roof mounted panels installed on a sloped roof that faces a front yard, the system must be installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge or surface of the system.
5. For roof mounted panels installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
6. For roof mounted panels installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached, so long as it still meets the height limitations of the Zoning District.
7. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
8. Noise from any solar-energy facility shall not exceed (45) dBa at the lot line, unless all affected adjacent property owners shall have executed a non-disturbance easement, covenant, or consent which has been recorded with the County.
9. To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania UCC and the regulations adopted by the Pennsylvania Department of Labor and Industry (PA L&I).
10. Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
11. Transmission and power lines shall be placed underground or out of sight.

12. No solar-energy facility or facilities may exceed in total 30% of the total lot or site area.
13. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
14. No facility shall be installed immediately adjacent to a swimming pool or other open body of water.
15. All businesses and residences within the Borough that have solar panels shall display a window sign on the building that states "Solar-Equipped" to alert the local Fire Department. This sign shall be provided by the Borough at the property owner's expense.

K. Storage Building.

1. The location of permitted storage buildings is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures of the underlying Zoning District.
2. No part of an accessory storage building shall be occupied as a residential living area.
3. The maximum size and height of storage buildings are listed in the Table of Detached Garage Size and Heights (Table 8).

TABLE 8: STORAGE BUILDING SIZE AND HEIGHT

| Maximum Size and Height of Storage Buildings | | |
|---|---------------------------------------|----------------------------|
| Lot size | Gross Floor Area (Maximum) | Height of Structure |
| Lots ≤ 1 Acre | 675 sq. ft. | 15 ft. |
| Lots > 1 Acre ≤ 2 Acres | 800 sq. ft. | 20 ft. |
| Lots > 2 Acres | 1,000 sq. ft. | 20 ft. |

L. Sport Courts.

1. Sport Courts shall be permitted in the R-1, R-2, and R-3 Districts and shall meet the following requirements:
2. All sports courts shall be enclosed by a fence which is a minimum of ten (10) feet in height and a maximum of twelve (12) feet in height and which shall contain openings equal to 50% or more of the surface area of the fence.
3. Sport courts shall not be placed over utility lines or utility easements without the approval and permission of the utility owner.
4. Sport courts shall be located a minimum of 30 feet from any property line and cannot be located between the primary structure and the street frontage.

5. Outdoor lighting for sport courts, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

M. Swimming Pool, Private Home.

1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a side and/or rear yard, provided that they are no closer than 10 feet to any lot line.
2. In-ground pools shall be enclosed by a fence, as required by the Borough's Building Code, and shall comply with the applicable rear and side yard setback requirements.
3. Above-ground pools in all zoning districts shall have vertical barriers, as required by the Borough's Building Code.
4. Only allowed in rear yard or a side yard provided it is not visible from the street, and not beyond front yard setback, and prohibited in front yards.
5. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

N. Trailers, Construction or Sales.

1. Construction sheds or trailers shall be permitted in any Zoning District of the Borough subject to the following restrictions:
 - a. Such construction trailers and construction sheds shall be located on the lot on which construction is progressing and shall not be located within 25 feet of the boundary line of any abutting residential lot.
 - b. Such construction trailers and construction sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies, and not for any dwelling use whatsoever.
 - c. No combustible materials shall be stored in the construction trailer or construction shed.
 - d. All construction trailers or construction sheds shall have at least ten (10) feet on all sides for clearance. Two (2) or more construction trailers can be joined for passage from trailer-to-trailer.
 - e. Such construction trailers shall not be moved to or construction sheds erected on a construction site until the date on or after which construction actually commences and shall be removed from such site within 30 days after completion of construction. If construction is interrupted and ceases for more than 60 days, the construction trailer shall be removed until actual construction commences again.

O. Wind Energy System, Small.

1. Borough zoning approval is required prior to the construction of any wind-energy facility on any site or lot.
2. The zoning permit application shall indicate the location of the proposed facility.
3. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
4. Where the installation of the facility constitutes a land development, all provisions of this Ordinance and the Borough Subdivision and Land Development Ordinance (SALDO) shall be met.
5. Noise from any WEF shall not exceed fifteen (15) dBA at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the Department of Real Estate of Allegheny County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."
6. Construction of any WEF shall comply with all rules, laws, and regulations of the FAA. Documentation of compliance shall be provided to the Borough.
7. To the extent applicable, all wind-energy facilities shall comply with the UCC and the regulations adopted by the PA L&I.
8. All electrical components of wind-energy facilities shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
9. WEFs shall not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.
10. WEFs shall not display advertising, except for reasonable identification of the facility manufacturer.
11. Transmission and power lines shall be placed underground or out of sight.
12. Setbacks.
 - a. From Buildings. One and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached.
 - b. From Property Lines. One and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.

- c. From Public Roads. One and one-tenth (1.1) times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any movable or immobile part.
 - 13. Each vertically oriented wind-energy facility mounted on a building shall be separated from any other wind-energy facility by one and one-tenth (1.1) times the height of the facility, measured from the point at which the facility is mounted to the building, to the highest reach of any movable or immobile part of the facility.
 - 14. Any wind-energy facility that is an accessory structure shall meet the applicable accessory structure setbacks that may apply in the Zoning District within which the facility is constructed; and where no such setback is specified, the facility shall be no closer than ten (10) feet to any property line or the distance set forth above, whichever is greater.
 - 15. Maximum Height. Where the facility is an independent structure and not mounted to a building, twenty (20) feet maximum height in residential Zoning Districts and 75 feet maximum height in the C-2 Zoning District, measured from ground level to the tip of the wind-energy facility's blade fully extended perpendicular to the ground plane. Where the facility is mounted to a building, the maximum height shall be ten (10) feet higher than the tallest point on the building.
 - 16. Minimum vertical clearance between ground level and the lowest movable component of the WEF when at its lowest point shall be fifteen (15) feet.
 - 17. The color shall be a neutral and nonreflective tone, such as white, off-white, or gray. The facility coloring shall be solid, and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than five (5) sq. ft.
- P. Other Structures.
- 1. Other structures not specifically described in this section, if approved by the Zoning Officer, shall meet all requirements of accessory structures. Other Structures shall not be permitted in the area between the primary structure and the frontage. Other structures may not exceed 10 feet in height and the rear and side setback shall be 15 feet.

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Article IV. Residential Neighborhood Compatibility Overlays

Section 401. Purpose

- A. The purpose of the Neighborhood Compatibility Overlay Standards is to:
1. Promote and provide for the stability and/or enhancement of the local economy.
 2. Create compatibility in the form and character of a lot's principal and accessory buildings in relationship to existing development for any of the following:
 - a. Infill development,
 - b. Redevelopment,
 - c. Building replacement, or
 - d. Building additions.
 3. To preserve and protect the historical and/or architectural value of buildings or other structures.
 4. To reduce conflict and prevent blight caused by incompatible and insensitive development, and to promote new compatible development.
 5. To foster civic pride.
 6. To promote the use of standards for the education and welfare of the present and future citizens of the Aleppo-Sewickley-Glen Osborne region.

Section 402. General Provisions

- A. In the event of a conflict between the provisions of a specific Neighborhood Compatibility Overlay Ordinance and the general Zoning District regulations, the provisions of the Neighborhood Compatibility Overlay District shall control.
- B. Whereas there are unique differences in the character of residential neighborhoods within the Borough of Glen Osborne, the Residential Neighborhood Compatibility Overlay is divided into East and West Overlays as indicated on the Zoning Map. Therefore, the regulations governing the East and West Overlays address the issues that are unique to the specific neighborhoods. The provisions within the following sections pertain to both East and West Overlays unless specifically stated otherwise.

Section 403. Dimensional Requirements

- A. Building Height
1. The roof(s) of a building (infill development, redevelopment, replacement, and/or addition) shall be visually compatible, not contrasting with the roof style, orientation, and pitch of adjoining buildings.
 - a. In the West Overlay, the height of a proposed principal structure building wall shall be determined by calculating the average heights of building walls of adjoining lots; and,

- b. The height of a proposed principal structure building wall may not deviate more than, nor shall it deviate less than ten (10) percent of the average as calculated in 1(a) above.
2. With the exception of chimneys and/or steeples, roof-top equipment and roof penetrations shall be located so as to minimize their visibility from the street.

B. Principal Building Scale

1. A new building or an addition footprint and its mass in relation to surrounding open spaces and/or development shall be compatible. The maximum gross floor area (GFA) shall not exceed more than thirty (30) percent of the average GFA of adjoining buildings.

C. Principal Building Setbacks

1. When a calculation of front and/or side yard setback is based on the corresponding setbacks of an adjoining lot, data regarding said adjoining lot shall be obtained through recorded mapping as available through the Borough and/or Allegheny County. If said mapping is not available, the landowner and/or developer shall contact the Borough to determine an equivalent suitable source for needed information unless otherwise approved by the Borough Staff.
2. For purposes of this section, the calculated front yard setback shall be determined by:
 - a. Adding the existing front yard setbacks of adjoining lots together; and,
 - b. Dividing the total by two (2) to calculate the average depth of existing setbacks on adjoining lots.
 - c. The calculated front yard setback shall be the average depth of the existing front yard setbacks on adjoining lots.

3. Interior Lots

a. Required Front Yard Setback

- i. The minimum front yard setback for a subject lot shall be the calculated front yard setback as determined in C(2) above.
- ii. If an adjoining lot is vacant, the minimum front yard setback for the zoning district in which the lot is located shall be used in calculating the average.
- iii. In no case shall the calculated minimum setback be more than what is prescribed within the zoning district.
- iv. The actual front yard setback may not exceed the minimum front yard setback requirement by more than twenty-five (25) percent of the calculated front yard setback.

b. Required Side Yard Setback

- i. The minimum side yard setback shall be calculated by taking the average of the existing side yard setbacks abutting each side of the subject lot. The average shall be the minimum side yard setback required on each side of the principal building.
- ii. In no case shall the calculated side yard setback of each side be less than forty (40) percent of the aggregate side yard setback prescribed within the applicable zoning district [(aggregate side yard) x (.4) = side yard setback for each side yard].
- iii. If an adjoining lot is vacant, the minimum side yard setback for the zoning district in which it is situated shall be used in calculating the average.
- iv. The actual side yard depth on each side of the principal structure may not exceed the calculated side yard setback by more than thirty (30) percent.

4. Corner Lot

a. Front Yard Setback

- i. The minimum front yard setback for a subject lot shall be the calculated front yard setback as determined in C(2) above.
- ii. If an adjoining lot is vacant, the minimum front yard setback for the zoning district in which the lot is located shall be used in calculating the average.
- iii. In no case shall the calculated minimum setback be more than what is prescribed within the zoning district; and
- iv. The actual front yard setback may not exceed the minimum front yard requirement by more than twenty-five (25) percent of the calculated front yard setback.

b. Side Yard Setback

- i. Any side yard abutting a right-of-way shall be at least fifty (50) percent of the calculated front yard setback as determined in 4(a) above.
- ii. The minimum side yard setback of all other sides shall be calculated by taking the average of the existing side yards abutting each side of the subject lot. The average shall be the minimum side yard setback required on each side of the principal building.
- iii. In no case shall the calculated side yard setback of a side not abutting a right-of-way be less than forty (40) percent of the aggregate setback required within the applicable zoning district [(aggregate side yard requirement) X (0.4) = side yard setback for each side yard].

- iv. If an adjoining lot is vacant, the minimum side yard setback for the zoning district in which it is situated shall be used in calculating the average.

5. Accessory Buildings

- a. Accessory buildings that are used as accessory dwellings, such as granny flats or alley houses, shall have:
 - i. A mean roof height of not more than thirty (30) feet.
 - ii. A dwelling space of at least 700 square feet but not more than 1,200 square feet.
- b. Accessory buildings used for purposes other than accessory dwellings should reflect the character of the period of the house to which the outbuilding will be related. The building footprint square footage shall not exceed twenty-five (25) percent of the principal building footprint square footage.

6. Principal Building Orientation

- a. Unless otherwise established by existing development patterns, the primary facade of the building (where the front entrance will be) shall face the principal street.
- b. In cases where a lot abuts two (2) or more principal streets and a development pattern is not discernable, the Borough shall designate the street to which the primary façade shall face based upon public safety needs and continuity with existing development. Designation may be conducted in context of PA MPC Section 916.2 or as otherwise applicable.
- c. All principal buildings shall be parallel to the principal street right-of-way line unless the developer/landowner can demonstrate that there is no practical means of meeting the requirement.
- d. In all zoning districts, vehicular garage doors shall only be permitted to face a private street, alley, side yard, or rear yard. On blocks within residential districts where the majority of structures on said block attain parcel access from a public street and existing vehicular garage doors face the public street, proposed vehicular garage doors may face, and be visible from, the public street. In said cases, no more than twenty-five (25) percent of the building's front facade may be taken up by a vehicular garage.

7. Additions to Principal Buildings

- a. Additions or alterations to principal buildings shall use the same architectural standards, elements, and materials as the principal building.
- b. Porches and/or stoops shall not be calculated as part of the building's GFA.

- c. An increase in the maximum GFA of a principal building of ten (10) percent shall be permitted if a landowner and/or developer includes a front porch and/or stoop that is/are architecturally consistent with the character of adjoining lots.
- d. Porches and stoops shall be oriented toward the public right-of-way except in cases where there is an established pattern in which porches and stoops are oriented in a different manner.
- e. The creation of an addition through the enclosure of a porch may be appropriate if the addition is constructed in such a way that the original form and openings on the porch remain visible and undisturbed.
 - i. Such enclosures, however, shall be counted toward the permitted GFA of a lot; and,
 - ii. Such enclosures shall nullify the GFA increase described in F(3) above.

8. Impervious Area

- a. The maximum impervious area permitted on a lot shall be based on pervious area type in the following manner:
 - i. Type 1 area is defined as those areas that are one hundred (100) percent impervious to surface runoff and rainfall, such as roofs, conventional concrete, and conventional asphalt.
 - ii. Type 2 area is defined as those areas that are forty (40) percent impervious to surface runoff and rainfall, such as porous asphalt, concrete pavers, and aggregate paving.
 - iii. Type 3 area is defined as those areas that are twenty (20) percent impervious to surface runoff and rainfall, such as a lawn.
 - iv. Type 4 area is defined as those areas that are zero (0) percent impervious, or one hundred (100) percent pervious to surface runoff and rainfall, such as gardens landscape beds and native landscape.
- b. The impervious area of a lot shall be calculated by multiplying the impervious percentages associated with the area type by the square footage of the area associated with that type.
- c. The sum of the square footage of the area types multiplied by the associated impervious percentages shall not be greater than forty (40) percent of the total lot area.

9. Utilities

- a. For new subdivisions, detached accessory structures and accessory dwellings all utilities, including electric, shall be located underground.

- b. Utility connections such as gas meters, electric meters, phone, cable, and HVAC condenser units shall be screened from view from any public street.

10. Driveways and Parking

- a. Access to one lot shall be by not more than one (1) driveway for each fifty (50) feet of frontage on any street.
- b. Lots with more than fifty (50) feet of frontage may have a driveway with two (2) access points or two (2) separate driveways.
- c. Multiple driveways serving an individual lot with either a single or two (2)-family dwelling shall be separated by more than twenty-five (25) feet.
- d. No driveway shall be closer to a side lot line than two and one half (2½) feet, except for the flare of any return radius which shall not cross an extended side lot line.
- e. Driveways serving one residential unit shall be stabilized and shall be not less than ten feet in width, nor more than thirty (30) feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

Article V. Natural Resource Protection Overlay

Section 501. Purpose

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

Section 502. Intent

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

Section 503. Applicability

- A. For the purpose of carrying out the provisions of this Ordinance, a Resource Protection Analysis shall be completed and submitted as part of any minor or major land development, subdivision, and/or any activity requiring excavation as defined by the Borough. Said information shall be accompanied by a sealed and signed letter by an engineer and/or landscape architect licensed within the Commonwealth acknowledging the review and submission of the related site information.
- B. Development within the Natural Resource Protection Overlay requiring only a building permit and no other land development, subdivision, or zoning approval including but not limited to, new buildings or any building addition, shall not be required to meet the minimum standards of this Article, but shall be reviewed using the provisions of Article VIII Steep Slopes Regulations of this Ordinance.

- C. The Resource Protection Analysis shall be completed on the official Borough forms provided by the Borough Zoning Officer. The official forms required by this Article and other applicable analyses defined by the Borough shall be completed and submitted as part of any Application for Land Development (Preliminary Approval). No application shall be processed or accepted as administratively complete unless or until the Borough Zoning Officer determines that the Resource Protection Analysis has been properly completed.
- D. The granting of any permit pursuant to the regulations of this section shall not constitute a representation, guarantee, or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials, or employees.
- E. This section does not imply that areas outside those encumbered by steep slopes will always be totally free from the adverse effects of erosion or other effects of nearby steep slopes.
- F. If any conflict exists between the provisions of the Natural Resource Protection Overlay and the provisions of Article VIII Steep Slopes Regulations of this Ordinance, the provisions of Article VIII Steep Slopes Regulations shall apply.
- G. If a developer/property owner does not wish to utilize the cluster development regulations as outlined in Section 508, the net density for a land development contained within the boundaries of the Natural Resource Protection Overlay shall be calculated by multiplying the net buildable area, as defined by the Natural Resource Protection Worksheet, by the permitted gross density stated within the applicable base zoning district regulations.

Section 504. Existing Natural Resources

- A. This Ordinance protects specific natural resources that are sensitive to development. These existing natural resources include:
 - 1. Steep Slopes;
 - 2. Floodplains and Floodways;
 - 3. Springs;
 - 4. Vernal Pools;
 - 5. Wetlands;
 - 6. Hydric soils;
 - 7. Natural Drainage Ways;
 - 8. Lakes/water bodies;
 - 9. Colluvial Soils; and,
 - 10. Red Bed Soils.
- B. Refer to the following agencies for information regarding the location of resources listed in 604.A for previous land disturbances of a lot. Additional contact information is

available at the Borough office; however, the applicant is responsible for contacting or referencing all sources, listed below or otherwise, to obtain information related to the assessment of existing natural resources.

1. Commonwealth of Pennsylvania;
2. PA Department of Conservation and Natural Resources Bureau of Geological Survey;
3. Pennsylvania Department of Environmental Protection, Southwest Regional Offices;
4. Allegheny County Division of Computer Sciences Geographic Information Systems Groups; and
5. National Wetland Inventory.

Section 505. Initial Development Ratios

- A. Protection of the Borough's existing natural resources is governed by the development ratio for each sensitive existing natural resource. Initial development ratios represent the maximum amount of disturbance or alteration that a sensitive existing natural resource can sustain without posing a hazard to persons or a lot. Development ratios are specific to the existing natural resources and are further affected by the slope of the natural topography where a sensitive existing natural resource may be found.
- B. For the purposes of this Article, slopes used in "Table 12: Resource Protection Overlay Worksheet" shall be at least twenty-five (25) feet in length, measured on a horizontal plane.

Section 506. Analysis Procedures and Implementation

- A. The Resource Protection Analysis is designed to determine the location and amount of development permitted within any given lot or contiguous lots under common ownership or control, which shall be determined in the following manner:
 1. Create a 1"=100' scale Slope Map based on a contour interval of not more two (2) feet. The Slope Map shall delineate the location and extent of the following four (4) slope categories:
 - a. 8-15%;
 - b. 15-25%;
 - c. 25-35%; and
 - d. 35% and greater.
 2. Inventory floodways and wetlands/hydric soils,
 3. Inventory natural drainage ways, streams and lakes/water bodies including all land within fifty (50) feet from the centerline of any natural drainage ways or fifty (50) feet from the normal pool elevation of any lakes or water bodies, whichever is greater.

4. Inventory natural springs and vernal pools including all land within fifty (50) feet from the waterline as established from a normal pool elevation.
 5. Inventory any areas containing colluvial soils and red bed soils.
 6. Indicate the location and extent of the existing natural resources defined in Subsections A (2), (3), (4) and (5) on the Slope Map. Each existing natural resource shall be uniquely illustrated on the Slope Map.
 7. Official copies of "Table 12: Resource Protection Worksheet" of this Ordinance, as available through the Borough, shall be completed to determine the initial net buildable area of the lot.
- B. The layout of all proposed buildings, structures, streets, and utilities shall occur only within the portions of a lot that do not contain sensitive existing natural resources documented as part of this Article as well as determined by the Borough represented by the individual permitted disturbance ratios and the Total Net Buildable Area (Table 9: Resource Protection Worksheet).

TABLE 9: RESOURCE PROTECTION WORKSHEET

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

Section 507. Net Buildable Area Increases

A. Purpose. To promote the efficient use of land, infrastructure, and economic resources; to provide development flexibility; and to enhance development quality and longevity, two (2) methods of increasing the net buildable area of a lot shall be available to a developer and/or landowner. Net buildable area increases shall be granted in return for development enhancements. The two (2) methods include the following:

1. Storm water run-off reduction measures;
2. Green roof construction.

B. Applicability

1. Net buildable area increases shall be permitted only in areas located on slopes between zero (0) percent and twenty-five (25) percent in gradient. Net buildable area increases shall utilize the existing natural resources in reverse order of sensitivity in accordance with Table 9 of this Ordinance, whereas least sensitive resource areas shall be utilized first.
2. A developer and/or landowner may incorporate one (1) or more of the methods outlined in Subsection C to a land development plan.
3. When multiple methods are combined as prescribed in §607(C), the combined total net buildable area increase shall not exceed twenty-five (25) percent of the lot's "Total Net Buildable Area" as calculated in Line 8 of the Resource Protection Worksheet.
4. Net buildable area increases shall occur on the same lot where the development enhancement(s) are provided.
5. Prior to receiving Planning Commission approval of a green roof related buildable area increase, the developer and/or landowner shall complete a preliminary and/or final slope stability investigation report in conformance with Borough standards.

C. Methods

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

zero (0) increased storm water runoff. The Borough shall review proposed design and engineering of the pavement to verify construction is in accordance with acceptable industry standards and United States Environmental Protection Agency's (EPA) Porous Pavements Phase I – Design and Operational Criteria.

- e. Propose on-site environmental mitigation of equal or greater environmental value. Mitigation shall include but may not be limited to the removal of landfilled hazardous materials, the remediation and treatment of abandoned mine drainage, or the establishment of quality wetlands. When such mitigation measures are proposed, the Borough shall review the proposed mitigation measures and shall make a recommendation on the relative value of the proposed mitigation to the Planning Commission and the Borough Council.

2. Green Roof Construction

- a. A developer and/or landowner that utilizes green roof construction in a building design may receive a buildable area increase equal to a maximum of forty (40) percent of the total surface area of the green roof.
- b. Green roof construction shall be in accordance with the standards defined by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) program or equivalent as standards may be modified in the future
- c. All green roofs shall be incorporated into the principal building of the lot.

Section 508. Cluster Lot Development

- A. Cluster lot development shall be permitted only within the boundaries of the Natural Resource Protection Overlay.
 1. No portion of any Cluster Lot Development shall be outside the boundary of the Natural Resource Protection Overlay.
 2. If a lot is situated in such a manner that only a portion of that lot is within the Natural Resource Protection Overlay only that portion located within the Overlay may utilize Cluster Lot Development as described in this section.
 3. In no case may a lot contain more units than is prescribed by the base zoning district's maximum density regulations.
- B. Cluster lot development is voluntary and not required.
- C. Density Requirements.
 1. Cluster lot developments shall utilize the development standards in Table 12 as to net density, minimum lot area, minimum lot frontage and minimum setbacks.

TABLE 10: CLUSTER LOT DEVELOPMENT STANDARDS

| | | R1 | R2 | R3 |
|-------------------------------------|-------------------|-----------|-----------|---|
| Proposed Cluster Development | Gross Density | 1.2 | 2.2 | SFR – 5.8 2 Fam - 4.4 Twnhs – 7.9 MF – 7.9 |
| | Net Density | 1.7 | 3 | 7.9 |
| | Min. Lot Area | 26,000 | 14,500 | 5,500 |
| | Min. Lot Frontage | 75 | 75 | SFR – 60 2 Fam - 65 Twnhs – 25 MF – 80 |
| | Setbacks (F/S/R) | 40/15/40 | 20/10/20 | 20/5/15 |

- D. Flag lots shall be permitted where necessary to provide ingress/egress access within a cluster development.
- E. No more than two (2) flag lots shall be permitted per land development.
- F. A flag lot shall meet minimum lot frontage requirements no further than one hundred (100) feet from the roadway in which it gains its access. The “pole” portion of a flag lot shall not be less than fifty (50) feet in width in order to provide adequate spacing for driveways.
- G. The front setback requirement for flag lots shall be measured at the point where the lot meets the minimum lot frontage requirement.
- H. Cul-de-sacs shall be permitted to access cluster developments within the Natural Resource Protection Overlay boundaries. Roadways ending in a cul-de-sac shall be no longer than four hundred (400) feet in length unless otherwise determined by the Borough to be safe and adequate distance for emergency service and firefighting purposes in context of topography and site visibility.
- I. The balance of the land not utilized for residential lots shall be reserved as common open space. Ownership of the common open space shall be determined prior to final application approval.

