

# **Glen Osborne Borough Zoning Ordinance**

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**TABLE OF CONTENTS**

**ARTICLE I – INTENT, TITLE AND PURPOSES.....1**

    §101. Title.....1

    §102. Authority.....1

    §103. Community development objectives.....1

    §104. Interpretation.....2

    §105. Application.....2

    §106. Abrogation.....2

    §107. Repealer.....2

    §108. Severability.....2

**ARTICLE II – OFFICIAL ZONING MAP .....3**

    §201. Official zoning map.....3

**ARTICLE III – DEFINITIONS .....7**

    §301. General construction of terms.....7

    §302. Abbreviations.....8

    §303. Terms defined.....8

**ARTICLE IV – ZONING DISTRICT REGULATIONS.....31**

    §401. Establishment of zoning districts.....31

    §402. Purpose and intent of districts.....31

    §403. Permitted uses, conditional uses and uses by special exception.....32

    §404. Principal land uses.....32

    §405. Minimum lot area and dimensions.....34

    §406. Reduction of required areas prohibited.....41

    §407. Setback encroachments.....41

    §408. Screening and landscaping for off-street parking and service structures.....42

    §409. Vegetation preservation and bufferyards.....43

    §410. Fences and Walls.....44

    §411. Existing structures in bufferyards.....45

    §412. Storm water management facilities within bufferyards.....45

    §413. Landscaping.....46

**ARTICLE V – RESIDENTIAL NEIGHBORHOOD COMPATIBILITY OVERLAYS  
(EAST AND WEST) .....47**

    §501. Purpose.....47

    §502. General provisions.....47

    §503. Dimensional requirements.....48

**ARTICLE VI – NATURAL RESOURCE PROTECTION OVERLAY.....53**

    §601. Purpose.....53

    §602. Intent.....53

§603. Applicability .....	53
§604. Existing natural resources .....	54
§605. Initial development ratios .....	55
§606. Analysis procedures and implementation .....	55
§607. Net buildable area increases.....	57
§608. Cluster lot development .....	59
<b>ARTICLE VII- SUPPLEMENTAL REGULATIONS .....</b>	<b>61</b>
§701. Temporary structures .....	61
§702. Outdoor display and storage .....	62
§703. Solar collectors and solar-related equipment.....	62
§704. Wind turbines.....	63
§705. Dumpster enclosures.....	64
§706. Steep slope conservation.....	64
§707. Communications Antennas .....	70
§708. Flood Plain.....	70
§708.1. Flood Hazard District Overlay.....	70
§708.2. Uses in Flood Hazard District Overlay.....	71
§708.3. Uses By Special Exceptions.....	72
§708.4. Special Exception or Variance Criteria.....	72
§708.5. Conditions for Special Exception and Variance .....	73
§708.6. Declaration of Flood Hazard Status.....	74
§708.7. Flood Hazard District Administration .....	75
§708.8. Specific Prohibitions.....	76
§709. Traffic Impact Study.....	78
<b>ARTICLE VIII - SPECIAL EXCEPTIONS.....</b>	<b>81</b>
§801. Granting and evaluation of special exceptions .....	81
<b>ARTICLE IX - CONDITIONAL USES .....</b>	<b>83</b>
§901. Granting and evaluation of conditional uses.....	83
§902. Residential conditional use provisions.....	84
§903. Non-residential conditional use provisions.....	87
<b>ARTICLE X - SIGN REGULATIONS.....</b>	<b>95</b>
§1001. Purpose.....	95
§1002. Sign packages, permits, fees and procedures.....	95
§1003. General signage regulations.....	99
§1004. Signs exempt from regulation.....	100
§1005. Prohibited signs.....	100
§1006. Signs in the public right-of-way .....	101
§1007. Signs authorized in residential districts. ....	102
§1008. Signs authorized in non-residential districts.....	103
<b>ARTICLE XI- OFF-STREET PARKING AND LOADING.....</b>	<b>105</b>
§1101. Introduction.....	105
§1102. Parking Requirements.....	106