Article VI. Supplemental Regulations

Section 601. Screening and Landscaping

A. Landscaping specifications. Landscaping shall be provided in accordance with the following specifications: A landscaping plan, with detailed drawings, must be submitted with a required subdivision or land development or in the case where subdivision and/or land development approval are not required prior to building permit application. The landscaping plan must contain and show the following information:

1. All required buffer areas with proposed plantings (identifying each proposed tree, bush, or shrub) drawn to scale and identifying the size of plantings.
2. All required plantings (identifying each tree, bush, shrub, the use of sod or seeding, etc.) drawn to scale and identifying the size of plantings.
3. Any existing trees or vegetation which are to be preserved, accurately identifying their relative location.
4. Any existing trees or vegetation which will be removed, accurately identifying their relative location.
5. All areas of a lot that are not covered by building or impervious material shall be maintained as landscaped or natural areas.

B. Buffer Yards

1. Applicants shall demonstrate through the submission of a landscape plan that sufficient landscaping and buffering is provided to minimize impact to adjacent land uses. When required, a minimum of two (2) deciduous trees and three (3) evergreen trees shall be required for every 100 ft. of property line where buffering is required. In addition, five (5) shrubs shall be provided for every 100 ft. of property line where buffering is required. Buffer yards are required to be a minimum of 10 ft. in width. The Borough encourages flexibility in design and will entertain alternative buffering plans where the applicant demonstrates the buffering plan is equal to or better than the requirements of this ordinance and meets the intent of this section. The use of decorative walls, decorative fences, and landscape mounds are allowable in an effort to meet the requirements of this section.
2. Buffer areas required. Buffer areas are required under the following circumstances:
 - a. Along Public Roads. A Landscape buffer will be required for all new nonresidential developments and which abut a public street. The buffer yard will be provided for the entire length of the public street frontage.
 - b. Parking Lots and Loading Areas. A landscape buffer will be required around the perimeter of parking lots and loading areas in all Zoning Districts.
 - c. Adjacent Uses. Buffer yards are intended to minimize impacts of differing land uses on adjacent sites or properties. When new

development is proposed, buffer yards will be required along the perimeter of the site. Buffer yards in the C-1 District may be relaxed or eliminated at the discretion of the Borough where the development proposes reuse of existing structures on the site and where such site does not provide adequate area for the addition of a buffer. Table 11 outlines the specific buffer yard widths required depending on adjacent land use types.

TABLE 11: BUFFER YARDS

| Proposed Cluster Development | Adjacent Use | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| | | Single Family Residential | Multi-Family Residential |
| | Multi-Family Residential | 10 ft. | N/A |
| | Commercial | 20 ft. | 15 ft. |
| | Industrial | 20 ft. | 15 ft. |
| | Institutional | 10 ft. | 10 ft. |

- d. Where the express standards and criteria for a conditional use or use by special exception in Article VII of this Ordinance specify that a buffer yard is required.

C. General Provisions

1. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
2. Maintenance Required. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease, or other reasons for the discontinued growth of the required trees, shrubs, and bushes. Replacement shall be no later than the subsequent planting season.
3. Conflict between buffer areas and building setback requirements. When the width of a required buffer area is in conflict with the minimum building setback requirements of this Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
4. Storm water management facilities in buffer areas. Storm water management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.

D. Plant Sizes.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two inches in diameter at a point one foot above the ground. All required trees shall be a minimum of six (6) feet in height at time of planting measured from the ground adjacent to the planted tree to the top of the tree.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) feet in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
3. Shrubs. All shrubs required to be planted shall be a minimum of 24 inches in height at planting.

Section 602. Lighting Requirements

- A. Lighting for all uses in the Borough shall meet the following requirements in addition to any requirements set forth in the Glen Osborne Borough Subdivision and Land Development Ordinance.
- B. Nonresidential Use Lighting Standards.
 1. All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, sidewalks, pathways, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.
 2. Illumination shall be by sharp cut-off fixtures with flush-mounted lens cap, with the following exceptions.
 - a. Decorative street-lighting along streets (not including parking lot areas) are exempt from this requirement. However, streetlight poles for decorative street-lighting shall not exceed 24 feet in height, measured from finished grade to the top of the fixture.
 - b. Decorative lighting along pedestrian walkways in front of buildings and in pedestrian plazas is exempt from this requirement. However, light poles for the decorative lighting shall not exceed fifteen (15) feet in height, measured from finished grade to the top of the fixture.
 3. Fixtures (including those mounted on a building or other structure) shall be mounted parallel to the ground surface, with the following exceptions.
 - a. Decorative street-lighting along streets, decorative lighting along pedestrian walkways in front of buildings, and decorative lighting in pedestrian plazas are exempt from this requirement.
 - b. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement.
 4. Pole height shall be a maximum of 24 feet.
 5. Illumination shall not exceed one footcandle at all property boundaries. The one (1) footcandle illumination shall be measured horizontally on the ground surface and vertically at a five (5) foot height at the property lines.

6. All site lighting including architectural, landscape, and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street right-of-way. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.

C. Residential Use Lighting Standards.

1. For all residential uses that require parking lots that contain more than ten (10) parking spaces, the proposed use shall comply with the requirements of the nonresidential use lighting standards above.
2. All other proposed lighting in Residential Districts shall be oriented so as not to interfere with adjacent properties. Decorative streetlights constructed in conjunction with a proposed residential development shall be designed to minimize impact to existing developments or properties.

Section 603. Environmental Performance Standards

- A. Flood plains. All development and use of land and structures in Floodplain Districts shall comply with the most recently adopted flood plain management ordinance of the Borough, as may be amended from time to time, and with applicable State regulations, specifically Chapter 105, Title 25 of the Pennsylvania Code.
- B. For complete guidelines for steep slopes, see Article VIII Steep Slopes Regulations.
- C. Ponds, watercourses, or wetlands. No development, filling, grading, piping, or diverting shall be permitted except for required roads and utility line extensions, unless authorized and permitted by the appropriate State, County, or other regulatory agency.
- D. Stormwater drainage and management. All plans shall comply with the provisions of state and local regulations in effect at the time of final plan approval by Borough Council.
- E. Soil erosion and sedimentation. With any earth disturbance, there shall be control of erosion and the protection of streams and ponds from sedimentation in accordance with the "Clean Streams Law P.L. 1987", Chapter 102 of Title 25 of the Pennsylvania Code, and the "Soil Erosion and Sedimentation Control Manual" of the PA DEP. In addition, an Erosion and Sedimentation Control Plan (E&S Plan) shall be required as part of the application for any Borough permit where earth disturbance or excavation will occur. As a minimum, where sediment can be transported away from the disturbed area, a silt fence or straw bale barrier shall be erected and maintained in working order until vegetation is fully established or erosion resistant ground cover has been installed. Additional sediment pollution control measures may be required where land development is more extensive and/or if a land development requires an NPDES permit.

Section 604. General Performance Standards

- A. Noise. The ambient noise level of any operation, other than those exempted below, shall not exceed the decibel levels as prescribed herein. The sound pressure level or ambient level is the all-encompassing noise associated with a given environment, being a composite of sounds from any source, near and far. For the purpose of this ordinance, ambient noise level is the average decibel level recorded during observations taken in

accordance with industry standards for measurement and taken at any time when the alleged offensive noise is audible, including intermittent, but recurring, noise.

1. No operation or activity shall cause or create noise in excess of the sound levels prescribed below:
 - a. Residential Districts. At no point beyond the boundary of any lot within these Districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 to 65 dBA.
 - b. Commercial District. At no point on or beyond the boundary of any lot within this District shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 70 to 80 dBA.
 - c. Where two (2) or more Zoning Districts in which different noise levels are prescribed share a common boundary, the most restrictive noise level standards shall govern.
 2. The following uses or activities shall be exempted from the noise regulations:
 - a. Customary and usual farming activities in all zoning classifications.
 - b. Noises emanating from construction or maintenance activities between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
 - c. Noises caused by safety signals, warning devices, and other emergency-related activities or uses.
 - d. Noises emanating from public recreational uses between 7:00 a.m. and 10:00 p.m.
 - e. Normal utility and public works activities between the hours of 7:00 a.m. and 9:00 p.m., and emergency operations at any time.
 - f. Band concerts, block parties, church carnivals, festivals, or other performances or similar activities whether publicly or privately sponsored so long as the activities occur between 8:00 a.m. and 10:00 p.m.
 - g. Sounds made by back up beepers for delivery trucks or similar vehicles operating continuously for three (3) minutes or less.
 3. In addition to the above regulations, all uses and activities within the Borough shall conform to all applicable county, state, and federal regulations. Whenever the regulations contained herein are at variance with any other lawfully adopted rules or requirements, the more restrictive shall govern.
 4. Noise shall be measured at the property line from which the sound or noise is originated.
- B. Vibrations. Except for vibrations emanating from construction or maintenance activities between 7:00 a.m. and 9:00 p.m., vibrations detectable without instruments on neighboring property in any District shall be prohibited. The prohibition on vibrations shall also be subject to any other separate ordinance adopted by the Borough.

- C. Glare. There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes (for example, combustion or welding), so as to be visible from within any District.
- D. Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
- E. Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- F. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
- G. Discharge. No discharge at any point into any private sewage disposal system or stream or into the ground, of any materials in such a way or in such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or the accumulation of solid wastes conducive to the breeding of rodents or insects is permitted.
- H. Heat, cold, dampness, or movement of air. No activities producing heat, cold, dampness, or movement of air are permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at and/or beyond the lot line.
- I. Air pollution. No pollution by air, fly ash, dust, vapors, or other substance shall be permitted which is harmful to the health, animals, vegetation, or other property, or which can cause excessive soiling. Ultimately, air pollution may be acceptable provided that the it complies with all regulations or requirements of the DEP, EPA, and all other regulatory agencies.
- J. Determination of compliance with performance standards. During the review of an application for zoning approval, the applicant may be required to submit data and evidence documenting that the proposed activity, facility, or use will comply with the provisions of this section. In reviewing such documentation, the Borough may seek the assistance of any public agency having jurisdiction or interest in the particular issues and the Borough may seek advice from a qualified technical expert. All costs of the expert's review and report shall be paid by the applicant. A negative report by the technical expert and the applicant's refusal or inability to make alterations to ensure compliance with this section shall be a basis for denying approval of the application.

Section 605. Outdoor Storage

- A. Except for retail/wholesale landscape centers, building supply, wholesale – building material, garden supply store, hardware/lumber/construction material, auto dealers and similar businesses which require outside storage of materials, the storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of said businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by fence or hedge which is at least six

(6) feet in height and is one hundred (100) percent opaque unless otherwise defined by this Ordinance.

- B. In the Commercial District, any material or equipment stored outside an enclosed building, except for the purposes identified above, shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the storage area from public view from the street. Buffering as identified in the buffer yard requirements of Article VI of this Ordinance, may be required to screen material or equipment stored outside
- C. All organic rubbish and discarded materials shall be contained in tight, vermin-proof dumpsters which shall be screened from public view by an opaque fence, masonry wall or dense, compact evergreen hedge which is at least six (6) feet in height. Containers shall not be permitted in the front yard.
- D. No lot or premises shall be used as a garbage dump or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any Zoning District where the same may be construed as a menace to public health or safety. No exceptions shall be made except by official government action.

Section 606. Utilities

- A. All electrical, telephone, cable television, and other communication system service laterals on a lot or site shall be installed underground for new developments.

Section 607. Exterior Finishes

- A. The exterior finish of the building, whether finished face brick, wood veneer, siding or any other finished facing materials shall come down the building to within six (6) inches of finished grade. Plain masonry block or poured concrete shall not be considered a finished product; nor shall either of these construction surfaces be considered as a finished product if painted, unless specified as a specific architectural exterior treatment by a design professional.

Section 608. Screening of Roof Equipment

- A. Mechanical equipment designed to be located on the roof of a structure/building must be screened with typical building materials. The screen must be designed to complement building designed and conceal this equipment from neighboring property owners and the public on adjacent roadways.

Section 609. Temporary Uses

- A. Permit Required. An occupancy permit is required for any temporary use of land and/or a structure.
 - 1. Authorized Temporary Uses, Residential Districts.
 - a. Model home in a plan of homes used temporarily as a sales office which shall terminate upon the sale or rental of the last unit.
 - b. Rental or sales office in a multi-family residential complex.

- c. Outdoor fair, exhibit, show, or other special event that is sponsored by a nonprofit organization.
 - d. Neighborhood pop-up events.
 - e. Private garage/yard sales.
 - f. Other temporary uses, as approved by the Planning Commission.
 - 2. Authorized Temporary Uses, all Other Zoning Districts.
 - a. Christmas tree sales.
 - b. Sale of seasonal produce.
 - c. Flea market.
 - d. Outdoor fairs, exhibits.
 - e. Temporary sales events.
 - f. Rental or sales office in a development complex.
 - g. Other temporary uses, as approved by the Planning Commission.
- B. Conditions of Approval for Temporary Uses.
- 1. A temporary structure may be permitted for a period of one (1) day to forty-five (45) days. An extension of time may be requested by the landowner in writing, provided the purpose for which the temporary structure has been permitted is being pursued, then an extension of time may be requested and may be granted by the Borough Council. In no case shall more than two (2) forty-five (45)-day extensions be permitted.
 - 2. All temporary uses and/or structures shall be removed within ten (10) days of the expiration of the specific period for which the structure or use is approved.
 - 3. Temporary uses or structure which are authorized for a particular event shall be removed within 48 hours after the completion of the event.
 - 4. The area proposed for temporary uses and/or structures shall provide off-street parking as required by Article X of this Ordinance.
 - 5. All temporary structures shall comply with the requirements of the specific zoning district for accessory structures and with the Borough Fire Code.
 - 6. Adequate traffic and pedestrian access and off-street parking areas must be provided to the extent possible.
 - 7. Any licenses and permits required to sell products or food or approvals from other governmental agencies shall be submitted prior to the issuance of the occupancy permit.
 - 8. The local Police Department and the local Volunteer Fire Company shall be notified in writing of the temporary use.

9. If the applicant does not own the land on which the temporary use is to be located, a letter of agreement and/or permission between the applicant and the landowner shall be submitted.
 10. The applicant shall be responsible for conducting the temporary use or activity in a safe manner within the conditions set forth by the Borough. This includes, but is not limited to, provisions for security, trash pick-up, and daily maintenance of the grounds.
 11. The Zoning Officer may refer any application for a temporary use to Planning Commission for review and recommendation prior to issuance of the occupancy permit.
 12. The provisions of this Section in no way shall be deemed to authorize the outdoor display or sale of automobiles, trailer or equipment rentals, used furniture, appliances, plumbing or building materials, or similar display or sale in any District except as specifically authorized by this Ordinance.
- C. Temporary Construction Structures. Temporary structures and trailers used in conjunction with construction work may not be moved onto a site until the building permit has been issued and must be removed within 30 days after the completion of construction. Permits for such temporary structures shall not exceed one (1) year but up to three annual renewals of the permit may be obtained. Temporary trailers or offices shall not be utilized for dwelling use.

Section 610. Open Burning

- A. Open Burning shall comply with the open-burning regulations as outlined in the Borough's Fire Code, as may be amended from time to time.

Section 611. Essential Services

- A. Essential Services, as defined in this Ordinance, shall be permitted in all Zoning Districts, subject to the restrictions approved by the Planning Commission with respect to use, design, yard area, setbacks, and height.

Section 612. Lot Area Measurement

- A. For the purposes of measuring lot area on exceptionally deep lots, only that part of the depth which is less than six (6) times the average width of the lot may be utilized in calculations.

Section 613. Projections into Required Yards

- A. The following architectural features may project into the required yards as established herein:
1. Steps or stoops not exceeding 24 square feet in area.
 2. Eaves, cornices, sills, and belt courses not exceeding 24 inches.
 3. Open fire escapes not exceeding 54 inches.
 4. Chimneys and ventilation pipes not exceeding 36 inches.

Section 614. Fences and Walls

- A. Fences and Walls Accessory to Residential Use. The following fences and walls may be erected as an accessory structure to a residential use:
1. Front Yards.
 - a. Split rail, chain link, and any other fence with 25% or less of the surface area being opaque, not exceeding four (4) feet in height.
 - b. Masonry wall or fence with 50% or more of the surface area being opaque, not exceeding three (3) feet in height.
 - c. The finished side of a fence should face the adjacent property.
 2. Side and Rear Yards.
 - a. Masonry or concrete wall, not exceeding three (3) feet in height.
 - b. Any other type of fence, not exceeding six (6) feet in height.
 - c. Security fence for a swimming pool, not exceeding eight (8) feet in height.
 - i. Barbed wire fences shall not be permitted in conjunction with a residential use.
 - d. The finished side of a fence should face the adjacent property.
- B. Fences and Walls Accessory to a Nonresidential Use. The following fences and walls may be erected as an accessory structure to a nonresidential use in any yard:
1. Masonry or concrete wall, not exceeding three (3) feet in height.
 2. Fences with 50% or less of the surface area being opaque, not exceeding eight (8) feet in height.
 3. Fences with more than 50% of the surface area being opaque, not exceeding six (6) feet in height.
- C. General Requirements for Fences and Walls.
1. No fence in any District shall be erected in such a manner so as to obstruct visibility as a street or driveway intersection, in accordance with this Ordinance.
 2. No fence or wall shall be erected in any public right-of-way.
 3. Fences for public or private sport courts and similar outdoor recreational facilities may, be erected up to ten (10) feet in height, if constructed of a chain link material.
 4. A retaining wall of any height may be erected along any property line or in any required yard where it is needed to prevent a landslide or other hazardous condition. The location and placement of retaining walls shall meet the requirements of the subdivision and Land Development Ordinance of the Borough. Wall in excess of six (6) feet in height shall have a safety feature place along the top of the wall such as a fence or railing erected along in all areas that exceed six (6) feet.

5. Fences located along a property boundary shall be located up to/along the property line.
6. The owner of any fence or wall shall be responsible for maintaining it in good repair. If a fence or wall is not being properly maintained, the Zoning Officer shall give written notice to the owner to repair or remove the fence or wall within the time period stipulated by the notice. Failure to comply with the order shall be considered a violation of this Ordinance.
7. Any erosion or sedimentation control barrier installed at the request of the DEP shall be removed within three (3) months following authorization by the DEP or an authorized agent of the DEP to do so.

Section 615. Swimming Pools

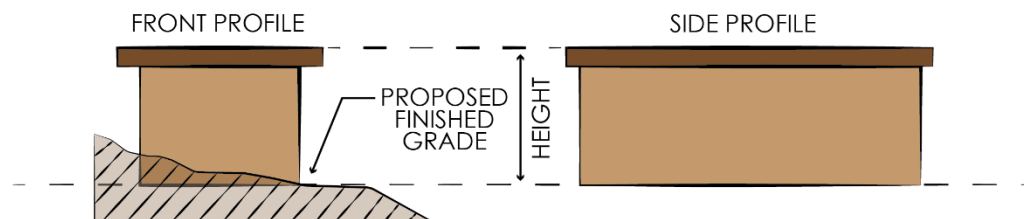
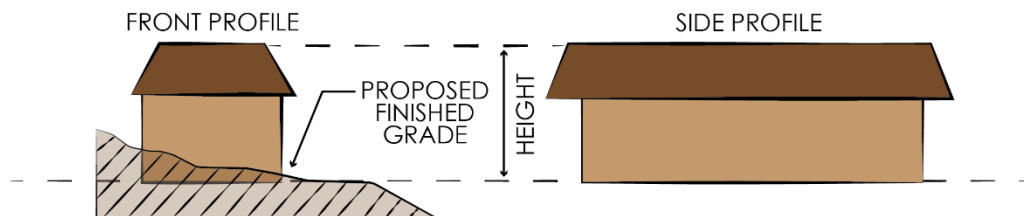
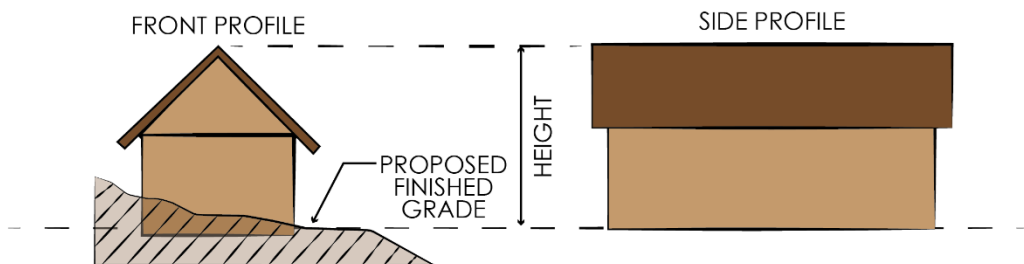
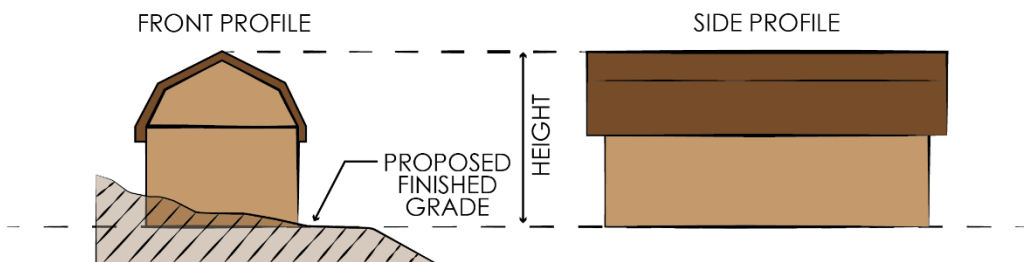
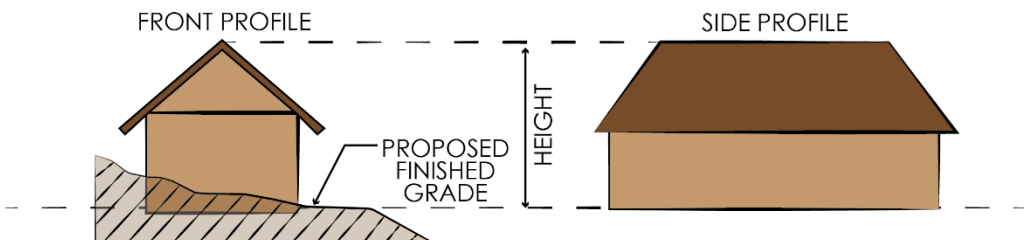
- A. Swimming Pools. Swimming pools shall be permitted in all Zoning Districts subject to the following requirements:
 1. In residential areas, pools and accessory decks attached to a pool shall be erected only in a rear yard, provided that they go up to any lot line.
 2. In-ground pools, in all Zoning District shall be enclosed by a fence, constituting a barrier to small children, at least four (4) feet in height and equipped with a gate and a lock. Fencing for a pool shall comply with the requirements of this Ordinance.
 3. Above-ground pools in all Zoning District having vertical walls over four (4) feet above ground level and removable steps are not required to be fenced, provided the owner shall remove said steps when the pool is not in use to prevent access by small children. All other above-ground swimming pools shall be fenced in accordance with the requirements of Subsection B of this Section.
- B. Private swimming pools shall be located in rear yards, properly fenced, and protected with a self-latching gate to avoid becoming an attractive nuisance.

Section 616. Rear Dwellings

- A. No building in the rear of a main building on the same lot may be used for living purposes in a Residential District.

Section 617. Height Measurements

- A. Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
 1. The highest point of coping for flat roof structures.
 2. The deck line of the roof for mansard roof structures.
 3. The average height of the roof for gable or hipped roof.
 4. A habitable attic shall be counted as a story.

FIGURE 3: MEASURING BUILDING HEIGHTS**FLAT ROOF****MANSARD ROOF****GABLE ROOF****GAMBREL ROOF****HIP ROOF**

NOTE: The height of any structure or building is measured from the lowest finished grade on any side of the structure to the top of the roof.

Section 618. Height Exceptions

- A. The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes, or similar architectural projections not used for human occupancy nor to chimneys, ventilation shafts, skylights, water tanks, public utility facilities, bulkheads, silos, ham radio antenna, or other necessary mechanical and operational apparatus usually carried above the roof level.

Section 619. Additional Dwellings

- A. Individual lots or subdivided parcels that are one and one-half (1.5) acres or more in size shall have no building or buildings in addition to the main building accommodating the principal use, on the same lot used for living purposes, except as a temporary single-family residential use for a fixed period of time as specified by Borough Council.

Section 620. Parking of Commercial Vehicles

- A. Commercial equipment, including trucks in excess of one (1) ton capacity, tandems, tractor-trailers, tractors, commercial trailers, or other vehicles bearing commercial advertisement or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside an enclosed building or garage or be parked overnight on any lot in a District where residential uses are permitted. This regulation shall not apply to any commercial vehicles parked temporarily in residential areas for the purpose of loading, unloading, or rendering service to any residential property.

Section 621. Parking of Recreational Vehicles

- A. Recreational vehicles, as defined in Article II, may be parked on the private property of the owner of such vehicle only under the following conditions:
1. A recreational vehicle may be parked on a paved off-street parking area for a continuous period not exceeding 72 hours.
 2. A recreational vehicle must be parked on the owner's property behind the building line.
 3. A recreational vehicle must be parked in such a manner as to not restrict visibility of traffic from any adjacent public street.
 4. A recreational vehicle's wheels must at all times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
 5. Any recreational vehicle stored for periods exceeding 72 continuous hours shall be parked in a garage at the rear or side of the property behind the building line.
 6. Recreational vehicle parking is limited by the following regulations:
 - a. Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing federal, state, or local laws.
 - b. No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner's property within the Borough.

- c. Not more than one (1) recreational vehicle may be parked or stored on a private lot in the Borough unless that vehicle is parked in a garage.

Section 622. Keeping of Chickens

- A. The Keeping of Chickens is permitted in the Borough per a separate ordinance. See Borough Ordinance No. 411 for the guidelines for the Keeping of Chickens.

Section 623. Keeping of Bees

- A. Subject to the standards in this Section, it shall be a lawful to maintain an Apiary as an Accessory Use by Permit in any Residential Zoning District. Bees on any existing farms or hobby farms are exempt, regardless of the Zoning District in which it is located.
- B. Any person wishing to engage in this Accessory Use by Permit shall submit an application for Zoning/Accessory Use Permit to the Zoning Officer for review and approval, with the fee for the same to be established by resolution for the Borough Council. Approval shall be subject to the following standards:
 - 1. For 4,000 square feet of any parcel, up to two (2) hives are allowed; Each additional 2,000 square feet of any parcel is permitted two (2) additional hives. A maximum number of six (6) hives may kept per property.
 - 2. Apiaries shall be maintained in the backyard of the property and prohibited from being located in the front or side yard of any property. Any hives shall be set back a minimum of fifteen (15) feet from any lot line. Beekeeping facilities shall not be within 50 feet of a swimming pool or permanently kenneled animal.
 - 3. Flyway barriers shall be required if a beekeeper is unable to direct bee flight pathways above six (6) feet across the beekeeper's property. Flyway barriers shall be six (6) feet in height and within five (5) feet distance from the hive. No flyway barriers are required for hives on porches or balconies at least ten (10) feet above grade.
 - 4. Bees shall be kept for personal use only. The selling of bees or bee products for commercial purposes is prohibited.
 - 5. No bees shall be kept in townhouse communities, apartment communities, or mobile home parks.

Section 624. Cluster Lot Development

- A. Cluster lot development shall be permitted only within the boundaries of the Natural Resource Protection Overlay (NRPO).
 - 1. No portion of any cluster lot development shall be outside the boundary of the NRPO.
 - 2. If a lot is situated in such a manner that only a portion of that lot is within the NRPO only that portion located within the NRPO may utilize cluster lot development as described in this Section.

3. In no case may a lot contain more units than is prescribed by the base Zoning District's maximum density regulations.
- B. Cluster lot development is voluntary and not required. However, if a developer and/or landowner does not wish to utilize the cluster development regulations the net density for a development contained within the boundaries of the NRPO shall be calculated by multiplying the buildable area, as defined by the NRPO Worksheet in Section 506 of this Ordinance, by the permitted density stated within the applicable base Zoning District regulations.
- C. Bulk Requirements.
1. Cluster lot developments shall utilize the development standards in the Table 12 below as to net density, minimum lot area, minimum lot frontage and minimum setbacks.

TABLE 12: CLUSTER DEVELOPMENT STANDARDS

| | | R1 | R2 | R3 |
|------------------------------|-------------------|----------|----------|---|
| Proposed Cluster Development | Gross Density | 1.2 | 2.2 | SFR – 5.8 2 Fam - 4.4 Twnhs – 7.9 MF – 7.9 |
| | Net Density | 1.7 | 3 | 7.9 |
| | Min. Lot Area | 26,000 | 14,500 | 5,500 |
| | Min. Lot Frontage | 75 | 75 | SFR – 60 2 Fam - 65 Twnhs – 25 MF – 80 |
| | Setbacks (F/S/R) | 40/15/40 | 20/10/20 | 20/5/15 |

2. Flag lots shall be permitted where necessary to provide ingress/egress access within a cluster development.
 - a. No more than two (2) flag lots shall be permitted per land development.
 - b. A flag lot shall meet minimum lot frontage requirements no further than 100 feet from the roadway in which it gains its access. The pole portion of a flag lot shall not be less than 50 feet in width in order to provide adequate spacing for driveways.
 - c. The front setback requirement for flag lots shall be measured at the point where the lot meets the minimum lot frontage requirement.
3. Cul-de-sacs shall be permitted to access cluster developments within the NRPO boundaries. Roadways ending in a cul-de-sac shall be no longer than 400 feet in length.

4. The balance of the land not utilized for residential lots shall be reserved as common open space. Ownership of the common open space shall be determined prior to final application approval.

D. NRPO regulations can be found in Article V of this Ordinance.

Section 625. Home Based Business (No Impact) and Home Occupation

A. Where permitted, all home based no impact businesses shall comply with the following standards of operation:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
8. The business may not involve any illegal activity.
9. There shall be no additional parking generated on Borough streets or the storage of additional vehicles on Borough streets or on private property.

B. Where permitted, all home occupations shall comply with the following standards of operation:

1. The occupation, profession or limited commercial activity shall be conducted wholly within the principal building or accessory building thereto.
2. No more than two (2) persons who are not members of the family shall be employed.
3. No stock in trade shall be stored inside the building or on the exterior of the lot.
4. No exterior signage shall be stored inside the building or on the exterior of the lot.
5. Offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance shall not be generated by the home occupation.

6. Off-street parking shall be provided for employee vehicles and visitors in addition to the minimum required for the residential dwelling.
7. No home occupation shall utilize in excess of twenty percent (20%) of the gross floor area of the dwelling unit.
8. A home occupation shall include but not be limited to the following: day care home, dressmaking, hairdressing and nail shop, teaching or tutoring, office of a physician, dentist, optometrist, lawyer, engineer, architect, accountant, real estate agent or insurance agent.

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Article VII. Standards and Criteria for Conditional Use and Special Exceptions

Section 701. Conditional Uses

- A. Purpose. Conditional use provisions apply to all uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory). The conditional use approval process is designed to allow the Borough Council to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as conditional uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the Borough Council so that they may determine compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the Borough Council may deem necessary to implement the purposes of this Ordinance.
- B. Not all conditional uses authorized in the Tables of Authorized Principal and Accessory Uses have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of Authorized Principal and Accessory Uses, the general standards for all conditional uses and special exceptions shall still apply. In addition, the Borough Council may apply conditions identified in this Section, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.
- C. If the conditional use involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the conditional use, the approval shall lapse.
 - 1. The conditional use approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
 - 2. A conditional use approval shall not lapse if the conditional use is associated with a current land development approval.

Section 702. Conditional Use Procedure for Approval

- A. Procedure. Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
 - 1. If a land development approval is required for the conditional use, the application for conditional use approval and the application for approval of a land development required by the Borough's adopted Subdivision and Land Development Ordinance (SALDO) may be processed concurrently or separately at the discretion of the applicant, provided that all application requirements of both ordinances for a conditional use and the land development plan are met.
- B. Application Procedure. The applicant shall submit an application for development for approval of a conditional use to the Zoning Officer or designated staff person of the Borough. The application for development shall indicate the Section of this Ordinance

under which the conditional use is sought and shall state the grounds upon which it is requested.

- C. Application Content. An application for approval of a conditional use shall include the following:
1. One (1) copy of the application form provided by the Borough and completed by the applicant. If the applicant is someone other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany the application.
 2. Five (5) paper copies and one (1) electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in the Subdivision and Land Development Ordinance (SALDO) and, in addition, demonstrating conformity with all requirements of this Ordinance.
 3. The Borough Council may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Borough Council.
- D. Administrative review and determination of complete application. Upon submission of a conditional use application, the Borough shall review the conditional use application for completeness of required submission items. The Borough shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee along with the missing material at any time.
- E. The Borough shall submit the complete conditional use application to the Planning Commission for review and recommendations. The Planning Commission shall review the application and make a written recommendation to the Borough Council. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the Subdivision and Land Development Ordinance (SALDO).
- F. The Borough Council shall hold a hearing, in accordance with §913.2 of the MPC, 53 P.S. 10913.2, and public notice shall be given as defined in this Ordinance and in accordance with §908(1) of the MPC. The hearing shall be commenced by the Borough Council within 60 days from the date of receipt of the applicant's completed application, unless the applicant has agreed in writing to an extension of time.
- G. Conditions. In considering any conditional use, the Borough Council may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the Borough Council deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.
- H. Written Decision in Accordance with §908(10) of the MPC. The Borough Council shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons,

therefore. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Borough Council not later than the last day of the hearing, the Borough Council shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- I. Expiration. Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be a one (1) year or twelve (12) month extension. The Borough Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this Ordinance.
- J. Effect on Prior Approvals. Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within one (1) year or twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- K. All provisions of the Subdivision and Land Development Ordinance (SALDO) which are not specifically modified by the Borough Council in approving a conditional use, shall apply to any conditional use involving subdivision and land development.
- L. Burden of Proof. In any application for conditional use, the applicant shall have the burden of persuasion and presentation duty to show compliance with this Ordinance, and the applicant shall have the persuasion burden to show the applicant's request is not detrimental to the health, safety, and welfare of the neighborhood.

Section 703. Special Exceptions

- A. Purpose. Special exception use provisions apply to all uses identified as special exception uses in the Tables of Authorized Uses (Principal and Accessory). The special exception use approval process is designed to allow the ZHB to review and approve certain uses that may have additional impacts on the community and the environment beyond those typical for uses that are allowed by right. The intent is to allow certain specified uses identified as special exception uses in the Tables of Authorized Uses (Principal and Accessory) to be reviewed by the ZHB so that they may determine use compliance with this Ordinance and attach reasonable conditions and safeguards, in addition to the standards and criteria expressed in this Ordinance as the ZHB may deem necessary to implement the purposes of this Ordinance or the MPC.

- B. Not all special exception uses authorized in the Tables of Authorized Uses (Principal and Accessory) have express specific standards for the use identified in this Section. In the event that express specific standards are not listed for a use identified as a special exception or conditional use in the Table of Authorized Uses (Principal and Accessory), the general standards for all conditional uses and special exceptions shall still apply. In addition, the Borough Council may apply conditions identified in this Section, on these uses, upon a finding that the use is similar in nature to a specific use that is listed.
- C. If the special exception involves physical improvements that have not been substantially initiated within two (2) years of the date of approval or authorization approval of the special exception, the approval shall lapse.
 - 1. The special exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of two (2) years.
 - 2. A special exception approval shall not lapse if, the special exception is associated with a current land development approval.

Section 704. Special Exception Procedure for Approval

- A. Procedure. The ZHB shall consider special exception applications and render its decision in accordance with the requirements of the MPC and this Ordinance and subject to the following:
 - 1. If land development approval is required for the use by special exception, the application for approval of a land development required by the Subdivision and Land Development Ordinance (SALDO) shall be submitted to the Planning Commission and Borough Council following approval of the use by special exception by the ZHB.
 - 2. Application Procedure. The applicant shall submit an application for approval of a special exception to the Zoning Officer or designated staff person of the Borough. The application form shall indicate the Section of this Ordinance under which the special exception is sought and shall state the grounds upon which it is requested.
 - 3. Application Content. An application for approval of a Special Exception shall include the following:
 - a. One (1) copy of the application form provided by the Borough and completed by the applicant. If the applicant is someone other than the landowner, the landowner's authorization of the application and the nature of applicant's interest in the site shall accompany application.
 - b. Five (5) paper copies and one (1) electronic copy of a site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance (SALDO) and, in addition, demonstrating conformity with all requirements of this Ordinance.
 - c. The Borough Council may charge fees for expenses related to the public hearing pursuant to Article IX of the MPC and as established by resolution of the Borough Council.

4. Administrative Review and Determination of Complete Application. Upon submission of a special exception application, the Borough shall review the application for completeness of required submission items. The Borough shall notify the applicant in writing if the application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee along with any missing material at any time.
5. A hearing pursuant to public notice, as defined herein, shall be commenced by the ZHB within 60 days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified by this Ordinance and §908 of the MPC.
6. Burden of Proof. In proceedings involving a request for a use by special exception, both the duty of initially presenting evidence and the burden of persuading the ZHB that the proposed use is authorized as a use by special exception and satisfies the specific or objective requirements for the grant of a use by special exception as set forth in this Ordinance rest upon the applicant. The applicant shall demonstrate that the request is not detrimental to the health, safety, and welfare of the neighborhood.
7. Conditions. In considering any special exception, the ZHB may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as the ZHB deems necessary to implement the purposes of the MPC and this Ordinance. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance, and upon finding of violation, shall require that the special exception use be discontinued until the violation is corrected.

Section 705. General Standards for all Conditional Uses and Special Exceptions

- A. When considering applications for conditional uses and special exceptions the following general standards for all conditional uses and special exceptions shall be met:
 1. In accordance with the Comprehensive Plan the use shall be consistent with the spirit, purposes, and the intent of this Ordinance.
 2. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide sufficient plans, studies, or other data to demonstrate compliance.
 3. Compliance with other laws. The approval may be conditioned upon the applicant demonstrating compliance with other specific applicable local, state, and federal laws, regulations, and permits.
 4. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion and provide adequate access arrangements after considering any

improvements proposed to be made by the applicant as a condition on approval. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.

6. The proposed use shall not substantially change the character of any surrounding residential neighborhood after considering any proposed conditions upon approval.
7. The proposed use shall not create a significant hazard to the public health, safety, and welfare.
8. The proposed use shall be suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
9. Outdoor lighting, if any, shall be shielded and reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

Section 706. Adaptive Reuse

- A. Permitted Reuses. Structures determined to meet the criteria of adaptive reuses may be reused for the following purposes by conditional use:
 1. Single-family dwelling.
 2. Multi-family dwelling.
 3. Financial institution.
 4. Private clubs or social halls, provided that there are no sales of alcohol on the premises.
 5. Day care facilities of all types.
 6. Civic or cultural building.
 7. Community center.
 8. Other such uses as determined appropriate upon recommendation of the Planning Commission and approval of the Borough Council.
- B. Standards for Exterior Alterations. It shall be a condition of this adaptive reuse that all exterior alterations shall meet Standards for Historic Preservation if the property contains a historic structure as defined by this Ordinance. Properties not required to meet the standards for historic preservation shall make exterior alterations generally consistent with the original structure's architecture and the neighborhood in which it is located.
- C. Parking shall meet the requirements of Article X of this Ordinance based on the permitted reuses.

Section 707. Auditorium

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- C. For parking demands greater than 300 automobiles, additional setbacks, screening, and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances.
- D. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- E. The site shall be serviced by public water and sanitary sewer systems.
- F. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by employees, visitors, and guests.
- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 708. Care Facilities and Senior Housing

- A. Lot Size. Care facilities and senior housing must be located on a minimum of ten (10) acres.
- B. All care facilities or senior housing must comply with the density of development limits of the underlying Zoning District in which it is located.
- C. The facility shall be duly licensed by the Commonwealth of Pennsylvania and shall operate in accordance with the regulations of the licensing agency.
- D. The facility shall provide on-site all required off-street parking and loading spaces.
- E. The site shall be served by public water and public sanitary sewer systems.
- F. The facility shall have its principal traffic access from a public street with sufficient capacity to handle the traffic generated by the use. A traffic study shall be required in accordance with the Subdivision and Land Development Ordinance (SALDO).

- G. Ingress, egress, and internal traffic circulation shall be designed to ensure adequate and safe access by emergency vehicles.
- H. The parking and circulation plan shall be referred to the Glen Osborne Borough Volunteer Fire Department and the Borough Engineer for comments regarding traffic safety and emergency access.
- I. Ambulance, delivery, and service areas shall be obscured from the view of adjacent residential properties by fencing, screening, or planting as approved by the Borough.
- J. The developer must record a covenant that runs in perpetuity that prohibits the property from being used for any other purposes than senior housing. Proof of said recording must be provided to the Borough prior to issuance of any permits for the development.

Section 709. Cemetery

- A. The minimum lot area shall be 25 acres and the maximum lot area shall be 100 acres.
- B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- C. An additional ten (10) feet of yard setback with landscape buffering a minimum of (6) six feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this chapter to protect the surrounding neighborhood from inappropriate light and other disturbances.
- D. At no time shall a corpse be exposed or visible from a public street or adjacent lot.
- E. An inventory of type and quantity of all toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids utilized, stored and/or transferred shall be filed with the Borough on an annual basis.
- F. The owner(s) and operator(s) of a cemetery shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- G. No more than one (1) sign shall be permitted. Said sign shall be either a ground or wall sign.
- H. Expansion and/or establishment of cemeteries must be in conjunction with and adjacent to existing cemeteries or religious facilities.
- I. Adequately funded programs and provisions which meet the approval of the Borough Solicitor shall be provided to guarantee perpetual care of all cemetery grounds. This provision shall apply to existing cemeteries for which expansions are proposed.
- J. All garages, equipment shelters, offices, and similar structures shall be screened from adjacent streets and residential properties by appropriate planting or fences approved by the Borough Council on the basis of design, aesthetic quality, and general adequacy.
- K. All equipment shall be properly stored when not in use.

Section 710. Commercial School

- A. Such use shall not exceed the impact on the environment and adjacent streets of any use specifically listed as permitted in the zoning district in which the commercial school is located. In making such determination, the Borough Council shall consider the following characteristics of the proposed use:
 - 1. The number of employees.
 - 2. The number of students.
 - 3. The floor area of the building or gross area of the lot devoted to the proposed use.
 - 4. The type of products, materials, equipment and/or the process involved in the proposed use.
 - 5. The traffic and environment impacts
 - 6. The ability of the proposed use to comply with the performance standards of Article XI.
- B. The commercial school shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
- C. Commercial schools shall have a minimum of one point of ingress/egress to a collector or arterial road as defined by this Ordinance. The road shall have sufficient capacity to handle traffic generated by the facility.
- D. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of 1 footcandle.
- E. At no time shall any supply materials or equipment be permitted to be stored outdoors.
- F. The owner(s) and operator(s) of a commercial school shall be responsible for the conduct and safety of its students, staff, visitors, or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by its students, staff, visitors, and guests.

Section 711. Communications Tower

- A. See Article XII of this Ordinance for communications tower guidelines.

Section 712. Convenience Store

- A. Ingress, egress, and traffic circulation on the site shall be designed to minimize hazards and congestion.
- B. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
- C. All lighting shall be shielded and reflected away from streets and adjoining properties.
- D. All sales and/or storage or display of all merchandise, including seasonal items, such as bagged wood chips, peat moss, rock salt, flowers, etc., shall be conducted within a completely enclosed building.

Section 713. Cryptocurrency Mining

- A. Cryptocurrency mining facilities shall be reviewed as a conditional except if adjacent to a Residential Zoning District (excluding roads and other ROWs) or within 500 feet of residential property boundary or a Residential Zoning District when they shall be reviewed as a special exception.
- B. These facilities shall be required to develop or purchase sufficient new renewable energy to offset 100% of the electricity consumed by the cryptocurrency mining operation. To meet this condition, the cryptocurrency mining operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.
- C. Verification must be provided that all electronic waste generated at the cryptocurrency mining operation will be handled by a DEQ-licensed electronic waste recycling firm.

Section 714. Day Care Center, Adult

- A. The facility shall be registered with and/or licensed by the Commonwealth. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of a zoning occupancy permit for the use.
- B. An adequate area shall be provided for safe drop-off and pick-up. Areas for drop-off and pick-up shall be safe for vehicle traffic and typically be separated from normal vehicle traffic and shall not cause traffic congestion or unsafe traffic circulation either on site or on the adjacent public streets.
- C. These provisions do not apply to homebased day cares which are classified as an accessory use.

Section 715. Day Care Center, Child

- A. The facility shall be licensed as such by the Commonwealth of Pennsylvania. Proof of this valid license shall be provided to the Borough prior to the Borough's issuance of a zoning occupancy permit for the use.
- B. Ingress and egress to the site shall be designed to ensure the safe drop off and pick up of children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.
- C. Outdoor play areas shall be provided which shall have a minimum area of 65 square feet per child and shall be secured by a fence at least four (4) feet in height, with a self-latching gate. The location of the outdoor play area shall take into account the relationship to adjoining properties.
- D. Interior space shall be provided as per the regulations of the Pennsylvania Department of Human Services. In addition, other lot and area requirements within the Zoning District in which the day care is proposed shall apply.
- E. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Borough may be required along the lot's perimeter for the protection of those using the day care.

Section 716. Day Care, Home-Based

- A. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of 65 square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Human Services. In addition, other lot and area requirements within the Zoning District in which the day care is proposed shall apply.
- B. Off-street parking spaces required for day care homes shall be one (1) for each 300 square feet of gross floor area with a minimum of four (4) spaces.
- C. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the Borough may be required along the lot's perimeter for the protection of those using the day care home.
- D. All drop-off locations shall not interfere with the free flow of traffic on adjacent streets.

Section 717. Dwelling Types

- A. Apartment.
 - 1. Parking spaces shall be located no more than 300 feet from the high-rise apartment's primary entrance.
 - 2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
 - 3. The means of a building's ingress and egress shall meet requirements as outlined in the Uniform Construction Code of Pennsylvania.
 - 4. A 26-foot-wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 - 5. All dumpsters and/or waste collection areas shall be located on the interior of the high-rise apartment structure.
 - 6. The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.
 - 7. Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.
 - 8. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
 - 9. Bufferyards between apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the bufferyard width required in Article VII this Ordinance. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Planning Commission.

10. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.
11. If the parking area for a high-rise apartment development is adjacent to a single-family residential lot and demands greater than ten automobiles, the following shall apply:
 - a. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light, and other disturbances on adjacent residential lots.
 - b. One and one-half (1.5) times the required number of plants for screening and buffering off street parking and loading areas.
 - c. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest not including turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

B. Conversion Dwelling Unit.

1. Each living unit shall contain a minimum of 500 sq. ft. of habitable living area.
2. Each living unit shall contain one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
3. Each unit shall have separate living, sleeping, kitchen, and sanitary facilities.
4. Fire and safety provisions shall be certified to be adequate with respect to the Borough's Fire Code.
5. Each unit shall have a separate entrance, either directly from the outside or from a common corridor inside the structure.
6. Conversion of detached garages or other accessory structures to dwelling units shall not be considered conversion dwellings and shall not be permitted.

C. Duplex.

1. Parking spaces shall be located no more than 300 feet from the duplex's primary entrance.
2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
3. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.
4. All duplex dwellings shall be connected to public water and sewer systems.

D. Garden Apartment.

1. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.
2. Parking areas shall have plant screening of varying heights (no less than four (4) feet in height), plus consisting of a 50%-50% mix of evergreens and deciduous trees, or opaque fencing, installed to achieve an overall maximum transparency of 15%.
3. Parking spaces shall be located no more than 300 feet from the apartment's primary entrance.
4. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
5. The means of a building's ingress and egress shall meet requirements as outlined in the Borough's Building Code.
6. A 24-foot-wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
7. All dumpsters and/or waste collection areas shall be located at least 50 feet from nearest residential unit and shall be enclosed by solid masonry screen walls on a minimum of three (3) sides.
8. The primary vehicular entrance to a garden apartment development shall, at a minimum, have direct access to a collector road.
9. Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.
10. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
11. Bufferyards between a garden apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity, and type of plants specified by the Planning Commission.
12. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.
13. If the parking area for a garden apartment development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:
 - a. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light, and other disturbances on adjacent residential lots:

- i. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas.
- ii. A mound, a minimum of three and one-half (3.5) feet in height at its peak shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. Time mound shall be landscaped in it's entirely with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

E. Manufactured Home.

1. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.
- 2.