§1103. Design standards .....	109
§1104. Handicap parking .....	111
§1105. Parking and storage of commercial vehicles .....	111
§1106. Parking and storage of recreational vehicles .....	111
§1107. Off-street loading required.....	111
§1108. Design and maintenance of off-street loading requirements .....	112
<b>ARTICLE XII- PERFORMANCE STANDARDS .....</b>	<b>115</b>
§1201. Compliance required.....	115
§1202. Fire protection.....	115
§1203. Radioactivity; electrical disturbances.....	115
§1204. Noise.....	115
§1205. Vibrations.....	116
§1206. Odors.....	116
§1207. Smoke.....	116
§1208. Air pollution.....	116
§1209. Glare.....	116
§1210. Erosion.....	118
§1211. Excavation, filling and grading.....	118
<b>ARTICLE XIII - NONCONFORMING USES, STRUCTURES AND LOTS.....</b>	<b>119</b>
§1301. Purpose and intent.....	119
§1302. Registration of nonconformities .....	119
§1303. Repair, expansion and reconstruction of nonconforming uses .....	119
§1304. Change of nonconforming use .....	120
§1305. Discontinuance, destruction or abandonment of a nonconforming use .....	120
§1306. Unlawful use not authorized .....	121
§1307. Nonconformity other than use .....	121
§1308. Nonconforming lots of record.....	121
<b>ARTICLE XIV - GENERAL APPLICATION AND REVIEW PROCESS .....</b>	<b>123</b>
§1401. Schedule of fees.....	123
§1402. Requests for reasonable accommodation.....	123
§1403. Special exception procedures of approval.....	124
§1404. Conditional uses procedure for approval.....	127
§1405. Variances.....	129
<b>ARTICLE XV. REZONING PROCEDURES .....</b>	<b>131</b>
§1501. Purpose of rezoning.....	131
§1502. Rezoning application forms.....	131
§1503. Review of rezoning applications.....	131
§1504. Application criteria.....	132
§1505. Rezoning applications plans, analyses and reports.....	132
§1506. Additional information.....	132
<b>ARTICLE XVI: PERMITS .....</b>	<b>133</b>
§1601. Building permits.....	133

§1602. Occupancy permits.....	135
<b>ARTICLE XVII: AMENDMENTS.....</b>	<b>137</b>
§1701. Enactment of zoning ordinance amendments .....	137
§1702. Procedure for landowner curative amendments.....	138
§1703. Procedure for Borough curative amendments.....	139
§1704. Content of public notice.....	140
<b>ARTICLE XVIII - ADMINISTRATION AND ENFORCEMENT.....</b>	<b>141</b>
§1801. Borough Council.....	141
§1802. Planning Commission.....	142
§1803. Zoning Hearing Board.....	143
§1804. Zoning Officer.....	144
§1805. Enforcement Notice.....	144
§1806. Remedies.....	145
<b>LIST OF FIGURE</b>	
Figure 1 .....	36
Figure 2 .....	37
Figure 3 .....	38
Figure 4.....	38
Figure 5 .....	40
Figure 6 .....	109
Figure 7 .....	110
<b>LIST OF TABLE</b>	
Table 1: Authorized Land Uses .....	33
Table 2: Residential Districts Area and Bulk Regulations .....	35
Table 3: Non-Residential Districts Area and Bulk Regulations .....	35
Table 4: Resource Protection Worksheet.....	56
Table 5: Cluster Development .....	59
Table 6: Required Parking .....	106

## **ARTICLE I – INTENT, TITLE AND PURPOSES**

### ***§101. Title.***

This Ordinance shall be known as and may be cited as the “Borough of Glen Osborne Zoning Ordinance.”

### ***§102. Authority.***

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended.

### ***§103. Community development objectives.***

- A. This Ordinance is made in accordance with an overall program, and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
  - 1. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, elementary schools, public grounds and other public requirements.
  - 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 protect the character and maintain the stability of residential, non-residential and open space areas within the Borough.
  - 4. To prevent one (1) or more of the following: over-crowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
  - 5. To promote and to foster the community development goals and objectives, including quality infill, replacement, redevelopment and/or adaptive reuse, as identified in the Aleppo - Sewickley - Glen Osborne (ASO) Joint Comprehensive Plan, as amended.
- B. This Ordinance is made in accordance with an overall program, and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures.
- C. All uses, structures, modifications and establishment of lots shall be in compliance with this Ordinance.

- D. The land uses identified within this Ordinance shall be considered mutually shared with all communities participating in the ASO Joint Comprehensive Plan.

***§104. Interpretation.***

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the Borough. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all regulations and is not intended to interfere with, abrogate, annul, supersede or cancel any reservations contained in deeds or other agreements, but if the Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are contained in the deeds or agreements, the provisions of this Ordinance shall control. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough of Glen Osborne, in favor of the landowner and/or developer and against any implied extension of the restriction.

***§105. Application.***

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs. The requirements of this Ordinance are not applicable to temporary uses permitted by and/or conducted by the Borough of Glen Osborne or its authorized municipal authorities to be conducted on, upon, or in Borough land or structures. In any instance in which applicable zoning provisions would be violated but for the exemption provided herein, Borough Council shall provide at least twenty-one (21) days prior written notice to the owners of property within two hundred (200) feet of the exempt tract.