F. Mobile Home.

1. A mobile home shall contain at least 800 sq. ft. of floor area.
2. A mobile home shall be placed on a complete permanent, walled foundation and shall meet all standards and requirements of the Borough's Building Code.

G. Multi-family Dwelling.

1. The site must possess direct access to an arterial or collector street.
2. Groupings of multifamily structures shall be situated no closer than 30 feet to one another or the separation required by the Borough's Building Code, whichever is greater.
3. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.

H. Quadruplex.

1. The site must possess direct access to an arterial or collector street.
2. Parking spaces shall be located no more than 300 feet from the quadruplex's primary entrance.
3. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
4. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.

I. Townhouse.

1. Parking spaces shall be located no more than 300 feet from the townhome's primary entrance.

2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
3. The primary vehicular entrance to the townhomes shall, at a minimum, have access to a collector road.
4. Maximum height of lighting for outdoor parking areas and roadways shall be 25 feet.
5. As a part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
6. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.

J. Two-Family Dwelling

1. The maximum site density shall be ten (10) units per acre.
2. Parking spaces shall be located no more than 300 feet from the two-family dwelling's primary entrance.
3. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete, or stone block paving material.
4. Area and bulk requirements (lot sizes, lot widths, setbacks, etc.) shall be determined by Borough Council on a case-by-case basis.
5. All duplex dwellings shall be connected to public water and sewer systems.

Section 718. Educational Institution

- A. The use shall have one (1) direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood and subject property.
- B. For parking demands greater than 300 automobiles, additional setbacks, screening, and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light, and other disturbances.
- C. Lighting shall be oriented away from adjacent properties and shall not exceed 1 footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Borough Council or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- D. The site shall be serviced by public water and sewer systems.

- E. The owner and operator of the facility shall be responsible for the conduct and safety of the students, employees, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by students, employees, visitors, and guests.
- F. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- G. The vehicular and pedestrian circulation system shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 719. Emergency Services Facility

- A. The location, orientation, and site circulation shall be provided in accordance with the municipality in which the facility is located.
- B. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. As part of its decision, the Borough Council or Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- C. The operator of the facility shall provide the municipality in which the facility is located with a floor plan, drawn to scale, clearly delineating all rooms or sleeping areas, all points of ingress and egress to the facility, and the interior circulation plan indicating the flow of traffic on the site and primary point or points of vehicular access.

Section 720. Funeral Home

- A. The site shall have frontage on and direct vehicular access to an arterial or collector street.
- B. All off-street parking areas which adjoin Residential Zoning Districts shall be screened by a six (6) ft. dense, compact evergreen hedge.
- C. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

Section 721. Gas/Fuel Station

- A. No gas/fuel station shall be located within 1,000 feet of another gas/fuel station.
- B. Access driveways to the service station shall be at least 30 feet from the intersection of any public streets.
- C. Gasoline pumps shall be located at least 30 feet from the edge of the ROW of a public street.
- D. The ingress and egress shall not create hazardous conditions or undue congestion of traffic circulation in the immediate area.
- E. Air towers and water outlets may be located outside an enclosed building, provided that no portion of these facilities shall be closer than ten (10) feet from any property line.

- F. 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 (5) feet from the pumps.
- G. All canopy lighting must be fully recessed within the canopy.

Section 722. Group Care Facility

- A. The minimum site size required shall be two (2) acres.
- B. The number of residents permitted shall not exceed one (1) per every 5,000 sq. ft. of lot area.
- C. Bufferyards as required by this Ordinance shall be installed along the perimeter property lines.
- D. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- E. Hours of operation and activities must be appropriately scheduled to protect adjacent properties from unreasonable disturbance or interruption.
- F. The location of buildings and facilities, traffic circulation and parking areas on the site shall be designed to provide adequate access for emergency vehicles.
- G. The site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- H. All applicable County, State, and Federal permits shall be applied for prior to issuance of Borough permits. Documentation of the County, State, and/or Federal approval shall be submitted as part of the conditional use application.

Section 723. Group Home

- A. Copies of all State and Federal licenses and operating permits shall be supplied to the Borough on an annual basis.
- B. The minimum lot area required shall be 20,000 square feet.
- C. The site shall be serviced by public water and public sanitary sewer systems.
- D. Parking areas shall be screened from adjacent lots with a 50%-50% mix of deciduous and evergreen planting material to provide a year-round bufferyard.

Section 724. Junkyard

- A. The minimum site size shall be 10 acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, hazardous materials, or hazardous waste as defined by Federal Statute or other organic waste shall be stored on the premises.
- D. The manner of storage of junk or other materials shall facilitate access for fire fighting, shall prevent hazards from fire or explosion, and shall prevent accumulation of stagnant water.

- E. Junkyards shall comply with the performance standards of Article XI.
- F. No junk shall be stored or accumulated, and no structure shall be constructed within 100 feet of any residential lot or within 40 feet of any lot line or public right-of-way.
- G. The premises shall be enclosed by a metal chain link fence not less than 8 feet in height supported on steel posts with a self-latching gate. The fence shall be supplemented with screening material, which creates a visual barrier that has a minimum capacity of 80 percent.
- H. All lot lines adjoining a residential use or zoning district shall be screened by the appropriate bufferyard as may be required per this Ordinance in Article VI.
- I. The site shall be designed utilizing natural topography and/or constructed earth mounds so as to not be visible from the adjoining public rights-of-way.

Section 725. Landscape Service Center, Wholesale

- A. A business established for the purposes of wholesale landscaping shall have one (1) point of ingress and egress to a public road ROW. The point of ingress and egress shall be located in a manner that minimizes detrimental traffic impacts to both pedestrians and vehicular.
- B. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited.
- C. The storage of combustible materials shall be limited to 25 feet in height with available fire defense measures as approved by the Borough Volunteer Fire Department. The storage of noncombustible materials shall be limited to 30 feet in height, in order to minimize:
 - 1. The risk of fire.
 - 2. Visibility from adjacent lots.
 - 3. Noxious odors to adjacent lots and/or ROWs.
- D. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
- E. The owner(s) and operator(s) of a wholesale landscaping service center shall incorporate best managements practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation, and surface water and groundwater contamination.
- F. The minimum distance between buildings shall be 30 feet.
- G. The maximum length of any building shall be no more than 200 feet.
- H. Screen Walls.
 - 1. An eight (8) foot high screen wall shall be constructed around the perimeter of a storage area if equipment and/or materials are not contained within an enclosed

building/area. The screen wall shall be measured from the average grade of the adjacent ground, unless otherwise defined by the Borough.

2. The screen wall shall have a minimum opacity of 80% and shall be composed of one (1) of the following.
 - a. Finished masonry or wood.
 - b. Black or green vinyl-coated chain link fencing with eight (8) foot high evergreen plantings located on the exterior side of the fence, whereas no fence components may be visible from an adjacent lot or ROW.
 - c. The landowner and/or developer shall provide evergreen plantings with a minimum height of eight (8) feet in quantity and spacing as approved by the Borough.
- I. No excessive noise, dust, odor, vibration, or light shall be generated to disturb the surrounding neighborhood.
- J. No storage or transfer of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids shall be permitted, with the exception of gasoline, diesel fuel, and oil for the operation and maintenance of motorized vehicles and equipment.
- K. The ground surface of off-street parking shall be paved with bituminous, brick, concrete, or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- L. The hours of operation for material pick-ups, delivery, outdoor processing, and outdoor manufacturing operations shall be limited to 7 a.m. to 8 p.m.
- M. No more than one (1) identification sign shall be permitted. The identification sign shall be a ground or a wall sign and shall have a maximum graphic area of 40 square feet.

Section 726. Massage Therapy Establishment

- A. State or national certification from one of the following entities shall be required for all employees, excluding administrative staff: National Certification Board for Therapeutic Massage and Bodywork; American Massage Therapy Association; Association of Bodywork and Massage Practitioners; National Certification Commission for Acupuncture and Oriental Medicine; International Massage Association; or a Borough Council approved equivalent. In addition, all employees, excluding administrative staff, must have at least 500 hours of professional training.
- B. Hours of operation shall be restricted to 8:00 a.m. to 8:00 p.m., prevailing time. As part of its decision, the Borough Council may further regulate the hours of operation for the facility in order to prevent adverse impacts on adjoining properties.
- C. The facility shall operate in compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania.

- D. A massage establishment shall be initially licensed, where it has met the applicable requirements set forth in the Borough's various regulations and ordinances, through December 31st of the year in which the license is issued. For each year thereafter that the massage establishment intends to continue as a massage establishment, it must seek from the Borough a renewal of this license. The application for renewal must be received by the Borough no later than November 1st of the year preceding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Borough to deny or revoke an occupancy permit to a massage establishment.
- E. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties in terms of noise, traffic, hours of operation, and lighting pollution.
- F. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.
- G. The site shall be serviced by public water and public sewer systems.
- H. The owner and operator of the establishment shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

Section 727. Mixed Use

- A. If constructed in conjunction with a nonresidential use, the residential land use shall not be located on the first floor.
- B. Individual access shall be provided to each dwelling unit.

Section 728. Pilot Manufacturing

- C. Where pilot manufacturing is related to research and development, the total floor area devoted to pilot manufacturing shall not exceed 25% of the total floor area of all buildings devoted to research and development.
- D. All materials and equipment shall be stored within a completely enclosed building.
- E. The storage, use, or manufacture of hazardous or potentially hazardous materials shall be limited to those materials required to be used by or produced in connection with the pilot manufacturing activity, and the transportation, handling, use and disposal of such materials shall conform with all applicable regulations and permit requirements of the EPA and the DEP.
- F. Lighting shall be oriented away from adjacent properties and shall not exceed one-tenth (0.1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be

reduced to at least half of the maximum permitted footcandles between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

- G. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- H. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.
- I. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- J. To ensure public health and safety, the site shall be served by and connected to a public sanitary sewer system and public water system at the cost of the landowner and/or developer.
- K. The owner and operator of the facility shall incorporate best management practices (BMPs) for erosion and sedimentation control as described in the DEP Erosion and Sediment Pollution Control Program Manual, as amended, and stormwater management as described in the DEP Stormwater Best Management Practices Manual, as amended in order to minimize nonpoint pollution from the activity. The applicant shall submit a report describing the BMPs that will be used on the site and notify the Borough whenever a change is made to those BMPs. Whenever a change is made to the BMPs used on the site, the owner and operator shall certify that the new BMPs provide equal or greater pollution prevention protection than the former management practice.

Section 729. Place of Assembly

- A. All buildings and structures shall be set back at least 100 feet from all lot lines and rights-of-way.
- B. The primary visitor drop-off and pick-up areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- F. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.
- G. If the parking area for a place of worship or place of assembly is adjacent to a single-family residential lot, any parking areas that demand greater than 10 automobiles, the following shall apply:

1. An additional ten (10) foot setback with one of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light, and other disturbances on adjacent residential development:
 - a. One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
 - b. A mound, a minimum of 3 1/2 feet in height at its peak, shall be constructed where the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The mound shall be landscaped with plants that provide four seasons of interest, not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent properties.

Section 730. Place of Worship

- A. All buildings and structures shall be set back at least 100 feet from all lot lines and rights-of-way.
- B. The primary visitor drop-off and pick-up areas shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. All outdoor lighting shall be shielded and reflected away from adjacent properties.
- F. All dumpsters and/or waste collection areas shall be enclosed by a solid masonry screen.
- G. If the parking area for a place of worship or place of assembly is adjacent to a single-family residential lot, any parking areas that demand greater than 10 automobiles, the following shall apply:
 1. An additional ten (10) foot setback with one of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development:
 - a. One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or
 - b. A mound, a minimum of 3 1/2 feet in height at its peak, shall be constructed where the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The mound shall be landscaped with plants that provide four seasons of interest, not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent properties.

Section 731. Private Club

- A. Private Clubs shall be open to members and their guests only.
- B. Any outdoor recreation areas shall be located a minimum of 30 feet from the closest property line. A planting screen of varying heights (no less than four feet in height), plus consisting of a fifty-percent-fifty-percent mix of evergreens and deciduous trees, or opaque fencing, shall be installed within said buffer yard to achieve an overall maximum transparency of 15%.
- C. The perimeter of the lot accommodating such use shall be planted or fenced in accordance with the provisions of this chapter to discourage public access.

Section 732. Railroad Facility

- A. Ingress to and egress from the facility shall be permitted by roads to serve only the public utility building or transmission facility, unless approved by the Borough Council.
- B. A non-climbable security fence at least eight (8) feet in height shall be installed around all portions of the facility.
- C. Lighting shall be oriented away from adjacent properties and shall not exceed one (1) footcandle of illumination when measured from an adjacent lot line. Lighting levels visible from an adjacent lot line of a residential use or Residential Zoning District shall be reduced to at least half of the maximum permitted footcandle between 11:00 p.m. and 6:00 a.m., prevailing time. As part of its decision, the Borough Council may further regulate outdoor lighting for the facility in order to prevent adverse impacts on adjoining properties.

Section 733. Restaurant, Fast Food

- A. An interior circulation plan shall be submitted illustrating a minimum of three (3) consecutive vehicles in staking position.
- B. A minimum eighteen (18) foot wide fire lane shall be provided on at least two sides of the structure. Traffic access aiseways may function as fire lanes.
- C. All off-street parking shall be provided on the lot. The number of off-street parking spaces shall be provided as defined in Article X of this Ordinance.
- D. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- E. All dumpsters shall be located in the rear setback yard and shall be screened appropriately. All screens shall have a length of eight (8) feet in height and shall have a minimum opacity of 80%.
- F. Mechanical equipment location(s) are subject to Borough Council approval and shall be designed and screened so that visibility from an adjacent Residential Zoning District is minimized to the greatest extent possible.
- G. No more than one (1) sign shall be permitted. Said sign shall be a ground or a wall sign.

- H. If the proposed fast-food restaurant contains a drive-through facility, it shall also meet the conditional use criteria for a “Drive-Through Facility” as outlined in this Ordinance.
- I. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- J. The site shall be connected to public water and public sanitary sewer systems.
- K. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- L. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 734. Restaurant, Take Out

- A. The hours of operation and activities for a take-out only restaurant shall be appropriately scheduled to protect adjoining neighborhoods from detrimental noise, disturbance, or interruption.
- B. All off-street parking shall be provided on the lot. The number of off-street parking spaces shall be provided as defined in Article X of this Ordinance.
- C. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- D. All dumpsters shall be located in the rear setback yard and shall be screened appropriately. All screens shall have a length of eight (8) feet in height and shall have a minimum opacity of 80%.
- E. Mechanical equipment location(s) are subject to Borough Council approval and shall be designed and screened so that visibility from an adjacent Residential Zoning District is minimized to the greatest extent possible.
- F. No more than one (1) sign shall be permitted. Said sign shall be a ground or a wall sign.
- G. If the proposed take-out only restaurant contains a drive-through facility, it shall also meet the conditional use criteria for a “Drive-Through Facility” as outlined in this Ordinance.
- H. The location of buildings and structures shall be designed to minimize impact on adjacent residential properties.
- I. The site shall be connected to public water and public sanitary sewer systems.
- J. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- K. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

Section 735. Service Station

- A. The standards for “Gas/Fuel Station” in this Article shall apply.

Section 736. Vehicle Repair Garage

- A. Such use shall not be located within 100 feet of any lot line adjoining residential use or Residential Zoning District.
- B. There shall be no storage of parts or dismantled vehicles outside an enclosed building.
- C. All repair work shall be performed within an enclosed building, which has adequate ventilation and fire protection provisions.
- D. All towed vehicles shall be stored on the premises and no vehicle shall be stored or dismantled on any public street.
- E. Vehicles or equipment awaiting repair shall be kept in an enclosed wall or building or in an outdoor area which is screened by an eight (8) foot high hedge or opaque fence within a minimum capacity of 80%.
- F. The premises shall be kept clean and shall be maintained so as to not constitute a nuisance or menace to public health and safety.

Section 737. Uses Not Listed

- A. It is the intent of this Ordinance to group similar or compatible land uses into specific Zoning Districts. Uses which are not specifically listed in the Tables of Authorized Uses (Principal and Accessory) or in the Use Tables of the Zoning Ordinances of the Boroughs of Sewickley and Glen Osborne, may be permitted as a conditional use in the C-1 Zoning District.
- B. If a property owner or user asserts that a proposed use is not provided for in the Table of Authorized Uses (Principal and Accessory) the property owner or user shall file an application for conditional use with the Borough, which shall review and make a determination if the proposed use is similar to another use contained in the Tables of Authorized Uses (Principal and Accessory).
- C. If the Borough finds the use is similar to an existing use contained in the Table, it may permit the use subject to the same conditions and requirements of that use including the District in which it may be located.
- D. In considering if a proposed use is similar to an existing use contained in the Table of Authorized Uses (Principal and Accessory), the Borough is not limited to assertions of the applicant that the use is similar to a specific listed use, but instead may consider all uses (Principal and Accessory) contained in the Tables of Authorized Uses (Principal and Accessory).
- E. If the Borough finds the use is similar to an existing use all other provisions of this Ordinance and all codes and Ordinances of the Borough shall apply.

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Article VIII. Steep Slopes Regulations

Section 801. Purpose

- A. To protect the public health and safety of Borough residents by mitigating potential hazards such as land subsidence that may arise due to the inappropriate development of lands with steep slopes or other sensitive natural resources.
- B. To safeguard the public welfare by guiding future development patterns to prevent potential detrimental impacts on the region's water and stream quality.
- C. To preserve the public health, safety, and welfare by protecting private property from potential damages that may occur due to uncontrolled development of lands with steep slopes, undevelopable soils, and other sensitive natural resources.
- D. To promote and protect the Borough's quality of life by restricting development on steep slopes.

Section 802. Intent

- A. The steep slope regulations herein are intended to supplement the requirements of general zoning districts wherever steep slopes are found in order to prevent loss of health, life, or property from landslides and to regulate uses and development on or near steep slopes.

Section 803. Steep Slope Regulations

- A. A Slope and Soil Stability Analysis, as described and defined in §804, shall be required for proposed developments on parcels of land that have existing slopes in excess of 8%.
- B. In areas of steep existing slopes (i.e., those over 8%), the following standards shall apply:
 - 1. **Existing Slopes 8%-15%**, no more than 60% of the areas shall be developed, regraded, or stripped of vegetation and a registered professional engineer experienced with slope and soil studies and duly licensed in the Commonwealth of Pennsylvania, must provide written certification to support the proposed work accompanied by a Slope and Soil Stability Study.
 - 2. **Existing Slopes 15%-25%**, no more than 40% of the areas shall be developed, regraded, or stripped of vegetation and a Geotechnical Engineering Site Investigation Report, prepared by a registered professional engineer licensed in the Commonwealth with geotechnical experience, shall also be submitted along with a slope and soil stability analysis.
 - 3. **Existing Slopes 25%-35%**, no more than 20% of the areas shall be developed, regraded, or stripped of vegetation and a Geological Hazard Report and a Geotechnical Engineering Site Investigation Report, both prepared by a registered professional engineer licensed in the Commonwealth with geotechnical and geological experience, shall also be submitted along with a Slope and Soil Stability Analysis.
 - 4. **Existing Slopes 35% or more** shall not be disturbed.

- C. In addition to the requirements of §803.A & B, on parcels of land that have more than one slope category present, any proposed development shall be setback at least fifty (50) feet from the steep slope areas on the subject parcel that are 25% or more.

Section 804. Slope and Soil Stability Analysis

- A. A Slope and Soil Stability Analysis, prepared and sealed by a registered professional engineer licensed in the Commonwealth of Pennsylvania experienced in soil, slope, and foundation engineering, shall be submitted for any sites with existing slopes in the following categories: 8%-15%, 15%-25%, and 25%-35%.
- B. The Slope and Soil Stability Analysis shall include the following detailed factual information, analyses, and recommendations:
1. Surface features, including surface contours, rock outcrops, building and/or construction remnants, paving/roadways/cart-paths, watercourses, ditches, rills, ponds/lakes, wooded areas, filled-in areas, and recent and/or old landslides, rock-fall areas, wet or saturated ground surface areas, slumping and sloughing ground areas, potential mine subsidence depressions, ground tension cracks, retaining structures, and other relevant site elements and/or appurtenances of interest.
 2. Hydronic features: the presence of seepage zones, depth to groundwater, surface or subsurface seeps and springs, and the possible fluctuations with the seasons.
 3. Subsurface features.
 - a. A plotted, horizontal and vertical record of the stratification of the soil and rock deposits.
 - b. Information on the relative density of granular soils in the different strata and on the consistency of cohesive soils.
 - c. Information on the subsurface geological features and past mining activity, including thickness of total overburden (interval between mine roof and ground surface) and thickness of bedrock overburden (interval between mine roof and bedrock surface), as well as the apparent status of the mine (i.e., collapsed, partially collapsed, intact), and quality of the rock overburden strata. The project professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall provide an evaluation of the risk of structure damage due to potential mine subsidence. Further, test boring logs shall include the presence, if encountered, of subsurface boulders, obstructions, voids, conchoidal and other cracking/fracturing of bedrock, sometimes associated with mine subsidence, bedding planes, carbonaceous materials, pyritic and/or marcasitic materials, potentially-expansive soils and bedrock, high-plasticity (aka fat) clays, and delineations between strata and parent soil materials (i.e., fill, colluvium, residuum, alluvium, glacio-fluvium, etc.).
 4. Exploration methods. Physical explorations can be carried out by several methods. Field explorations should follow the applicable standards, or the procedures and practices recommended by the American Society for Testing and

- Materials (ASTM). It is generally sufficient to secure soil samples at vertical intervals of three feet in depth or at intervals less than three feet to identify changes in subsurface materials. The intervals should be determined by such conditions as the soils encountered, proposed earthwork that is planned, and/or the type of proposed structure to be constructed, but should not be less than at three-foot vertical intervals. Soil samples shall be obtained from all borings for identification, classification, and logging purposes, as well as potential physical laboratory testing, as deemed necessary by the project professional geotechnical engineer licensed in the Commonwealth of Pennsylvania. Detailed boring logs/records shall be prepared and maintained by the geologist or engineer monitoring test borings during test drilling operations.
5. The spacing and depths of borings should also be based on site conditions and proposed construction. Maximum spacing between borings should not exceed 250 feet to 300 feet for proposed roadways, pavements, and proposed cut slopes and fill embankments. Borings drilled for proposed structures/buildings shall be spaced at 100 ft intervals, on average, and their placement determined by the project professional geotechnical engineer licensed in the Commonwealth of Pennsylvania. Further, two borings for the initial 6,000 square feet to 10,000 square feet of proposed building "footprint" area is the minimum for a three-story or greater structure. A minimum of two borings per structure is recommended for proposed one- to two-story single-family residences with a footprint no greater than 10,000 square feet. Larger proposed buildings shall include at least one additional boring for every additional 10,000 square feet of footprint area exceeding the initial 10,000 square-foot footprint area.
 6. Groundwater measurements: Information is required on groundwater elevations, including depth of permanent and perched water tables. Water levels should be determined upon completing the boring and again approximately 24 hours later. Groundwater levels/elevations shall be included on the boring logs/records.
 7. Classifications and descriptions. Direct observation of soils samples from various depths and locations will be required for correlation with the known geology of the area. Direct observations of boring operations must be carried out by a registered professional engineer or registered professional geologist in the Commonwealth of Pennsylvania. Classification and description of soils will be performed using the Unified Classification System (ASTM Specification D2487) and by the Visual Manual Identification Procedure (ASTM Specification D2488), although classifications can be supplemented via physical laboratory testing results (i.e., gradation analysis and plasticity testing).
 8. Laboratory testing: The laboratory testing program should be dependent upon the characteristics of the soils and the anticipated geotechnical problems analysis. The project professional geotechnical engineer shall determine the required physical laboratory testing needed to facilitate the engineering analyses. Regardless, adequate laboratory testing, or other field testing means (such as the standard penetration test performed in accordance with ASTM D1586, or equal standardized testing procedure) shall be performed as necessary to characterize

- the strength properties, as well as other pertinent parameters, of subsurface soil strata.
9. The recommendations of all such investigations and reports of steep slopes and other identified soil or water condition hazards shall be reviewed by the Borough Engineer. Incorporation of said recommendations may be required as conditions for preliminary approval and/or final approval.
 10. All public and private roads, bridges, utilities, and other facilities shall be located, designed, and constructed to avoid steep slope areas or to withstand any anticipated soil or rock movement.
 11. Road and utility alignments and grades shall minimize cuts and fills.
 12. Hazardous slope conditions, including but not limited to landslides, slumps, slough, and rock-falls, which may be present on a site must be corrected prior to completion of the development.
 13. The location and dimensions of proposed cut-and-fill slopes shall be provided.
 14. General: The setbacks and other restrictions specified by this section are minimum and may be increased by the Borough by the recommendation of a registered professional engineer or registered professional geologist licensed by the Commonwealth of Pennsylvania with the approval of the Borough Engineer if necessary for safety and stability or to prevent damage of abutting properties from sedimentation or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the Borough Engineer.
 15. Setbacks from property lines. The tops of cuts and toes of fill slopes shall be set back from the outer boundaries of the area to be disturbed, including slope return areas and easements.

Section 805. Geotechnical Engineering Site Investigation Report

- A. A Geotechnical Engineering Site Investigation Report, prepared and sealed by a registered professional engineer licensed in the Commonwealth of Pennsylvania experienced in soil, slope analysis, and foundation engineering shall be submitted for any sites with slopes in the following categories: 15%-25% and 25%-35%.
- B. The intent of a comprehensive Geotechnical Engineering Site Investigation Report is to determine the stability of proposed grading operations and to develop detailed engineered measures to provide for long-term slope stability. Test borings, extending to sufficient depths to evaluate proposed grading, shall be performed. Specifically, at a minimum, borings should be located at the toes (base) of proposed fill embankments supporting roads or structures, or are six feet or greater in height and will be graded to a slope steeper than four horizontal to one vertical. Sufficient borings, as determined by the registered professional engineer licensed in the Commonwealth of Pennsylvania, shall be located in cut slope areas supporting roads or structures, or that are greater than six feet in height and will be graded to a slope steeper than 4-1/2 horizontal to one vertical. The borings should extend at least to bedrock surface, but must also extend to a

depth of at least five feet beyond the anticipated cut depth. At least some proposed cut slope area borings shall be located so that the full vertical cross-section of the soil mantle and bedrock zone within the proposed cut depth can be clearly identified.

- C. Standard penetration tests (SPTs) should be conducted in all test borings at no greater than three-foot vertical intervals in the soil mantle of all borings in compliance with the most current version of the American Society for Testing and Materials (ASTM) Test Designation: D1586. Where SPT refusal on bedrock is encountered prior to reaching the required depth, continuous NX, NQ, or NQ-2 rock cores should be procured as required for the engineering analysis. Thin-walled steel (Shelby) tube samples of relatively undisturbed soil samples should be procured from selected borings, if and where required for physical laboratory testing, to determine relevant soil properties for the engineering analysis, as determined by the registered professional engineer licensed in the Commonwealth of Pennsylvania.
- D. Groundwater encountered in each test boring should be recorded during drilling operations and 24 hours after completing each boring. This information shall be provided on the typewritten test boring logs/records accompanying the geotechnical engineering investigation report.
- E. The borings should be accurately located in the field. Ground surface elevations should be obtained at each boring. The final boring locations and their ground surface locations must be shown on a to-scale topographical survey, included with the geotechnical engineering investigation report, that includes existing contours and proposed site grading contours.
- F. A suitable typewritten boring log/record should be provided for each boring. At minimum, the logs should include: boring designation; SPT results; N values; depths of strata encountered; percent core recoveries and rock quality designations (RQDs) of rock cores; date boring was drilled; groundwater information (minimum zero-hour and twenty-four hour readings); detailed types and descriptions of geomaterials encountered; delineations between strata, including parent material (i.e., fill, colluvium, residuum, alluvium, glacio-fluvium, etc.) boundaries; comments or notes regarding voids, boulders, obstructions, organics, construction rubble, or any other unusual or notable subsurface conditions encountered.
- G. A registered professional engineer licensed in the Commonwealth of Pennsylvania experienced in geotechnical engineering shall complete a quantitative slope stability analysis of proposed cut slopes and fill embankments. At a minimum, test boring and relevant laboratory soil or rock test results, site groundwater and surface water findings, anticipated surcharge, traffic, structure, and/or hydrostatic loads/conditions and any other factors affecting the proposed slopes should be included in the analysis. The slope stability analysis must be based on a method accepted by the geotechnical engineering community, and that has been published in an accepted engineering textbook, journal, or proceedings. The analysis should ultimately provide the minimum factor of safety (FS) against movement/failure of the proposed slope. A slope will generally be considered stable in the long term when the $FS > 1.5$, unless special circumstances, as approved by the Borough, should be allowed. Various slope/embankment construction scenarios can

be analyzed by the engineer, but no proposed slopes/embankments indicating a FS less than that approved will be deemed acceptable. The side-slopes of proposed stormwater ponds/basins, and similar water-bearing features, shall also be subjected to slope stability analyses. The rapid drawdown condition for such features shall be included with the analysis. Slopes that may be potentially subjected to the rapid drawdown condition shall exhibit a minimum slope stability factor of safety of 1.2.

H. The typewritten report, prepared and signed by the registered professional engineer licensed in the Commonwealth of Pennsylvania performing the slope stability analyses, shall be submitted to the Borough. The professional engineering seal for the authoring engineer shall be affixed to the report. The report shall, at a minimum, include the following:

1. A detailed description of the existing surface and subsurface site conditions.
2. A review of the site geology and geohydrology. United States Geological Survey (USGS) maps and resources relevant to areas that are susceptible to land sliding, as well as such maps/references showing ancient, old, or recent landslides within the proposed development area shall be discussed in the report.
3. A discussion of any slope movements, sloughs, slumps, landslides, rock-falls, or mining on or adjacent to the site, and an evaluation of their existing and/or potential impact on the site.
4. Subsurface profile and cross-section drawings depicting all relevant parameters of the slopes that were analyzed.
5. A discussion of the slope stability analyses.
6. Conclusion(s) regarding the stability of proposed site grading.
7. The typewritten test boring logs/records and laboratory test results.
8. A copy of the calculations/computer output for the stability analyses.
9. The to-scale boring location plan described above.
10. With respect to slope stability, the report should also include recommendations, as required for:
 - a. Grades for stable cut slopes and fill embankments.
 - b. Drainage requirements.
 - c. Subgrade preparations.
 - d. Benching requirements.
 - e. Suitable fill material, compaction, loose-lift thickness, and moisture requirements.
 - f. Erosion protection requirements.
 - g. Retaining structures, if necessary.
 - h. Limitations or constraints to proposed slope construction.

Section 806. Geological Hazard Report

- A. A Geological Hazard Report prepared and sealed by a registered professional engineer licensed in the Commonwealth of Pennsylvania experienced in soil, slope, geotechnical, and foundation engineering shall be submitted for any sites with slopes that are 25%-35%.
- B. The Geological Hazard Report shall include the following:
 - 1. A map identifying all of the geological hazard areas found to exist based on an actual site investigation.
 - 2. Topographic contour lines at two-foot intervals for the subject site before and after completion of the proposed development.
 - 3. A soils survey and geologic evaluation, including a narrative description of any conditions or factors which are relevant to the possibility of landslides caused by development of the site.
 - 4. A statement identifying whether the subject property, or any adjacent properties, have any history of landslides.
 - 5. A recommendation as to whether the site can be made safe for the proposed use and development, including any specific recommended construction or control techniques.
 - 6. If the recommendation is that the site is not safe, a plan and specifications detailing how the applicant proposes to make the site safe for the proposed use and protect adjacent properties from potential safety hazards must be included.

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Article IX. Sign Regulations

Section 901. Purpose

- A. The intent of this Article is to provide for the use of signs as a means of identification while maintaining and enhancing the physical environment, aesthetic character, and public safety of the Glen Osborne community. The purpose of this Article is:
1. To require zoning approval for signs in all Zoning Districts subject to the standards and requirements of this Article.
 2. To prohibit signs not expressly permitted by this Article.

Section 902. Applicability

- A. The regulations contained in this Section shall apply to all signs in all Zoning Districts. No sign may be erected, placed, established, painted, created, altered, or maintained except in conformance with the standards, procedures, regulations, and requirements contained herein.
- B. Method of sign authorization and approval. For the purposes of this Ordinance, signs shall be authorized for approval pursuant to the following:
1. Authorized signs are those for which a zoning approval has been issued by the Zoning Officer following a review of an application if the application indicates compliance with this Ordinance.
 2. Exempt uses are signs that are authorized but that are exempt from regulation under this Ordinance and do not require zoning approval.
 3. Prohibited signs are those not authorized by this Ordinance nor exempt from regulation.
- C. Accessory Uses. Signs shall be considered accessory uses (other than billboards) on the lot or site they are located and subordinate to the principal use of the lot. Signs shall be subject to Article III of this Ordinance in addition to the requirements of this Article.
- D. Principal Uses. Billboards are considered the principal use of a lot or site on which they are located and shall comply with all the requirements of this Article.
- E. Alteration of Sign Face. The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign which shall require zoning approval and conformity to all the requirements of this Article.
- F. Signs on Public Property. Any sign installed or placed on public property or within a public ROW, except in conformance with the requirements of this Article shall be forfeited and is subject to confiscation in addition to other remedies the Zoning Officer shall have pursuant to this Ordinance.
- G. Enforcement and Remedies. Enforcement and remedies of this Article shall be pursuant to the provisions of this Ordinance and any other enforcement or remedies pursuant to State and Federal law.

Section 903. Types of Signs

- A. For the purposes of this Section, all signs shall be classified by the definitions provided in Article II of this Ordinance.

Section 904. Exempt Signs

- A. The following signs shall be exempt from these regulations:

1. Holiday decorations displayed for recognized State and Federal holidays.
2. Official notices authorized by a court, public body, or public safety official.
3. Memorial/Historical plaques.
4. Memorial signs and tablets when cut into any masonry surface or when constructed of bronze or other sculptured materials.
5. Flags of a governmental organization.
6. Works of art including but not limited to paintings, sculptures, engravings, murals, mobiles, photographs, drawings, and works in fabric, that do not include a commercial message, nor have any relationship to any product, service, or business, and specifically excluding any commercially produced item.
7. Signs authorized by the Borough such as municipal gateway signs, street signs, safety control signs, and traffic control signs. Municipal gateway signs may contain advertising matter.
8. Public notice/public warning signs.
9. Auction, garage sale, or yard sale signs.
10. Address numbering signs.
11. Construction signs (temporary, only during active construction).
12. Signs of any type placed on public or parks property by authorization of the Borough.
13. Signs Announcing Candidacy for Public Office. Such signs shall not be installed on utility poles, shall not be installed more than 60 days before the election to which they are relevant and shall be removed within five (5) calendar days immediately following the relevant Election Day.
14. Temporary Signs. A temporary sign not exceeding sixteen (16) sq. ft. in total gross area for each exposed face may be permitted for a period not to exceed 30 days and shall be removed within three (3) days after the termination of the activity, service, project, or sale, provided the sign is safely installed and is consistent with the area where it is to be located. There shall be no more than two (2) permits for temporary signs issued for the same premises within one (1) calendar year. Temporary signs shall state the date on which it was installed, if known, and shall provide contact information, including a name and a telephone number, for a representative of the sign's owner.

15. Signs identifying on-premises home occupations which contain only the name of the business and/or owner. Such sign shall not exceed two (2) sq. ft. in area.
16. Signs erected by a public agency or utility providing warning or information to the public, and any signs erected by the Borough or under direction of the Borough.
17. Signs denoting the availability of property for lease or sale, located on the premises being leased or sold. The sign shall not exceed six (6) sq. ft. in area and shall be removed within seven (7) days of the sale or lease of the property.
18. Any sign inside a building, not attached to a window or door, that is not legible from a distance of ten (10) or more feet outside of the building.

Section 905. Prohibited Signs

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

1. A-Frame, sandwich board or other incidental signs unless otherwise approved by this Ordinance.
2. Flashing, blinking, changing, animated, inflatable, or moving signs (except digital signs and LED billboards authorized by this Article).
3. Pennants (including "swooper flags").
4. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
5. Signs that resemble traffic signals or any sort of traffic device.
6. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the Borough Council.
7. Off-premises sign (other than billboards).
8. Roof sign.
9. Signs on trees, utility poles, and traffic devices.
10. Signs that are hazardous to public safety and/or are located in the public ROW.

Section 906. Determining Sign Area and Height

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

1. Computation of Area of Single-faced Signs. The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets this Zoning Ordinance and is clearly incidental to the display itself. Any digital portions of a proposed sign and/or a sign base that contains a message or logo shall be included in the calculation of the sign area.

2. Computation of Area of Multi-faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Any digital portions of a proposed sign and/or sign base that contains a message or logo shall be included in the calculation of the sign area.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Section 907. Permitted Signs in Residential Areas

- A. Within Residential Zoning Districts (R-1, R-2, R-3, and R-4), all signs except those specifically exempted shall require a zoning/building permit. The following signs are permitted in Residential Zoning Districts:
 1. Address and/or name signs.
 2. Home occupation signs.
 3. Signs identifying property for sale or lease.
 4. Signs identifying the development:
 - a. Shall not exceed eighteen (18) sq. ft.
 - b. Shall not exceed three (3) feet in height.
 5. Signs displaying name, activities and/or functions for public institutions (churches, schools, public buildings, similar nonprofit uses), provided that:
 - a. The maximum sign face shall not exceed twelve (12) sq. ft.
 - b. Only one (1) sign is permitted for the use.
 6. Temporary signs, not to exceed twelve (12) sq. ft., only one (1) per use.
 7. Window signs.
- B. A nameplate not exceeding two (2) sq. ft. in area containing only the name of the resident, the title of the person practicing a profession, name of building and name of agents, or any combination of the foregoing and placed directly against a building wall.

- C. A ground/monument sign erected upon the premises of an educational, philanthropic or religious institution, including a church, hospital, or similar institution for the purpose of displaying the name of the institution and its activities or services, which shall be limited to one (1) such sign. Pole signs are not permitted in any Residential Zoning District. Ground signs shall be located at least ten (10) feet back from the street ROW.
1. The sq. ft. area of an institutional ground/monument sign in a Residential Zoning District shall not be permitted to exceed an area of 50 sq. ft. for each side.
 2. The maximum height of an institutional ground/monument sign in a Residential Zoning District shall be twenty (20) feet.
- D. Residential Development Sign. One (1) residential development sign not exceeding 24 sq. ft. in total gross surface area per face, or two (2) signs not exceeding sixteen (16) sq. ft. in surface area per sign shall be permitted which identifies the name of the residential development. In the case of the residential development with more than one (1) entrance, a sign or signs as permitted above may be placed at each entrance to the development. Pole signs are not permitted in any Residential Zoning District. Ground signs shall be located at least ten (10) feet back from the street ROW.
1. In the R-2 District, only one (1) exterior wall and/or ground sign shall be permitted not exceeding 24 sq. ft. in area in connection with a multiple-family dwelling or other authorized use and shall identify only the name of the structure or residential building. Pole signs are not permitted in the R-2 District. Ground signs shall be located at least ten (10) feet back from the street ROW.
 2. Directional signs as specified elsewhere in this Ordinance.
 3. Temporary real estate signs not exceeding eight (8) sq. ft. in total gross surface area of all faces. Temporary real estate signs are limited to one (1) per property for sale, lease, or rent and only when placed on the property advertised and to be removed within three (3) days of the completion of sale, lease, or rent of said property.
- E. Business Identification Sign. One (1) wall or freestanding ground identification sign not exceeding twelve (12) sq. ft. is permitted for any business use, other than a home occupation which is a legal nonconforming use or which is authorized as a conditional use or use by special exception in a Residential Zoning District.
- F. No sign shall be erected upon, or applied to, any roof. The term "sign" here shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower, or spire of a place of worship.
- G. Permitted illumination of a sign, nameplate, or bulletin board shall be of a non-flashing, nonmoving, indirect type.
- H. Signs shall be constructed in accordance with the provisions of this Ordinance and shall be kept in good condition and maintained so as not to create hazardous or threatening conditions to the health or safety of persons in the vicinity of said sign or cause a public nuisance. The Borough may take all lawful and proper actions necessary to revoke all permits and licenses issued for such sign and may order said sign removed or brought

into compliance with the Borough Ordinances and regulations within 30 days of the date of issuance of such notice and order, in writing, by the Zoning Officer.

Section 908. Permitted Signs in all Nonresidential Districts

- A. The following provisions identify the types of signs and sign areas permitted in the Commercial (C-1) Zoning District Classification, unless otherwise provided for in this Ordinance.
1. Each business or principal use (in a single structure) shall be permitted one (1) wall, canopy, or marquee sign and one (1) permanent freestanding sign. All signs except those specifically exempted shall require a permit.
 2. All signs shall meet the following requirements.
 - a. Any permitted signs shall be prohibited from advertising products not provided or sold on the premises.
 - b. The maximum sign area of any freestanding sign shall be 36 sq. ft. unless otherwise specified in this Article.
 - c. The maximum sign area of any canopy or marquee sign shall be twelve (12) sq. ft.
 - d. Any wall sign shall be permitted to have a sign area not greater than ten percent (10%) of the wall area (including doors and windows) which faces the street. In the case of double street frontage, a wall sign may be permitted facing each street.
- B. Where more than one (1) business or industry operates from a single building, each operation shall be permitted to have a wall sign, with the aggregate sign area(s) not exceeding the size specified herein.
- C. Where more than one (1) business or industry operates from a single building, only one (1) freestanding sign is permitted, which shall meet the standards established herein. The sign may provide information pertaining to each operation located in the building.
- D. For buildings which house more than one (1) business or industry, one (1) freestanding business directory sign shall be permitted which shall be a maximum of five (5) feet in height and sixteen (16) sq. ft. in area.
- E. For sites in single ownership, on which more than one (1) business or industry is located, a directional sign on each street frontage may be permitted, such sign not to exceed four (4) sq. ft. in size.
- F. Wall Signs.
1. The size of a business or an identification wall signs (or signs) shall not be greater than one (1) sq. ft. multiplied by the width in feet of the principal building frontage along the public ROW or a maximum of 100 sq. ft.
 - a. Where a building has frontage on more than one (1) public road the owner, occupant or agent may erect a sign on each wall facing the frontage. Each sign facing a public road shall meet the total square

footage requirements of this Section, provided that all other provisions of this Section are observed.

2. Wall signs shall not extend beyond the side edges of any wall in either direction nor shall the sign extend above the roof line of buildings having flat roofs, the deck line of buildings having mansard roofs or the gutter line of buildings having gable, hipped, or gambrel roofs.
3. Wall signs shall only identify the owner of or enterprise conducting the business, the business engaged in or upon the premises or products or services sold or any combination thereof.
4. Wall signs for multiple occupancy buildings:
 - a. Where several businesses or uses occupy a building, each business may be permitted to a share of the building's allowable sign area, at the direction of the building owner.
5. If the owner permits the allowable square footage to be shared, the owner shall develop guidelines which require all signs located on the building to be compatible in terms of size, type, style, color, lighting, and design characteristics. A copy of these guidelines shall be filed with the sign permit and shall be a condition of permit approval.

G. Ground/Pole Sign.

1. All properties within Nonresidential Zoning Districts are permitted one (1) ground sign.
2. The sq. ft. area of ground signs shall be limited to one (1) sq. ft. of sign area for every one (1) linear foot of property frontage on a public ROW; but no ground sign shall be permitted to exceed an area of 24 sq. ft. for each side.
 - a. When property is occupied by a business without a building, an applicant shall be permitted one (1) permanent identification sign not exceeding 40 sq. ft. Such sign shall be located at least ten (10) feet back from the street ROW.
 - b. The sign face shall be a minimum dimension of two (2) feet in any direction.
3. The maximum height of a ground sign shall be six (6) feet, and the height and location of any signs shall be designed as to not interfere with visibility for any traffic entering or exiting the lot or traveling on the adjacent roadway.
4. Ground signs are not permitted in the public ROW.
5. The building setback or build-to line shall be the location standard for ground signs. In no case shall a setback of fewer than ten (10) feet from the street ROW line be permitted. Ground/pole signs shall also be located a minimum of five (5) feet from any building and ten (10) feet from any side property line.
6. For signs over ten (10) sq. ft. in area, an additional one (1) ft. of separation from adjacent side property lines shall be required for every ten (10) sq. ft. of sign area.

7. In cases where the lot is a corner lot, one (1) additional secondary freestanding monument sign may be permitted, but the sign face shall be no more than half of the maximum allowable area of the primary sign.

H. Wall Plaques.

1. Wall plaques shall be all signs extending no more than one and one-half (1.5) inches from the walls to which they are attached. The edges of wall plaques shall be rounded, tapered, or treated in any other manner.
2. There shall be no minimum height above ground level for wall plaques.
3. Wall plaques shall have a maximum of three (3) sq. ft.
4. Signs mounted perpendicular to the wall surface (including those over the public ROW) are only permitted in the C-1 District.
 - a. Signs mounted perpendicular to the wall surface to which they are affixed shall have their bottom edge at sufficient height above the ground or other supporting surface as to assure no interference with pedestrian or vehicular traffic under or around the sign, and in any event at a height not fewer than ten (10) feet.
 - b. When extending over a vehicular cartway, the minimum height above ground or cartway shall be fifteen (15) feet.
 - c. Signs mounted perpendicular to the wall surfaces shall not protrude more than eight (8) feet beyond the wall surface to which they are attached.
 - d. Signs mounted perpendicular to the wall surface shall be limited to a maximum area of 32 sq. ft.

I. Temporary Signs.

1. The following signs may be erected only after obtaining a zoning/building permit from the Zoning Officer. The permit shall cite, the length of time the sign may be displayed. For the purpose of this Ordinance, the following signs shall be considered "temporary":
 - a. Banner sign.
 - b. Portable sign.
2. Signs announcing new building or construction projects, erected after the beginning of the construction activity. The maximum size shall not exceed sixteen (16) sq. ft.
3. Signs announcing (including, but not limited to auctions, grand openings, new management, going out of business) special events. Any business, individual or organization may display once within a twelve (12) month period, a maximum of two (2) signs, for up to fourteen (14) days prior to a special event. Such signs shall not exceed sixteen (16) sq. ft. and shall be removed immediately (within 24 hours) following the event.

J. Window Signs.

1. Window signs shall be permitted to be installed on the inside of the window of nonresidential and residential structures.
2. Window signs shall not cover more than 25% of the glazing of any window.
3. The copy of a window sign shall be designed to communicate information about an activity, business, community event, or a sale or service offered.
4. Window signs shall not be permanently affixed to a window or windowpanes.

K. Advertising on Awnings and Canopies.

1. Advertising on awnings and canopies shall be limited in size to a maximum of 50% of the allowable size of the wall sign permitted on the same structure. Such signage shall only include the name and/or logo of the business, industry, or pursuit conducted therein.
2. Canopies shall comply with the height requirements of projecting signs as identified in this Article.

L. Directional Signs.

1. Directional signs are permitted in Nonresidential Zoning Districts as specified elsewhere in this Ordinance.

M. Digital Signs.

1. No digital sign face shall be installed except as part of a wall or ground/pole sign and the placement and manner of installation of digital sign faces shall be subject to the placement and installation restrictions for the same.
2. No digital sign shall be brighter than is necessary for clear and adequate visibility.
 - a. All digital signs shall have installed ambient light monitors and shall at all times allow such monitor to automatically adjust the brightness level of the digital sign based on ambient light conditions so as to minimize and keep consistent sign brightness.
 - b. The maximum brightness level for such signs shall not exceed 5,000 NITS when measured at the sign's face between dawn and dusk, as those times are determined by the National Weather Service.
 - c. The maximum brightness level for such signs shall not exceed 300 NITS when measured at the sign's face between dusk and dawn, as those times are determined by the National Weather Service.
 - d. No permit shall be issued for the installation of a digital sign unless the applicant has submitted a written certification from the sign manufacturer certifying that the light intensity of the sign has not been preset to exceed the illumination levels established herein and that the intensity level is protected from end-user manipulation by password-protected software or similar security measures.

3. All digital signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen in instances of malfunction.

Section 909. General Regulations

- A. No animated signs, no signs illuminated by a flashing, pulsating or intermittent source and/or no signs which create glare on adjacent properties or any adjacent street, shall be permitted.
- B. Signs shall be placed no closer than ten (10) feet to any property line, or any ROW line, and shall not be erected over a street ROW.
- C. In measuring the area of signs permitted under these regulations, the entire face of the sign (one (1) side only), or, where the sign consists of raised letters, or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.
- D. In the Residential Zoning Districts, the maximum height of a sign shall be fifteen (15) feet. In all other Zoning Districts, in no case shall a sign be permitted to be placed higher than the existing building.
- E. No sign shall be erected in such a manner that would obstruct vision, ingress, and/or egress, or interfere with traffic.
- F. No sign shall be located to block doors, operable windows or fire escapes, or access to them; nor shall a sign be attached to a fire escape.
- G. No sign shall be painted directly on a wall unless otherwise specified in this Ordinance. Letters or other devices may be applied directly to a wall but shall not extend more than twelve (12) inches from the wall. Murals are permitted as a conditional use per Section 912 of this Ordinance.
- H. Freestanding signs shall be permitted only on zoning lots with a minimum of 100 feet of street frontage.
- I. Exterior political signs shall not exceed six (6) sq. ft. in area. All exterior political signs on publicly owned property shall only be erected a maximum of twenty (20) days prior to the election and shall be removed within seven (7) days of the election. Political signs on private property are exempt from these requirements.
- J. Nonconforming signs, lawfully existing at the time of enactment of this Ordinance, although such sign does not conform to the provisions of this Section, may continue to exist; however, if such nonconforming sign is discontinued or removed, any future sign on the same premises shall be in conformity with the provisions of this Section.
- K. All applications for permits for construction, installation, maintenance, repair, and/or modification of signs of any type or nature shall be submitted for review and approval or denial by the Borough Zoning Officer, prior to commencement of any activity or work by the applicant or the applicant's representative or delegate concerning installation, construction, or modification of such sign. The provisions of this Section and all of its Subsections shall apply to, but are not limited to all replacement signs, new signs, changes or alterations to existing signs or signs which must be relocated for any reason.

- L. A site plan or sketch, drawn to scale, shall be submitted to the Zoning Officer and shall depict the lot and building upon which the proposed sign will be located, and shall show all other buildings and structures located on said lot and their relationship to said sign. Information submitted to the Zoning Officer shall also include an application for sign permit, a written description of the materials and manner of construction and mounting of the sign, a description of the information and visual material to be included on all surfaces of the sign, a description of the illumination, if any, of the sign and one (1) or more photographs of the proposed sign location from each approach from which the sign will be visible.
- M. Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this Ordinance shall be erected in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-In," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- N. Material and Construction. All signs shall be securely built, constructed, and erected in compliance with all regulations and requirements of the relevant building codes, and in addition:
 - 1. The Zoning Officer may require calculations by an architect or engineer licensed in the Commonwealth of Pennsylvania certifying the stability of a sign, with reference to dead load and wind stress capabilities when a sign is over 25 sq. ft. in area or in the case of a ground sign whose height is greater than ten (10) feet or a sign which weighs in excess of 100 pounds.
 - 2. Any sign damaged by inclement weather that is proven to be unsafe and may not be restored in kind without engineering data as required above.
- O. Illumination and Animation.
 - 1. All illuminated signs shall be inspected by the authorized electrical inspection agency of the Borough during construction to verify compliance with the adopted electrical code of the Borough.
 - 2. Illuminated signs shall be non-flashing and non-glaring and shall be illuminated in a manner to prevent glare and reflection to a public street or adjacent properties.
 - 3. All signs shall be nonanimated with no exterior moving parts.
- P. Permits, Inspection, and Maintenance.
 - 1. No sign, or sign structure, except as provided herein, shall be erected, displayed, altered, relocated, or replaced until a zoning/building permit has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.
 - 2. Applications for a permit shall be submitted on a form provided by the Borough and shall contain the following information:

- a. Name, address, telephone number of the applicant, owner of property (if different), and the owner of the property on which the sign is to be located;
 - b. Address of property where the sign is to be located;
 - c. Type of sign;
 - d. Location of sign relative to the required setbacks and all other structures on lot;
 - e. Written consent of the owner of the property on which the sign is to be located;
 - f. Construction drawings and specifications of the proposed sign(s), showing materials, construction details, finishes, support structure, method of illumination (if any) and any additional information as may be required by the Zoning Officer;
 - g. A fee, as provided for by the Borough Council, in the Borough's fee schedule, as may be amended from time to time.
3. Provided the application is in order, the Zoning Officer shall issue a zoning/building permit for the erection of the sign. Such permit shall expire twelve (12) months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.
4. Inspections by the Zoning Officer shall be made to determine compliance with those regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within 30 days, the sign shall be deemed in violation and the permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.
5. The Zoning Officer may remove, or order the removal of, any sign erected, or placed, in violation of this Ordinance, at the expense of the sign owner
6. Signs which are found to present an immediate hazard to the public may be ordered removed immediately by the Zoning Officer, without notice, and the cost assessed to the sign owner.
7. Signs advertising places of business, or activities, which terminate operation shall be removed within 60 days.

Section 910. Sign Packages

- A. All proposed development shall be required to submit a sign package to the Borough for its approval prior to any sign permits being issued to businesses. Sign package shall mean a detailed description, including but not limited to type, size, and location of all signs for each unit within the complex/center, as well as the ground sign. The Zoning Officer shall review all sign packages for completeness. Any application determined to be incomplete

shall be returned to the applicant with a description of missing and/or incomplete items. This provision shall apply to:

1. New construction after the effective date of this Ordinance,
2. A change in tenant, and
3. The proposal of new, or changes to, the material(s), structure, lighting, mechanisms of signs of an existing use.

Section 911. Billboards

- A. Billboards are permitted as a conditional use in the Commercial District (C-1).
- B. Billboards may be authorized by the Borough Council as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:
 1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in Article VII of this Ordinance.
 2. Billboards are considered as the principal use of a lot or site and as such the land area utilized for a billboard shall not be otherwise required to support another use upon such lot, including, but not limited to, bufferyards, parking area, or setback necessary to any preexisting use upon such lot.
 3. The portion of any lot upon which the billboard is to be located shall contain a minimum of 5,000 sq. ft. in area.
 4. All billboards shall contain only one (1) face for the display of lettered, written, printed, pictorial, or sculpted matter on only one (1) side of its structure, and such face shall be oriented to be viewed from only one (1) direction of travel from the nearest adjacent roadway (cross roadway viewing shall not be permitted).
 5. The display area upon the face of a billboard shall be a maximum of 300 sq. ft. (12 feet by 25 feet), and all portions of any display shall fit within such area with no extensions beyond the edge of the billboard sign's framework.
 6. All utility lines serving the billboard, or those extended to provide such service, must be installed completely underground. Such requirement may be waived if the billboard is powered by nontraditional alternative energy sources (for example solar power).
 7. All billboards shall be set back from the below described items as follows:
 - a. From a roadway intersection: 300 feet.
 - b. From any other billboard (whether such is located in the Borough or otherwise) on the same side of the roadway: 1,200 feet.
 - c. From any other billboard (whether such is located in the Borough or otherwise) on the opposite side of the roadway: 600 feet.

8. The maximum height of billboards shall not exceed twenty (20) feet, as measured from the grade of the roadway from which the advertising message is principally visible, and the bottom edge of the billboard shall be no more than eight (8) feet above the elevation of the adjacent roadway, which height shall be sufficient to prevent unauthorized access upon the billboard.
 9. A bufferyard shall be required between billboards and any adjacent lot(s). For the purpose of establishing the required bufferyard, billboards shall be considered a commercial use.
 10. All displays on the face of billboards shall be stationary, and no animated, sequential, flashing, moving, or oscillating signs or displays shall be permitted.
 11. Illumination of the display shall be designed so that it shall be focused on the face of the display itself so as to prevent glare upon the surrounding area. All sources of illumination shall be external and equipped with shields to prevent spillage of light off the display.
 12. Except as otherwise may be specified herein, all development of billboards shall comply with the provisions of the Subdivision and Land Development Ordinance (SALDO) and this Ordinance.
 13. All billboards shall be constructed to all applicable structural standards for such devices, and all applications for the conditional use approval shall verify compliance with such standards as documented and sealed by a registered engineer licensed in the Commonwealth of Pennsylvania.
- C. All billboards (including any and all supporting structures thereof) shall be dismantled and removed from the premises upon which they are located within 180 days of the cessation of use.
- D. All billboards shall be maintained by their owner in a state of repair so that they are as safe and as functional as when originally installed.
- E. No billboard shall be constructed or erected until an applicant thereof has made an application for same (which shall include a copy of a written lease for use of the land if the applicant is not the owner thereof) and paid the applicable fee thereof (as set by separate resolution of the Borough Council) and received a permit thereof from the Borough.
- F. Prior to erection all proposed applicants for billboards shall be required to obtain any necessary permit from and to conform, in all respects, to any regulation thereof promulgated by an agency of the Commonwealth of Pennsylvania, including, but not limited to PennDOT.

Section 912. Murals

- A. Murals are permitted as a conditional use in the Commercial (C-1) Zoning District.
- B. Murals may be authorized by the Borough Council as a conditional use upon a finding that compliance with the requirements of this Ordinance, as well as the following specific criteria, have been met by the applicant:

1. The submission by the applicant of a conditional use application, which shall contain the information, maps, plans, and narrative and graphic materials set forth in Article VII of this Ordinance.
2. All murals shall not exceed the height of the structure to which it is tiled, painted, or affixed.
3. All murals shall not extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
4. All murals shall not exceed a height of twenty (20) feet above grade.
5. All murals shall not consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).
6. All murals shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
7. All murals shall not be placed on a lot that has an exclusively residential structure.
8. All murals shall not be illuminated.

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Article X. Off-Street Parking and Loading Requirements

Section 1001. Overview

- A. In all Zoning Districts, every use which requires the receipt or distribution, by vehicle, of material or merchandise, shall provide off-street parking and loading berths in accordance with the requirements of the following Sections.
- B. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored or wait in a manner that blocks access to a public ROW.
- C. Off-street parking and loading spaces shall be provided in accordance with the specifications in this Article in any Zoning District whenever any new use is established, or an existing use is enlarged.

Section 1002. General Requirements

- A. Off-street vehicular parking facilities shall be provided in accordance with the following standards:
 - 1. Off-street parking may be located in any required front, side, or rear yard, but not within the existing ROW.
 - a. Off-street parking associated with housing demolition and reconstruction will be determined necessary on a case-by-case basis due to existing site conditions and restraints.
 - 2. Except when provided for residential parking, off-street parking areas shall be constructed with a wearing surface over a minimum of four (4) inches of stone base and shall be properly graded and drained to dispose of all surface water in compliance with the Borough's stormwater management standards.
 - 3. Commercial and industrial parking areas shall be arranged and marked for the orderly and safe circulation, loading, parking, and storage of vehicles and shall be adequately illuminated if designed for use by more than ten (10) cars after dusk.
 - 4. If determined necessary by the Borough Council, parking areas for commercial and industrial uses which provide more than ten (10) parking spaces shall be screened from any butting property used for residential purposes.
 - a. Screening may be accomplished through the placement of buildings, solid fencing and/or the provision and maintenance of heavy planting in the form of a mix of contiguous evergreen and deciduous trees or other suitable landscaping as approved by the Borough Council.
- B. Any new use, expansion of an existing use, or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking and loading spaces.
 - 1. When the calculation of required parking and/or loading spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.

2. Where more than one (1) use exists on a lot, parking and loading requirements for each use shall be provided.
3. A landowner and/or developer shall follow the specific requirements of the Americans with Disabilities Act for off-street parking requirements and shall also meet the standards of the most recently adopted UCC, as both may be amended from time to time.

Section 1003. Parking Ratios

- A. Applicability. The minimum parking ratio standards apply to all Zoning Districts except as may be modified in the provisions of this Ordinance.
- B. Table 13 establishes the minimum number of parking spaces required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
 1. On-site Parking. A use shall provide the minimum number of required spaces for all uses located on the lot or site pursuant to Table 13. Only spaces that are designed consistent with this Section are counted toward the minimum parking required. The following provision apply when providing the minimum number of required on-site parking spaces:
 - a. Required parking for single-family dwellings may be stacked and do not require separate access to each required space.
 - b. No part of a parking or loading space required for any building to comply with this Ordinance shall be included as part of a parking or loading space required for another building.
 - c. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.
 2. Shared Parking. Parking spaces required under this Section may be provided cooperatively for two (2) or more uses on a site as shared subject to the requirements of this Section. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
 - a. The off-site, off-street parking facilities are located on adjacent parcels and are located within 300 feet of the proposed uses.
 - b. The parking demands of the individual uses, as determined by the Zoning Officer, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one (1) time is less than the total parking stalls required.
 - c. A written agreement between the owners and lessees is executed in perpetuity. Should the lease expire or otherwise terminate the use for which the off-site parking was provided shall be considered in violation of its zoning approval and, shall be subject to revocation. Continuation

or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

- d. The applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
 - i. Weekday Daytime
 - ii. Weekday Evening
 - iii. Weekend Daytime
 - iv. Weekend Evening
- e. An application for approval of a shared parking plan shall be filed with the Zoning Officer by the owner of the land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or land development approval, the shared parking agreement requires approval of the Borough Council.

C. Uses Not Identified. The Planning Commission shall determine the parking requirement for uses that do not correspond to the categories listed in Table 13. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

- 1. Type of uses.
- 2. Number of employees.
- 3. Building design capacity.
- 4. Building occupancy load.
- 5. Sq. ft. of sales area and service area.
- 6. Parking spaces proposed on site.
- 7. Number of accessible parking spaces.
- 8. Parking spaces provided elsewhere.
- 9. Hours of operation.

D. Multiple Uses. Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or the gross floor area of each structure. This provision does not apply where the applicant has sought and secured approval under the shared parking requirements of this Ordinance.

- E. Fractional Measurements. When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction shall be rounded up to require a full off-street parking space.
- F. Parking Needs Analysis. The number of off-street parking spaces and loading spaces required by Table 13 of this Ordinance may be reduced if a parking needs analysis demonstrates that the specified ratios in Table 13 exceed the total parking demand of all uses on the subject lot at any one (1) time. The parking needs analysis is subject to the following conditions:
1. The parking needs analysis shall be signed and sealed by a licensed engineer licensed by the Commonwealth of Pennsylvania.
 2. The parking needs analysis, in the form of a narrative, shall include all information outlined this Section of this Ordinance.
 3. The parking needs analysis shall be approved by the Borough Council.
 4. The landowner or developer shall update the Borough-approved parking needs analysis upon any change in use of the subject lot or parcel.

TABLE 13: PARKING RATIOS

| LAND USE/ACTIVITY | MINIMUM VEHICLE SPACES |
|--|--|
| Accessory Dwelling Unit | 1 off-street space per dwelling unit |
| Adaptive Reuse | Determined as per parking needs analysis |
| Animal Day Care | 1 per 600 sq. ft. gross floor area plus 1 per employee |
| Animal Grooming Facility | 2 per grooming station plus 1 per employee |
| Animal Hospitals and Veterinarian Services | 1 per employee and 2 per exam room |
| Auditorium | 1 per each 2 seats in the main seating area |
| Bank | 1 off-street space for each 300 square feet of gross area used or intended to be used for servicing customers, plus 1 additional space for each full-time employee |
| Bed & Breakfast | 1 off-street space per guest room, plus one 1 additional space per owner/manager |
| Billboards | 1 per site |
| Business Services | 1 per employee plus spaces required to satisfy projected peak parking needs as determined by a parking needs analysis |

| LAND USE/ACTIVITY | MINIMUM VEHICLE SPACES |
|--|--|
| Care Facilities and Senior Housing: | |
| Assisted Living Facility | 1 per every 3 rooms |
| Independent Living Facility | 2 per dwelling unit |
| Life Care Community | 1 per employee on peak shift and 1 per 3 beds or residents |
| Nursing Home | 1 per 3 beds and 1 per employee on peak shift |
| Retirement Housing Facility | 1 per 3 dwelling unit |
| Cemetery | 1 per 4 visitors in total capacity of cemetery |
| Commercial School | 1 per faculty member/employee and 1 per 3 nonresident students and 1 per 5 resident students if residents are permitted to have cars |
| Communications Antennae | Not applicable |
| Communications Tower | 1 off-street space per tower |
| Community Garden | 1 off-street space |
| Construction-Related Business | 1 per 1,000 sq. ft. gross floor area |
| Convenience Store | 1 per 300 sq. ft. gross floor area |
| Cryptocurrency Mining | Determined as per parking needs analysis |
| Day Care Center, Adult | 1 per 375 sq. ft. gross floor area |
| Day Care Center, Child | 1 per 375 sq. ft. gross floor area |
| Day Care, Home-Based | 2 plus 1 per employee on peak shift |
| Dwelling Types: | |
| Apartment | 1.5 off-street spaces for 2-bedroom units or less; 2 off-street spaces for 3-bedroom units or more |
| Conversion Dwelling | 2 off-street spaces per dwelling unit |
| Duplex | 4 off-street spaces per dwelling unit |
| Garden Apartment | 3+ Bedroom - 1.4 per dwelling unit 1-2 bedroom- 1.2 per dwelling unit Studio- 1.0 per dwelling unit |
| Granny Flat/Carriage House/In-Law Suite | 1 off-street space |

| LAND USE/ACTIVITY | MINIMUM VEHICLE SPACES |
|-------------------------------------|---|
| Manufactured or Modular Home | 2 per manufactured home (1 on lot and 1 within 300 ft of manufactured home) |
| Mobile Home | 2 per mobile home (1 on lot and 1 within 300 ft of mobile home) |
| Multifamily Dwelling | 1.5 off-street spaces for 2-bedroom units or less; 2 off-street spaces for 3-bedroom units or more |
| Quadruplex | 2 off-street spaces per dwelling unit |
| Single-Family Dwelling | 2 off-street spaces per dwelling unit |
| Townhouse | 2 off-street spaces per dwelling unit |
| Two-Family Dwelling | 4 off-street spaces per dwelling unit |
| Educational Institution | Determined as per parking needs analysis |
| Emergency Services | Not applicable |
| Emergency Services Facility | 1 per employee |
| Emergency Shelter | 1 per employee |
| Essential Services | Not applicable |
| Farmer's Market | 1 per 300 sq. ft. gross floor area |
| Forestry | Not applicable |
| Funeral Home | 1 per 4 seats |
| Gas/Fuel Station | 1 per 375 sq. ft. gross floor area including service bays, wash tunnels, and retail areas |
| Group Care Facility | 1 per employee and 1 per 3 rooms |
| Group Home | 1 per every 3 beds plus 1 for each employee |
| Halfway House | 1 per every 3 beds |
| Hotel | Determined as per parking needs analysis |
| Junkyard | 1 per employee on peak shift, plus 1 per 200 sq. ft. of gross floor area used for office or administrative functions |
| Landscape Service Center, Retail | 1 per 300 sq. ft. of net floor area (indoor) and 1 per 500 sq. ft. of gross floor area (outdoor) and 1 per employee on peak shift |
| Landscape Service Center, Wholesale | 1 per 2 acres of production sales area |

| LAND USE/ACTIVITY | MINIMUM VEHICLE SPACES |
|--|---|
| Live-Work Units | Combined total for the dwelling type plus the nonresidential use |
| Marina | 1 space for every 2 slips |
| Marina Facility | Not applicable |
| Massage Therapy Establishment | 1 per 200 sq. ft. gross floor area |
| Mini-Warehouse and Self-Storage Building | 1 per 100 storage units plus 3 for management staff |
| Mixed Use | Combined total for the dwelling type plus the nonresidential use |
| Municipal Building | 1 off-street space per peak-shift employee |
| Office, Business and Professional | 1 off-street space for each 200 square feet |
| Office, Medical (High and Low Intensity) | 3 per exam room and 1 per employee during peak shift |
| Park/Playground | For Borough review and approval |
| Park, Public or Semi-Public | For Borough review and approval |
| Parking Lot, Commercial | Not applicable |
| Personal Services | 1 per 200 sq. ft. of net floor area and 1 per 2 employees on peak shift |
| Pet Boarding | 1 per every three kennels plus 1 per employee |
| Pilot Manufacturing | 1 per employee on peak shift |
| Place of Assembly | off-street space per 8 seats in the largest meeting room |
| Place of Worship | 1 per every 8 seats |
| Printing Facility | 3 off-street spaces for each 4 employees on the largest shift, or 1 off-street space for every 250 square feet of gross floor area, whichever is greater, plus 1 space for each company vehicle normally stored on the premises |
| Private Club | 1 per 5 members of total capacity plus 1 per 50 sq. ft. of gross floor area plus 1 per employee |
| Private Utility | As determined by the Borough |
| Railroad Facility | 1 per employee |
| Recreation, Passive | As determined by the Borough |
| Restaurant, Fast Food | 1 per 75 sq. ft. gross floor area and 1 per employee on peak shift |

| LAND USE/ACTIVITY | MINIMUM VEHICLE SPACES |
|-----------------------------------|---|
| Restaurant, Sit-Down | 1 per 75 sq. ft. gross floor area and 1 per employee on peak shift |
| Restaurant, Take-Out | 5 for customer take out/pick up and 1 per employee on peak shift |
| Retail Store | 1 per 200 sq. ft. gross floor area or servicing customers and 1 per employee |
| School | 1 off-street parking space for each faculty member and employee plus 1 space per 2 classrooms and offices |
| Service Station | 3 per bay and 1 per employee on peak shift and 1 per business vehicle |
| Solar Energy System, Small | Not applicable |
| Tavern/Bar | 1 per employee |
| Vehicle Repair Garage | 3 per bay and 1 per employee on peak shift and 1 per business vehicle |
| Warehouse and Storage Services | 1 per 1,000 sq. ft. gross floor area |
| Water Storage | 1 per facility |
| Wind Energy System, Small | Not applicable |
| Wireless Communication Facilities | 1 per service employee |
| Principal Uses Not Listed: | Determined as per parking needs analysis. Parking spot approval will be determined by the Borough Engineer and Borough Council. |
| Accessory Uses Not Listed: | Determined as per parking needs analysis. Parking spot approval will be determined by the Borough Engineer and Borough Council. |

Section 1004. Off-Street Parking Design

- A. Size. Each off-street parking space shall have a minimum area of 180 sq. ft., exclusive of access drives or aisles shall have minimum dimensions of nine (9) feet in width and twenty (20) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street.
- B. Access.
 1. Where an existing lot does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas.

2. Joint access to abutting parcels shall be provided wherever practical. This will result in the development of shared parking areas at vehicular access points.
 3. Access to off-street parking areas shall be limited to well-defined locations, and, in no case shall there be unrestricted access along the length of a street.
 4. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every 400 feet of street frontage.
 5. Except on corner lots, access drives shall be located at least two 200 feet from the intersection of any two street ROW lines. Where a lot has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
 6. Access drives entering State highways are subject to an HOP issued by PennDOT. Access drives entering Borough streets are subject to a Borough-issued driveway permit and associated regulations.
 7. Access drives entering a County road shall be approved by Allegheny County. Said permits and approvals shall be obtained prior to commencement of any construction activity.
 8. Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- C. Internal Driveway System. All off-street parking lots with greater than 200 parking spaces shall include a separate internal driveway system which connects individual aisles to a public ROW. The purpose of the internal driveway system is to facilitate pedestrian and vehicular circulation, creating an interconnected circulation network.
1. Internal driveways shall be provided to permit on-site access to all parking and loading facilities and to permit emergency vehicle access.
 2. Internal driveway systems shall be designed to connect into adjacent properties, where practical. The Borough may require an easement be placed on the property to allow for future connection to the adjacent properties.
- D. All parking areas containing three (3) or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public ROW.
- E. Except as otherwise permitted, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.
- F. All vehicular turning movements and maneuvering must take place on site.
- G. The end of each parking bay shall have an end cap island of at least five (5) ft. in width. The end cap island area shall not be used in meeting required minimum parking space or travel aisle dimensions.
- H. Safety Requirement. The Borough Council shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The landowner

and/or developer shall be responsible for construction of any required islands, acceleration, deceleration, or turning lanes and shall bear the cost of installing any required traffic control devices, signs, or pavement markings.

- I. **Marking.** All parking spaces shall be clearly delineated by painted lines or markers. Delineated parking spaces shall be necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.
- J. **Parking Lot Curbs.** All off-street parking lots, including loading areas, service areas and driveways, shall be curbed. All curbing shall be constructed only of concrete, asphalt or other material approved by the Borough Engineer.
- K. **Surfacing.** All parking areas and access drives associated with the development of a major subdivision or PRDs shall have a paved concrete or bituminous surface, or any other surface approved by the Borough Engineer, graded with positive drainage to dispose of surface water and be subject to any additional requirements of the Subdivision and Land Development Ordinance (SALDO).
- L. **Parking Lot Lighting.** Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from any adjoining Residential Zoning District or existing residential use and away from any streets or highways. The spacing of lighting shall be determined based upon a Borough-approved plan of photometrics. The lighting system shall furnish an average minimum of two (2) footcandles during typical hours of operation. If required by this Ordinance for certain uses, lighting intensity shall be reduced between defined hours.

Section 1005. Parking Areas Serving Residential Dwellings

- A. Parking requirements for single-family, two-family, and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway, but not within a required yard, on the lot.
- B. Parking for apartments shall be provided in a common paved, striped, and curbed off-street parking area(s) or structure.

Section 1006. Parking Areas Serving Uses Other than Residential Dwellings

- A. Parking requirements for all uses other than residential dwelling shall be met by providing a common paved, striped, and curbed off-street parking area(s) or structures.

Section 1007. Driveways Serving Nonresidential Uses

- A. Single lane and access drives that provide access to lots and parking areas shall be a minimum of ten (10) feet wide and a maximum of twelve (12) feet wide; two (2) lane and access drives shall be a minimum of twenty (20) feet wide and a maximum of 24 feet wide.
- B. If parking spaces are aligned at less than 90 degrees, driveways shall be restricted to one-way traffic and head-in parking only.

- C. There shall be at least fifteen (15) feet between driveways at the street line and at least five (5) feet between a driveway and a fire hydrant, catch basin, or lot line. There shall be at least 40 feet between a driveway and the ROW line of an intersecting street.
- D. Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer. Driveways shall not exceed a slope of ten percent (10%) within twelve (12) feet of the street ROW line.

Section 1008. Location of Parking Areas

- A. Required parking spaces shall be located on the same lot with the principal use.
- B. No parking area containing more than five parking spaces shall be located closer than ten (10) feet to any adjoining lot line, and parking authorized in front yards shall be located at least ten (10) feet from the street ROW line.

Section 1009. Stormwater Management

- A. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent lots. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the PA DEP, the Borough's Subdivision and Land Development Ordinance (SALDO) and Stormwater Management Ordinance, and to the review and recommendation of the Borough Engineer.

Section 1010. Off-Street Loading Design

- A. All commercial and industrial establishments shall provide adequate off-street loading and unloading and commercial vehicle storage space for their needs. This required space will be provided in addition to the established requirements for patron and employee parking. In no case where a building is erected, converted, or enlarged for commercial, manufacturing or business purposes shall the public ROW be used for loading or unloading.
- B. Size. Each loading berth shall be at least 60 feet in length and twelve (12) feet in width with an overhead clearance of fourteen (14) feet. The area used for loading berths shall not be used to satisfy parking area requirements.
- C. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets and the design shall be subject to review and approval by the Borough Engineer. Loading berths shall have direct access to a driveway and shall be maintained free of obstruction.
- D. Location. All loading berths shall be located on the same lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of any two (2) streets.
- E. Screening. Loading berths shall be screened by an eight (8) ft. hedge, wall, or fence with a minimum opacity of 80% on all sides that face a residential use or a use within a Residential Zoning District.

- F. Surfacing. All loading berths shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water.
- G. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect away from any adjoining residential use or Residential Zoning District and away from any street or highway.
- H. All supplies and equipment shall be stored within a completely enclosed building.
- I. Exterior display and sales of building materials and/or equipment associated with the permitted principal use shall require an approval of a supply yard as an accessory use.
- J. Exterior storage of building materials and/or equipment associated with the permitted principal use shall require an approval of a storage yard as an accessory use.
- K. The use shall be accessed directly from an arterial or collector street.

Section 1011. Off-Street Loading Requirements

- A. In all Zoning Districts, every use which requires the receipt or distribution, by tractor-trailer, of material or merchandise, shall provide off-street loading berths in accordance with the following requirements:
 - 1. Retail stores, freight terminals, industrial or manufacturing establishments, retail, or wholesale stores, personal or business service establishments, storage warehouses, or any similar uses which receive deliveries shall provide the number of off-street berths as required in Table 14.
 - 2. Recreation facilities, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings, and similar uses which receive deliveries by tractor-trailer shall provide the number of off-street berths as required in Table 15.
 - 3. Any other business that is expected to have deliveries from large vehicles not specifically identified herein may be required to provide loading berths in compliance with this Section at the discretion of the Borough.
 - 4. In addition to required off-street parking and loading facilities, adequate storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public ROW.

TABLE 14: BERTHS REQUIRED (RETAIL, INDUSTRIAL, AND MANUFACTURING)

| Gross Floor Area (sq. ft.) | Number of Berths Required |
|-----------------------------------|----------------------------------|
| Under 10,000 | None |
| 10,000 to 19,999 | 1 |
| 20,000 to 39,999 | 2 |
| 40,000 to 65,000 | 3 |
| For each additional 20,000 | 1 additional |

TABLE 15: BERTHS REQUIRED (AUDITORIUMS AND OFFICE BUILDINGS)

| Gross Floor Area (sq. ft.) | Number of Berths Required |
|-----------------------------------|----------------------------------|
| Under 40,000 | None |
| 40,000 to 59,999 | 1 |
| 60,000 to 99,999 | 2 |
| 100,000 to 160,000 | 3 |
| Over 160,000 | 4 |

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Article XI. Performance Standards

Section 1101. Compliance Required

- A. All uses shall comply with the requirements of this Article, and the landowner and/or developer shall demonstrate that a proposed use shall comply with the standards herein prior to the Borough issuing approval and any operation commencing on the lot.
- B. Compliance shall be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this chapter, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
- C. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, streetlighting, and similar services shall obtain such approval as required by the agency providing such service prior to project approval. If there is no availability of essential services, that shall be grounds for denying permits for additional development until such services are available. The Borough is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the landowner and/or developer, unless the jurisdiction agrees otherwise.
- D. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service and shall be subject to review, permitting, and inspection as required by other policies or ordinances of the jurisdiction.

Section 1102. Fire Protection

- A. Fire protection and firefighting equipment, procedures, and safety protocols acceptable to the National Fire Protection Association shall be readily available and followed where there is any activity involving the handling or storage of flammable or explosive materials.

Section 1103. Radioactivity; Electrical Disturbances

- A. Unless otherwise permitted by the Borough for medical purposes, no activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

Section 1104. Noise

- A. Fire sirens, place of worship bells, and related apparatus used solely for public purposes shall be exempt from the noise requirements herein.
- B. Within the C-1 District when adjoining a residential use, noise in excess of 75 decibels between 7:00 a.m. and 11:00 p.m. and 55 decibels between 11:00 p.m. and 7:00 a.m., as measured on a decibel or sound-level meter of standard quality and design operated on the A-weighted scale, shall not be permitted. Industry standards and equipment shall be utilized for measuring such noise at any and all lot lines of the subject lot on which the

noise source is located. Proof of such current compliance shall be presented to the Borough upon the request of the Zoning Officer.

Section 1105. Vibrations

- A. Vibrations detectable without instruments on any adjacent lot in any zoning district shall be prohibited, except that temporary vibration as a result of construction activity shall be permitted. No construction vibrations shall be permitted between 7:00 p.m. and 7:00 a.m.

Section 1106. Odors

- A. No malodorous gas or matter shall be permitted which is discernible on any adjacent lot or any zoning district.

Section 1107. Smoke

- A. The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines or most-recent industry standard. No smoke of a shade darker than No. 2 shall be permitted.

Section 1108. Air Pollution

- A. No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to public health, animals, vegetation, or other property or which can cause soiling of property.

Section 1109. Glare and Outdoor Lighting

- A. A plan of luminosity, the measure of light impacts, shall be submitted in accordance with the Borough's Subdivision and Land Development Ordinance.
- B. In any zoning district, any operation or activity producing outdoor lighting and/or intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of zero footcandles when measured at any residential zoning district boundary line or any residentially developed lot in the C-1 Zoning District. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.
- C. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high-brightness surface from viewing angles about 60 feet from horizontal shall be utilized. Architectural lighting shall be recessed under roof overhangs or generated from concealed sources utilizing low-intensity light fixtures. The interior illumination of a canopy which permits any light to pass through is hereby banned. The illumination or lighting of freestanding and building canopies, awnings, and exterior auxiliary parts is prohibited, with the exception of flat-lens, full-cutoff, downcast lighting, which may be mounted on the underside surface of a structure, provided that it illuminates only the ground area beneath the structure.
- D. All outside lighting, including sign lighting, shall be focused away from adjacent streets and lots and shall be directed in such a way as not to create a nuisance to any adjacent

use and roadway. All luminaries and fixtures hereafter constructed, installed, changed, or remodeled shall be equipped with a glare-shielding device, full-cutoff, downward-cast, in the case of freestanding area lighting. Intensity of outdoor lighting shall be limited within usable areas of a lot (i.e., parking, walkways, etc.) to an average intensity at the ground of 2 1/2 footcandles with a maximum intensity at any given point on the ground of six (6) footcandles, unless otherwise approved by the Borough Council. A 400-watt maximum shall apply to any light source.

- E. In any zoning district, all pole-mounted illumination or lighting over six feet in height or any wall-mounted illumination or lighting supported by brackets or pole arms over six feet in height, hereafter constructed, installed, changed, or remodeled, shall be "full cut-off lighting" with flush or recessed lens caps only. All light fixtures shall be mounted parallel to the ground. "Full cut-off lighting" shall be defined as the type of lighting fixture designed to provide light distribution so that the candela at 90° above nadir is zero and less than 10% of rated lumens at 80° above nadir as defined by current industry standards.
- F. Illumination and light intensity shall not exceed zero footcandles, measured either vertically or horizontally to the ground surface, at any height, at any adjoining lot line in a residential zoning district. Where light is reflected in a street area, then the intensity measurement shall be made on the right-of-way line across the street from where the light source emanates.
- G. Sign lighting shall be low-intensity and generated from a concealed source and shall not spill over into adjoining lots or roadways or in any way interfere with the vision of oncoming motorists. Spotlights used to illuminate signs, or each side of a two-faced sign, shall be restricted to not more than one 150-watt light per signs for up to 40 square feet and no more than two 150-watt lights per sign for over 40 square feet. The sign base or landscaping around the sign shall be designated to shield the light from oncoming motorists to conceal the light source and light fixtures.
- H. The height of a luminaire shall be limited as follows:
 - 1. In any residential zoning district, the maximum height permitted shall be 20 feet.
 - 2. In any other zoning district, the maximum height shall be 30 feet.
 - 3. The Borough Council may further limit the height of any luminaire when it is determined that proposed lighting may have a detrimental impact upon nearby lots.
- I. Basketball courts, playing fields, and tennis courts which have a unique requirement for nighttime visibility may be exempted from Subsections A through H if, in the judgment of the Borough Council, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.

Section 1110. Erosion

- A. No erosion by wind or water shall be permitted which will carry or deposit objectionable substances onto neighboring lots. Provisions required by the Allegheny County Conservation District shall be applicable to all development or redevelopment.

Section 1111. Excavation, Filling, and Grading

- A. See the Borough's Grading Ordinance and also the Steep Slopes Regulations in Article VIII of this Ordinance.

Article XII. Wireless Communications Facilities

Section 1201. Purpose and Findings of Fact

- A. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities (WCF) in the Borough. While the Borough recognizes the importance of WCFs in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- B. By enacting this Ordinance, the Borough intends to:
 1. Promote the health, safety, and welfare of Borough residents and businesses with respect to WCFs.
 2. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations.
 3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based WCFs in the Borough, including facilities both inside and outside the public ROW.
 4. Address new wireless technologies, including but not limited to, DAS, data collection units, cable Wi-Fi, and other WCFs.
 5. Encourage the co-location of WCFs on existing structures rather than the construction of new tower-based structures.
 6. Treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising the Borough's authority.
 7. Protect Borough residents from potential adverse impacts of WCFs and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
 8. Update the Borough's wireless facilities regulations to incorporate changes in Federal and State laws and regulations.

Section 1202. General Standards for All Tower-Based WCFs

- A. General Standards. The following regulations shall apply to all tower-based WCFs:
 1. Conditional Use Required. Each applicant proposing the construction of a tower-based WCF shall complete and submit a conditional use application as either a principal or accessory use prior to beginning construction of such WCF. Such application shall be evaluated by the Borough and subject to the proceedings of Article IV of this Ordinance.

2. Proof of Ownership or Agreement. The applicant shall include a copy of a written agreement for use of the land if the applicant is not the owner the parcel on which the tower-based WCF will be constructed.
3. Historic Buildings or Districts. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Borough.
4. Related Equipment. Ground-mounted related equipment greater than three (3) cubic feet, such as cabinets and accessory structures, shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
5. Standard of Care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, National Electrical Code as adopted by the UCC, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
6. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended).
7. Height. Any tower-based WCF shall be designed at the minimum functional height. All tower-based WCF applicants must submit documentation to the Borough justifying the total height of the structure. The maximum total height of any tower-based WCF, which is not located in the public ROW, shall not exceed 150 feet, which height shall include all subsequent additions or alterations. Equipment buildings, cabinets, and accessory structures shall not exceed fifteen (15) feet in height.
8. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
9. Maintenance. The following maintenance requirements shall apply:
 - a. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

- c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- 10. Modifications. Applicants proposing the modification of any tower-based WCF shall submit a building permit application to the Borough and shall not commence such modifications until the complete application has been received by the Borough.
- 11. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- 12. Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. There shall be no other signage permitted on the WCF, except for that required by law FCC/FAA regulations.
- 13. Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- 14. Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- 15. Aviation Safety. Tower-based WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
- 16. Timing of Approval. Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the Borough shall advise the applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150 day review period.
- 17. Non-Conforming Uses. Non-conforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location within one (1) year after damage occurs but must otherwise comply with the terms and conditions of this Ordinance. Co-location on non-conforming tower-based WCFs is permitted.

18. Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
- a. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF. In addition to and not in lieu of any other remedy available to the Borough to recover costs associated with removal, the Borough shall file liens against the WCF owner and the owner of any real property upon which a WCF is sited, in order to recover any unpaid legal fees, consultant fees, and court cost that may be incurred.
 - c. Any unused portions of tower-based WCF, including antennae, shall be removed within six (6) months of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based WCF previously removed.
19. FCC License. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
20. Insurance. Each person that owns or operates a tower-based WCF greater than 45 feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based WCF. Each Person that owns or operates a tower-based WCF 45 feet or less in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
21. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.
22. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Borough for all costs

of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

23. Indemnification. Each person that owns or operates a tower-based WCF, or the property on which such WCF is located shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF and each owner of property upon which a tower-based WCF is located shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of tower-based WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
24. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
25. Financial Security. Prior to receipt of a zoning permit for the construction or placement of a tower-based WCF, the applicant shall provide to the Borough financial security in the form of a letter of credit or bond sufficient to guarantee the removal of the tower-based WCF. The amount of said financial security shall be determined based upon industry standards for removal and shall remain in place until the tower-based WCF is removed.

Section 1203. Design Standards for WCFs

A. Antenna.

1. The antenna shall appear as a seamless extension of the existing structure or new tower/structure.
2. Antenna shall be equal to or less diameter of the tower/structure.
3. The antenna shall match the color and texture of the tower/structure it is to be a part of.

B. Cabinets and Equipment.

1. All equipment/cabinets shall match the color and texture of the tower/structure it is to be placed on, except for wood utility poles.
2. All wires shall be shrouded and shall match the color and texture of the structure it is to be attached.

3. Wires, cables, and other equipment shall be firmly attached to the structure.
4. Cabinets shall be integrated into the structure. If integration is not feasible, the cabinet shall be adjacent to the structure to which the antenna is placed.
5. No equipment or structure shall interfere with pedestrian or bicycle traffic.
6. Street trees shall not be removed to allow for cabinets or equipment.

C. Noise and Lighting.

1. Illumination is not permitted for small cell wireless facilities, unless it is part of a streetlight or where required by the FCC.
2. All equipment shall comply with the Borough's noise regulations outlined in this Ordinance.

D. Painting.

1. Towers shall be painted or finished in a manner which blends with the dominant color of the background except where otherwise required by the FAA. The applicant and/or operator of the facility shall have a continuing duty to maintain such paint or finish.

E. View Protection.

1. A tower shall not be located in such a fashion as to negatively impact views from public parks or recreation areas.

Section 1204. Specific Requirements for Tower-Based WCFs Outside of the ROW

A. Tower-based WCFs outside the ROW. The following regulations shall apply to tower-based WCFs located outside the public ROW:

1. Location. No tower-based WCF shall be located in an area in which all utilities are located underground, except as permitted by this Ordinance.
 - a. Tower-based WCFs may be located in the following Zoning Districts:
 - i. C-1 Commercial District
 - b. Such tower-based WCFs shall not be located in, or within 100 feet of an area in which all utilities are located underground.
2. Site Requirements. A tower-based WCF may be located as permitted in the District regulations or the general standards for accessory structures, as set forth in Article III of this Ordinance.
 - a. Permitted as a Sole Use on a Lot. A tower-based WCF may be permitted as a sole use on a lot, provided such WCF conforms to the regulations set forth in Article III of this Ordinance and the following standards:
 - b. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable District and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment

building, security fence, and buffer planting if the proposed WCF is greater than 50 feet in height.

3. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable Zoning District. In addition, the minimum setback for the tower shall be a distance that is at least equal to one and one-half (1.5) times the height of the tower.
 - a. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - b. The existing use on the property may be any permitted use in the applicable District and need not be affiliated with the communications facility.
4. Minimum Setbacks. The tower-based WCF and accompanying equipment building shall comply with the general standards for accessory uses. In addition, the minimum setback for the tower from any existing structures shall be a distance that is at least equal to one and one half (1.5) times the height of the tower.
5. Gap in Coverage. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage.
6. Co-Location and Siting. An application for a conditional use for a new tower-based WCF shall not be approved unless the Borough Council finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building, or on Borough property. Any application for a conditional use for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough Council that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
7. Notice. Upon submission of an application for a tower-based WCF, the applicant shall provide the contact information of all owners of every property within 500 feet of the proposed facility. The Borough shall be responsible for mailing the notices to the neighboring property owners.
8. Design Regulations.
 - a. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough Council.

- b. Any height extensions to an existing tower-based WCF shall require prior approval of the Borough Council. The Borough reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Borough.
- c. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennae and comparable antennae for future users.

9. Surrounding Environs.

- a. The WCF applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible. Any plantings shall conform to the standards set forth in Article IV of this Ordinance.
- b. The WCF applicant shall submit a soil report to the Borough to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

10. Fence/Screen.

- a. A security fence having a maximum height of eight (8) feet shall completely surround any tower-based WCF greater than 50 feet in height, as well as guy wires, or any building housing WCF equipment.
- b. A screen of evergreen trees planted eight (8) feet on center, and staggered in two (2) rows, shall be located along the perimeter of the security fence surrounding a Tower Based WCF greater than 50 feet in height. Existing vegetation shall be preserved to the maximum extent possible.

11. Accessory Equipment.

- a. Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying Zoning District.
- c. Additional Antennae. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the Borough.

12. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower-based WCF.

Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

13. **Parking.** For each tower-based WCF greater than 50 feet in height, there shall be two (2) off-street parking spaces, or one (1) space per employee, whichever is greater.
14. **Inspection.** The Borough reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 1205. General Standards for All Non-Tower WCF

A. **General Standards.** The following regulations shall apply to all non-tower WCF:

1. **Permitted in All Zoning Districts Subject to Regulations.** Non-tower WCFs are permitted in all Zoning Districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Zoning Officer.
2. **Locations Restrictions.** Non-tower WCFs shall meet the following location restriction:
 - a. **Prohibited on Certain Structures.** Non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, two-family residences, or any accessory residential structure.
 - b. **Related Equipment.** Ground-mounted related equipment greater than three (3) cubic feet shall not be located within 50 feet of a lot in residential use or Residential Zoning District.
 - c. **Historic Buildings.** No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Borough or has been designated by the Borough to be of historical significance. The Borough Council may, in its discretion, waive this prohibition if the applicant can demonstrate that the proposed location is less visually intrusive than other potential sites.
3. **Proof of Ownership or Agreement.** The applicant shall include a copy of a written agreement for the use of the structure if the applicant is not the owner the parcel on which the non-tower WCF will be constructed.
4. **Building Permit Required.** Applicants proposing the modification of an existing non-tower WCF shall obtain a building permit from the Zoning Officer. In order

- to be considered for such permit, the applicant must submit a permit application to the Borough Zoning Officer.
5. **Standard of Care.** Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.
 6. **Wind.** Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
 7. **Height.** Any non-tower WCF shall be designed at the minimum functional height. All non-tower WCF applicants must submit documentation to the Borough justifying the total height of the structure.
 8. **Public Safety Communications.** No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
 9. **Maintenance.** The following maintenance requirements shall apply:
 - a. The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
 10. **Radio Frequency Emissions.** No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
 11. **Aviation Safety.** Non-tower WCFs shall comply with all Federal and State laws and regulations concerning aviation safety.
 12. **Timing of Approval.** Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Borough, the Borough shall notify the WCF applicant in writing of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the WCF applicant in writing of such decision. The Borough shall

notify the WCF applicant as to completeness of the WCF application within 30 days of receipt. The timing requirements in this Section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.

13. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - b. If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
14. Insurance. Each Person that owns or operates a non-tower WCF shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower WCF.
15. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF.
16. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
17. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage or depreciation of property value or for violation of property or zoning rights, arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF and each owner of property upon which a tower-based WCF is located. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation,

operation, maintenance, or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

18. Engineer Signature. All plans and drawings for all non-tower WCFs shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

Section 1206. Specific Requirements for Non-Tower WCF Outside the ROW

- A. Non-tower WCF outside the ROW. The following regulations shall apply to non-tower WCFs outside the ROW:

1. Development Regulations. Non-tower WCFs shall be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:
 - a. Such WCF does not exceed the maximum height permitted in the underlying Zoning District.
 - b. If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the minimum requirements for the applicable Zoning District.
 - c. An eight (8) ft. high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations.
 - a. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough Council.
 - b. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of ten (10) feet above the roof or parapet.
 - c. The total height of any support structure and mounted WCF shall not exceed the maximum height permitted in the underlying Zoning District.
 - d. All non-tower WCF applicants must submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
3. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

4. Non-Commercial Usage Exemption. Borough citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Ordinance.
5. Removal, Replacement, and Modification.
 - a. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.
 - b. Any material modification, such as an increase in height or width, to a WCF shall require a prior amendment to the original permit or authorization.
6. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

Section 1207. Specific Requirements for Small WCF in the Public ROW

- A. Application Requirements. An application for a small WCF shall include the following:
 1. Construction and Engineering Drawings.
 2. A signed agreement from the owner of the pole on which the small WCF will be placed.
 3. Documentation showing compliance with all applicable requirements and design guidelines herein.
 4. A statement from the applicant indicating that the following and approval of the small wireless facility is required by the wireless provider to provide additional capacity or coverage for wireless service.
 5. A report from a qualified engineer that shows that the small WCF will comply with applicable FCC regulations, as amended.
- B. Consolidated Applications. Applicants may submit a consolidated application for multiple small WCFs if the following conditions are met:
 1. The consolidated application shall not exceed twenty (20) small wireless facilities.
 2. The denial of one or more small wireless facilities shall not delay the processing of any other small wireless facilities on the same application.
 3. A single applicant shall not submit more than one (1) consolidated application or twenty (20) single applications in a 30-day period.
- C. Height and Size Regulations.

1. Height on an Existing Utility Pole. The height of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
2. Height on a New or Replacement Utility Pole. The height of a small wireless facility installed on a new or replacement utility pole shall not exceed 50 feet above ground level, including the utility pole and small wireless facility.
3. Each antenna associated with the deployment shall be no more than three (3) cubic feet in volume.
4. Any other equipment associated with the facility (excluding antennas) shall be no more than 28 cubic feet in volume.

D. Time Frames for Review and Action.

1. The Borough shall provide notice to the applicant if it is incomplete within ten (10) business days of submittal of the application.
2. The Borough shall approve or deny a small wireless facility application for collocation on existing poles within 60 calendar days.
3. The Borough shall approve or deny a small wireless facility application for new or replacement poles within 90 calendar days.

E. Resubmittals.

1. Applicants may resubmit without additional fees within 30 days of denial. The Borough shall have an additional 30 days to render a decision on the resubmitted application.
2. Batched Applications.
 - a. Only one batched application shall be permitted in a 45-day period.
 - b. A maximum of twenty (20) collocated facilities are permitted per application.
 - c. If more than one (1) application for batched facilities is submitted within a 45-day period, the Borough shall have an additional 15 days to render a decision.

Article XIII. Nonconforming Uses, Structures, and Lots

Section 1301. Purpose

- A. The purpose of this Article is to regulate nonconforming uses, nonconforming buildings and structures, nonconforming lots, and nonconforming signs. The Zoning Districts established by this Ordinance are designed to guide the future use of the Borough's land by encouraging the development of desirable residential, commercial, and other uses with appropriate groupings of compatible and related uses that promote and protect the public health, safety, and general welfare of the community. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate Districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood.

Section 1302. Nonconforming Use

- A. Definition. A nonconforming use is the lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of enactment of this Ordinance.
- B. When permitted subject to the provisions of this Section, a use of building or land existing at the time of the legal adoption of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance for the District in which it is located.
- C. Continuation of Nonconforming Use. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this Section. Ordinary repair and maintenance or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, may be performed.
- D. Change of Nonconforming Use to Conforming.
1. No nonconforming building, structure or use shall be changed to another nonconforming use.
 2. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Ordinance or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Ordinance or its amendments.
 3. The prior nonconforming use shall not be resumed; provided, however, that if a later amendment to this Ordinance should make the use as so changed or altered nonconforming with its provisions then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or non-compliance.
- E. Expansion or Extension of Nonconforming Use. A nonconforming use may be extended as a special exception upon approval through application to the ZHB subject to the following:

1. The extension becomes an attached part of the main structure and does not utilize additional or adjoining land area other than the original parcel.
 2. The extension does not encroach upon the yard height requirements of the District in which the nonconforming use is presently located.
 3. The extension is for the purpose of the expanding nonconforming use in the existence at the time of the legal acceptance of this Ordinance.
 4. Extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.
 5. No nonconforming use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming.
 6. No structure utilized for a nonconforming use shall be enlarged, extended, or structurally altered by more than twenty (20) percent, unless the use is changed to one which complies with the provisions of this Ordinance. For any change exceeding twenty (20) percent, the provisions for Special Exception shall apply. Improvements specifically required by this Ordinance shall be exempt from this subsection. Nothing herein shall prevent compliance with applicable laws or statutes relative to the safety and sanitation of a structure occupied by a nonconforming use.
 7. Whenever a use District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming use of such changed District may be continued, and such use may be extended throughout the structure.
- F. Abandonment. A legal nonconforming use of a building or land which has been abandoned intentionally shall not thereafter be returned to such nonconforming use and shall be considered abandoned under the following circumstances.
1. When the intent of the owner is to discontinue the use is apparent; or
 2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 180 days, unless other facts show an intention to resume the nonconforming use; or
 3. When a nonconforming use has been discontinued for a period of six (6) months; or
 4. When it has been replaced by a conforming use; or
 5. When it has been changed to another use authorized by the ZHB; or
 6. The lawful use of the land existing at the time this Ordinance or any of its amendments was adopted, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is abandoned for a

period of six (6) months, any future use of said land shall conform to the provisions of this Ordinance; or

7. Any subsequent use shall conform to the applicable provisions of this Ordinance, or its amendments and the prior nonconforming use shall not be resumed, unless in accordance with the applicable provisions of this Ordinance or its amendments.
- G. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use shall continue after such principal use or structure has been abandoned or removed, unless it shall thereafter conform to all the regulations of the Zoning District in which it is located.
- H. Unsafe Structure. Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition of any portion of a building structure that is declared unsafe by the proper authority.
- I. Unlawful Use Not Authorized. Nothing in this Ordinance shall be interpreted as authorization for approval of the continuance of the illegal use of a structure or premises in violation of zoning controls in existence at the time of the effective date of the legal enactment of this Ordinance.

Section 1303. Nonconforming Buildings or Structures

- A. Continuation of nonconforming buildings or structures. Any nonconforming building or structure which is devoted to a use which is permitted in the Zoning District in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this Section.
- B. Structural Alteration of Nonconforming Buildings or Structures. A lawful nonconforming use of a building or structure existing at the time of the adoption of this Ordinance, or an amendment hereto may be structurally altered. Such alteration shall not expand its nonconformity in areas not previously occupied by the nonconforming use unless meeting the requirements of expansion and extension of nonconforming uses as required in this Ordinance. No parking, yard, space, or bulk nonconformity may be created or increased.
- C. Changes to Nonconforming Buildings or Structures to Conforming.
 1. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Ordinance or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Ordinance shall make such building or structure conforming with the provisions of this Ordinance or its amendments, then such building or structure shall remain in conformance with the applicable provisions of this Ordinance or its amendments.
 2. If a later amendment to this Ordinance should make the building or structure as changed or altered nonconforming with its provisions, then the building or structure as changed or altered will become a non-conforming building or structure to the extent of such nonconformance or noncompliance.
- D. Damage or Destruction of Nonconforming Buildings or Structures.

1. In the event any nonconforming building or structure is destroyed by an act of God or any other cause not within the control of the owner, the owner may rebuild the destroyed building or one designated for the same use and may use the building for such use regardless of whether the provisions of this Ordinance may otherwise prohibit the construction of such a building or prohibit such a use in a district in which the land is located; provided, however, that the rebuilding of such building or structure shall commence not more than two (2) years from the date of the event which caused the loss of the original structure, and provided further that the use of said rebuilt structure shall commence within one year from the completion of said building as provided for herein. In no event shall any damage or destruction to such a structure by any means within the control of the owner be repaired or restored, except in accordance with this Section.

E. Expansion or Extension of Nonconforming Buildings or Structures.

1. No nonconforming building or structure may be extended on the lot on which it is located, nor may any nonconforming building or structure be moved to a different position upon the lot on which it is located, except to a position in conformity with the current codes.
2. Legal non-conforming residential structures may be expanded up to 100 sq. ft. to allow for necessary accessibility improvements.
3. Whenever a use District shall be hereafter changed by a duly adopted amendment to this Ordinance, then any existing legal, nonconforming structure of such changed District may be continued, and such use may be extended throughout the structure.
4. Structures that are nonconforming on the effective date of this Ordinance that already encroach on a required set back can extend that encroachment and not be considered an expansion of the nonconforming structure subject to the following:
 - a. The structure is only extended on a parallel plane of the existing nonconforming encroachment and does not extend any closer to a property line.
 - b. The extension is no more than 25% of the length of the side of the existing nonconforming structure on the side of the encroachment.
 - c. A determination is made by the Zoning Officer that there is no impact to immediately adjacent property. If any uncertainty exists regarding impacts to immediately adjacent properties, the Zoning Officer may refer the request to the ZHB for an interpretation.

F. Repairs, Renovation, and Modernization of Nonconforming Buildings or Structures.

1. Repairs, renovations and modernization of nonconforming buildings or structures, such as renewal or replacement of outer surfaces, windows, addition of soundproofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure shall be permitted notwithstanding other provisions of this Ordinance.

2. Such repairs, renovations, or modernizations are allowed provided they do not change or alter substantially the physical configuration of the nonconforming building or structure or change its position on the ground.
- G. No increase in the size of or area covered by the nonconforming use or area of the use within the building or structure is allowed except as provided for in this Ordinance. The areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation, or modernization, provided that no enlargement or expansion of the nonconforming use occurs.
- H. Alterations. A nonconforming building or structure may be altered, improved, or reconstructed provided such work does not exceed 50% of the fair market value of the building or structure or provided the building structure is changed to a conforming use.
- I. Construction Approved Prior to Legal Enactment of this Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a zoning/building permit has been issued and the construction of which shall have been diligently prosecuted within two (2) months of the date of such permit, and the ground story framework of which shall be completed within four (4) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from the date of legal enactment of this Ordinance.

Section 1304. Nonconforming Lots of Record

- A. In any District in which single-family dwellings are a permitted use by right, notwithstanding the regulations imposed by any other provisions of this Ordinance, a single-family detached dwelling which complies with the yard, space, and bulk requirements of the District in which it is located may be erected on a nonconforming lot adjacent to an improved street. Nothing in the requirements of this Ordinance relating to lot area per dwelling unit shall be held to prohibit the erection of a single-dwelling unit upon a lot having less than the required street frontage or the area of which is less than that prescribed as the lot area per dwelling unit, provided that such lot, at the time of the passage of this Ordinance, was held under separate ownership from any adjoining lots or provided that, at the time of the passage of this Ordinance, a recorded plan of lots or subdivision of property shows such lot to be a separate and distinct numbered lot.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of the parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.
- C. A nonconforming lot of record may be used for any "permitted use by right" in the District in which it is located if land development approval can be granted in accordance with the provisions of the Subdivision and Land Development Ordinance (SALDO).

D. District Changes.

1. Whenever boundaries of a District shall be changed so as to transfer an area from one (1) District to another District a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

Section 1305. Nonconforming Signs

A. Continuation of Nonconforming Signs. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful after the effective date of this Ordinance:

1. Alteration or Moving. A nonconforming sign of any type may not be moved to another position or location upon the building, structure or lot on which it is located, nor may the size or area of such nonconforming sign be changed, or its structure or construction changed unless such changes are to change the face of the sign.
2. Damage, Destruction, or Replacement. Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of 50% of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this Ordinance. Damage only to the face of a sign shall not be construed to constitute 50% of its market value, and the sign face may be replaced.
3. Abandonment. If use of a nonconforming sign is abandoned or interrupted for a continuous period of more than 180 days, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid period and the use of such sign shall not be resumed except in accordance with the provisions of this Ordinance.
4. Health, Safety, and Welfare. If any sign or supporting structure subject to the regulation of the provisions of this Ordinance constitutes a threat to health, safety, or welfare of the area surrounding said sign or has been constructed, installed, or maintained in violation of any provision of this Ordinance, the Zoning Officer shall give written notice to the person or entity who owns or is maintaining such sign. If the owner or entity maintaining such sign fails to modify the sign so as to comply with the provisions of this Article within twenty (20) days after the date of said written notice from the Zoning Officer, then the Zoning Officer and other Borough officials shall take steps as necessary to promptly have said sign brought into compliance with this Ordinance up to and including removal of the sign to comply with this Ordinance.

Section 1306. Registration of Non-Conforming Use, Structure, or Lot

- A. In the course of administering and enforcing this Ordinance and reviewing applications for zoning certificates, temporary use permits, sign permits or variances, the Zoning Officer may register nonconforming uses, nonconforming structures, and nonconforming lots as they become known through the application and enforcement process.

Registration and proof of nonconforming uses, structures, and lots shall be the burden of the property owner.

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Article XIV. Administration and Enforcement

Section 1401. Administration

- A. A Zoning Officer shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, and the issuing of zoning, building, occupancy, and any other permits. No zoning, building, or occupancy permit shall be issued by said Zoning Officer except where the provisions of this Ordinance have been complied with. The Zoning Officer shall be appointed by the Borough Council.

Section 1402. Zoning and Building Permits

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Officer. All applications for zoning and building permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the ZHB, no such zoning and/or building permit shall be issued for any building where said construction, addition, or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 100% of the fair market value of the existing structure.
1. Roof construction requires a permit subject to the Borough's Fee Schedule. This fee may be amended from time to time by the Borough Council by resolution per the Borough's Fee Schedule.
- C. There shall be submitted with all applications for zoning and building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot, and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.
- D. One (1) copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with the permit to the applicant upon payment of a fee as predetermined from a fee schedule adopted by the Borough Council.
- E. Additional construction details as determined by the person or company providing inspection services to the Borough for the purpose of administering the provisions of the UCC, shall be provided by the applicant prior to the issuance of a zoning and/or building permit.

Section 1403. Occupancy Permit

- A. Completion of the authorized new construction, alteration, remodeling, change, or use of a building or land under the provisions of a zoning and/or building permit shall not be occupied until an occupancy permit has been issued by the Zoning Officer. The written request to the Zoning Officer shall be processed within two (2) weeks of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable Ordinances. The Zoning Officer's refusal to

issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

- B. Occupancy permits are required for all changes in use and any time a property is sold, as follows:
 - 1. Occupancy of a new building or structure.
 - 2. Occupancy and use of a building hereafter moved or altered so as to require a zoning and/or building permit.
 - 3. Change in the use of an existing building other than to a use of the same category.
 - 4. Occupancy and use of unimproved or vacant land.
 - 5. Change in the use of land except to another use of the same type.
 - 6. Any change in use of a nonconforming use.
 - 7. Any change to local utility services.
- C. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance and all other applicable Ordinances, that the Borough is deemed to authorize such permit and is required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of this Ordinance.

Section 1404. Enforcement Notice

- A. If it appears to the Borough that a violation of any zoning provision enacted under this Ordinance or prior enabling laws has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Borough intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the ZHB within a prescribed period of time in accordance with procedures set forth in the Ordinance.

6. That failure to comply with the notice within the time specified, unless extended by appeal to the ZHB, constitutes a violation, with possible sanctions clearly described.
 7. That the recipient is responsible for installing and maintaining a five (5) inch storz or comparable fire/sprinkler system.
- D. In any appeal of an enforcement notice to the ZHB the Borough shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the ZHB shall be returned to the appealing party by the Borough if the ZHB, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 1405. Causes of Action

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

Section 1406. Enforcement Remedies

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of any Zoning Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the Borough whose Ordinance has been violated.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

Section 1407. Amendments

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. The regulations and provisions of this Ordinance and the official Zoning Map may be amended from time to time, upon recommendation of the Planning Commission or the Borough Council, or by application of an effected party.
- C. Enactment of Amendments. Zoning amendments procedures shall adhere to the requirements of §609 of the MPC, 53 P.S. §10609, as amended.
- D. Public Hearing. The Borough Council shall hold a public hearing on a proposed amendment pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within the Borough or an owner of the mineral rights in a tract or parcel of land within the Borough who has made a timely request in accordance with §109 of the MPC before voting on enactment of an amendment. In addition, if the proposed amendment involves an Official Zoning Map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - 1. In addition to the requirement that the notice be posted, where the proposed amendment involves an Official Zoning Map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this Section. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- E. Planning Commission Review. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on the proposed amendment for recommendations.
- F. County Planning Review. The recommendation of the County planning agency shall be made to the Borough Council within 45 days and the proposed action shall not be taken until such recommendation is made. If, however, the County fails to act within 45 days, the Borough Council shall proceed without its recommendation.

- G. Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided in accordance with §916.1 of the MPC, 53 P.S. §10609, as amended. All procedures regarding landowner curative amendments shall be conducted in accordance with §609.1 of the MPC, 53 P.S. §10609, as amended.
- H. Municipal Curative Amendments. If the Borough Council determines that this Ordinance or a portion thereof is substantially invalid, it may implement the procedure for municipal curative amendments provided for in §609.2 of the MPC, 53 P.S. §10609, as amended.

Section 1408. Rezoning

A. Purpose of rezoning.

1. The purpose of rezoning is to protect the safety, capacity, and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Joint Comprehensive Plan.
2. Borough rezoning recommendations shall be based on the projected beneficial and/or detrimental effects on the Borough and the ASO region as a whole.

B. Rezoning petition forms.

1. All rezoning petitions shall be completed on the official forms provided by the Zoning Officer.
2. All rezoning petitions shall be required to prepare a series of plans, analyses, and reports to demonstrate the compatibility of a rezoning proposal.

C. Review of rezoning petitions.

1. Upon receipt of a rezoning petition, the Zoning Officer will review the package for completeness. If the Zoning Officer finds the petition to be incomplete or insufficient, the rezoning petition will be returned to the applicant. When the rezoning petition is found to be complete by the Zoning Officer, one (1) copy shall be forwarded to each member of the Planning Commission and each member of the Borough Council. As part of the rezoning approval process, the Planning Commission and Borough Council shall consider the motivation and implications of each plan, analysis, and report.
2. The Planning Commission shall review the petition in compliance with the following procedural guidelines:
 - a. The Planning Commission shall decide if the proposed rezoning is or is not generally consistent with the Comprehensive Plan.
 - b. If the rezoning petition is found to be generally consistent with the Comprehensive Plan, the Planning Commission shall consider any projected beneficial and/or detrimental effects on the Borough.

- c. Based on these analyses, the Planning Commission shall submit a recommendation either in favor or not in favor of the rezoning petition.
3. The final recommendation of the Planning Commission shall be forwarded to the Borough Council.
4. Upon receipt of the Planning Commission's final recommendations, the Borough Council shall render a decision in favor or not in favor of the rezoning petition. The Borough Council shall compose a brief summary explanation of its decision and forward the decision and explanation to the Zoning Officer.
- D. Petition criteria. There are two (2) categories of rezoning petitions: minor and major. Minor and major rezoning petitions are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental, and social impacts on the municipality(s).
 1. Minor. Minor rezoning petitions are expected to have a lesser impact on the traffic, fiscal resources, and existing physical and environmental character of the community. The following situations constitute eligibility for the minor rezoning petition:
 - a. The rezoning of a non-residential parcel, or contiguous parcel(s), that totals one (1) acre or less.
 - b. The rezoning of an existing residential parcel, or contiguous parcel(s), that totals one (1) acre or less.
 2. Major. Any rezoning project that does not meet the Minor criteria is a major rezoning petition.
- E. Rezoning petition plans, analyses, and reports. The plans, analyses, and reports to be submitted as part of minor or major rezoning petition include:
 1. A Sketch Plan.
 2. Estimated infrastructure demands (gallons per day).
 3. Off-street parking projections (number of spaces).
 4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, nighttime lighting, service area locations and visibility, hours of operation.
 5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in Subsection D above on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies.
- F. Additional information. The Planning Commission and the Borough Council may request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

Article XV. Zoning Hearing Board

Section 1501. Operation of the Zoning Hearing Board

- A. There is hereby created for the Borough a Zoning Hearing Board (ZHB) in accordance with the provisions of Article IX of the PA MPC, Act 247, as amended.
- B. The membership of the ZHB shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The ZHB shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the ZHB shall hold no other office in the Borough. Members of the ZHB shall hold no other elected or appointed office in the Borough, nor shall any member be an employee of the Borough.
- C. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the ZHB. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §906 of the MPC, Act 247, as amended, an alternate shall be entitled to participate in all proceedings and discussions of the ZHB to the same and full extent as provided by law for ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the MPC and as otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member of the ZHB nor be compensated pursuant to §907 of the MPC unless designated as a voting alternate member pursuant to §906 of the MPC.
- D. Any ZHB member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. The ZHB shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the ZHB, but the ZHB may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the ZHB as provided in this Ordinance.
- F. The ZHB may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The ZHB shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
- G. Within the limits of funds appropriated by the Borough Council, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the ZHB may receive compensation for the performance of their

duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

Section 1502. Expenditures and Fees

- A. Expenditures. Within the limits of funds appropriated by the Council, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- B. Fees. An applicant before the ZHB shall deposit with the Zoning Officer the appropriate filing fee. Fees shall be established by resolution of Borough Council.

Section 1503. Hearing Procedures

- A. The ZHB shall conduct hearings and make decisions in accordance with the following requirements.
- B. Filing Appeals and Requests to the ZHB. Requests for hearings before the ZHB shall be made as follows:
 - 1. An appeal to the ZHB may be filed by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Such appeal shall be taken within the time as stipulated by the MPC and the rules of the ZHB, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The appropriate fee, established by resolution of the Borough, shall be paid in advance for each appeal or application. Requests for a variance and special exception may be filed with the ZHB by any landowner or any tenant with the permission of such landowner.
 - 2. Notice. Public notice shall be given pursuant to this Ordinance and written notice shall be given to the applicant, Zoning Officer, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the ZHB. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 - 3. Timing. A hearing shall be held within 60 days from the official application date requesting a hearing unless the applicant has agreed to an extension of time. The hearings shall be conducted by the ZHB or the ZHB may appoint any member or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the ZHB; however, the appellant or the applicant, as the case may be, in addition to the Borough, may prior to the decision of the hearing, waive decision or findings by the ZHB and accept the decision or findings of the hearing officer as final.
 - 4. Parties to the Hearing. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community organizations permitted to appear by the ZHB. The ZHB shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the ZHB for that purpose.

5. Powers of the Chairman. The Chairman, Acting Chairman, or Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. Rights of the Parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence, and to argue and cross-examine adverse witnesses on all relevant issues.
7. Exclusion of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the ZHB.
8. Record of the Proceedings. A stenographic record of the proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the ZHB. Any party requesting the original transcript, or a copy of the transcript shall bear the cost of the same. Copies of graphic or written material received in evidence shall be made available to any party at cost.
9. Communications. Once a formal application has been duly filed, the ZHB shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate. Further, the ZHB shall not take notice of any communication unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

Section 1504. Jurisdiction

- A. The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 1. Substantive challenges to the validity of any Land Use Ordinance, except those brought before the Borough Council pursuant to §609.1 and 916.1(a)(2) of the MPC, Act 247, as amended.
 2. Challenges to the validity of a Land Use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said Ordinance.
 3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot.
 4. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any Floodplain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
 5. Applications for variances from the terms of this Ordinance and Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §910.2 of the MPC, Act 247, as amended.

6. Applications for special exceptions under this Ordinance or Floodplain or Flood Hazard Ordinance, or such provisions within a Land Use Ordinance, pursuant to §912.1 of the MPC, Act 247, as amended.
 7. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
 8. Appeals from the Zoning Officer's determination under §916.2 of the MPC, Act 247, as amended.
 9. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any Land Use Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same related to development not involving applications under Article V or VII or the MPC, Act 247, as amended.
- B. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, Act 247, as amended.
 2. All applications pursuant to §508 of the MPC, Act 247, as amended, for approval of subdivisions or land developments under Article V of the MPC, Act 247, as amended.
 3. Applications for conditional use under the express provisions of this Ordinance.
 4. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, Act 247, as amended.
 5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, Act 247, as amended.
 6. Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any Land Use Ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for land development under Article V and VII of the MPC, Act 247, as amended. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the ZHB pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this Section shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

Section 1505. Variances

- A. The ZHB shall hear requests for variances where it is alleged that the provisions of this Article inflict unnecessary hardship upon the applicant. The ZHB may, by rule, prescribe

the form of application and may require preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographic or other physical conditions peculiar property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the applicant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC, Act 247, as amended.

Section 1506. Information Required on Applications to ZHB

- A. All applications to the ZHB shall be in writing on forms prescribed and provided by the Borough. Every application shall include the following:
1. The name and address of the applicant or the appellant;
 2. The name and address of the owner of the lot to be affected by such proposed change or appeal;
 3. A brief description and location of the lot to be affected by such proposed change or appeal;
 4. A statement of the Section under which the application is made, and reasons why it should be granted, or a statement of the Section governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal; and
 5. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating

the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

Section 1507. Stay of Proceedings

- A. Upon filing of any appeal proceeding before the ZHB and during its pendency before the ZHB, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the ZHB facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the ZHB or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the ZHB by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the ZHB.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- C. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

Section 1508. Parties Appellant Before the ZHB

- A. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the MPC); procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any Floodplain or Flood Hazard Ordinance or such provisions within a land use ordinance or provision thereof with reference to

sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or PRD may be filed with the ZHB in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the ZHB by any landowner or any tenant with the permission of such landowner.

Section 1509. Expiration of Appeal Decision

- A. Unless otherwise specified by the ZHB, a decision on any appeal or request for a variance or special exception shall expire if the applicant fails to apply for any necessary zoning, building, or grading permit, or land development approval, or comply with the conditions of said authorized permit or approval within twelve (12) months from the date of authorization thereof.

Section 1510. Appeal from Decision of ZHB

- A. Shall be in accordance with Article X of the MPC, Act 247, as amended.

Section 1511. Zoning Appeals

- A. No person shall be allowed to file any proceeding with the ZHB later than 30 days after an application for development, preliminary or final, has been approved by the Borough 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 plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

Section 1512. Zoning Appeals to Court

- A. Appeals to Court.
 - 1. The Courts may act upon appeals from the decisions of the ZHB and findings and conclusions of the ZHB in proceedings to challenge the validity of the Ordinance or other development regulations of the Borough.
 - 2. The court having jurisdiction shall be the Allegheny County Department of Court Records.
 - 3. Zoning appeals may be taken to court by any party before the ZHB or any officer or agency of the Borough.
 - 4. All zoning appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the ZHB.

5. A developer having received approval from the Borough for his development and faced with an appeal brought by others before the ZHB may petition the Court to order those bringing the appeal to post a bond in an amount established by the Court as a condition of the appeal's continuation before the ZHB. The Court shall hear the petition, determine whether the appeal is frivolous or is designed to delay, and if so, may require the posting of the bond.
- B. If any application for a variance, or appeal from the Zoning Officer is denied by the ZHB, another application for the same request shall not be filed within a period of one (1) year from the date of denial except upon order of the Court or if the application is substantially changed.
- C. Optional validity challenges as provided for in Article I, §108 of the MPC, as amended, for procedural or substantive defects or decisions shall be filed consistent with procedures outlined in said §108 of the MPC.

Section 1513. Mediation Option

- A. Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings. In proceedings before the ZHB, in no case shall the ZHB initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.