***§106. Abrogation.***

It is not intended by this Ordinance to repeal, abrogate, annul, other than enumerated in §107 herein or interfere with any existing ordinance or enactment or with any rule, regulation, or permit adopted or issued. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance shall control.

***§107. Repealer.***

Ordinance 124, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.

***§108. Severability.***

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.



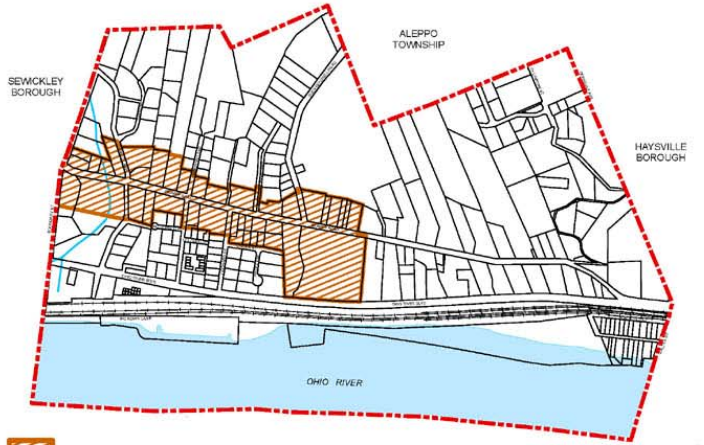
## ARTICLE II – OFFICIAL ZONING MAP

### §201. *Official zoning map.*

- A. The Borough is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested by the Borough Secretary and shall bear the seal of the Borough under the following words: “This is to certify that this is the Official Zoning Map referred to in Ordinance Number \_\_\_\_ of the Borough of Glen Osborne, Allegheny County, Pennsylvania,” together with the date of adoption of this Ordinance.
- C. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Article XVIII of this Ordinance.
- D. The Official Zoning Map, which shall be located in the Borough Municipal Administration Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Borough.
- E. Any amendments, legally adopted to change any zoning district boundaries of the Official Zoning Map, shall be noted on said map by Ordinance number and date of adoption of the amendment.
- F. Borough Council may by Ordinance update the parcel lines as available for Allegheny County on the Official Zoning Map noting said date and source on the Map.
- G. Interpretation of Zoning District Boundaries. The Borough Zoning Officer or assigned equivalent shall be responsible for interpreting the Zoning Map. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
  - 1. The boundaries between these zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads, streams or such lines extended, or lines parallel thereto.
  - 2. *Water areas.* The water surface and the land under the water surface of all waterways not otherwise zoned are hereby placed in the same zoning district as the land which it abuts as shown on the Official Zoning Map. Where the zoning districts shown on the Official Zoning Map are different on opposite sides of the water area, then the zoning district on each side shall extend to the center line or midpoint of the water area.
  - 3. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a zoning district boundary line, they indicate that the zoning district

boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

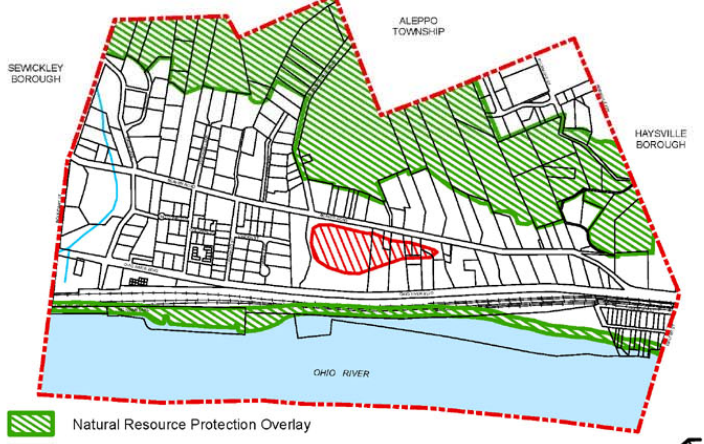
4. Where zoning district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.
  5. Any disputed interpretation made on the above criteria may be appealed to the Zoning Hearing Board.
- H. Districting of vacated ways. Where a street or alley shown on the Official Zoning Map is hereafter officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way shall be included within the zoning district of adjoining lot(s) on either side of said vacated street or alley. In the event such street or alley was a district boundary between two (2) or more different zoning districts, the district boundary shall be the former centerline of such vacated street or alley.
- I. Conflict Arising from Interpretation. When there is disagreement on the location of zoning district boundaries, a decision shall be rendered by the Zoning Hearing Board, which shall have the power and duty of interpreting the intent of said zoning map in accordance with the spirit and purpose of the Zoning Ordinance.
- J. Records of all Zoning Map amendments are located on file in the Borough Municipal Administration Office.



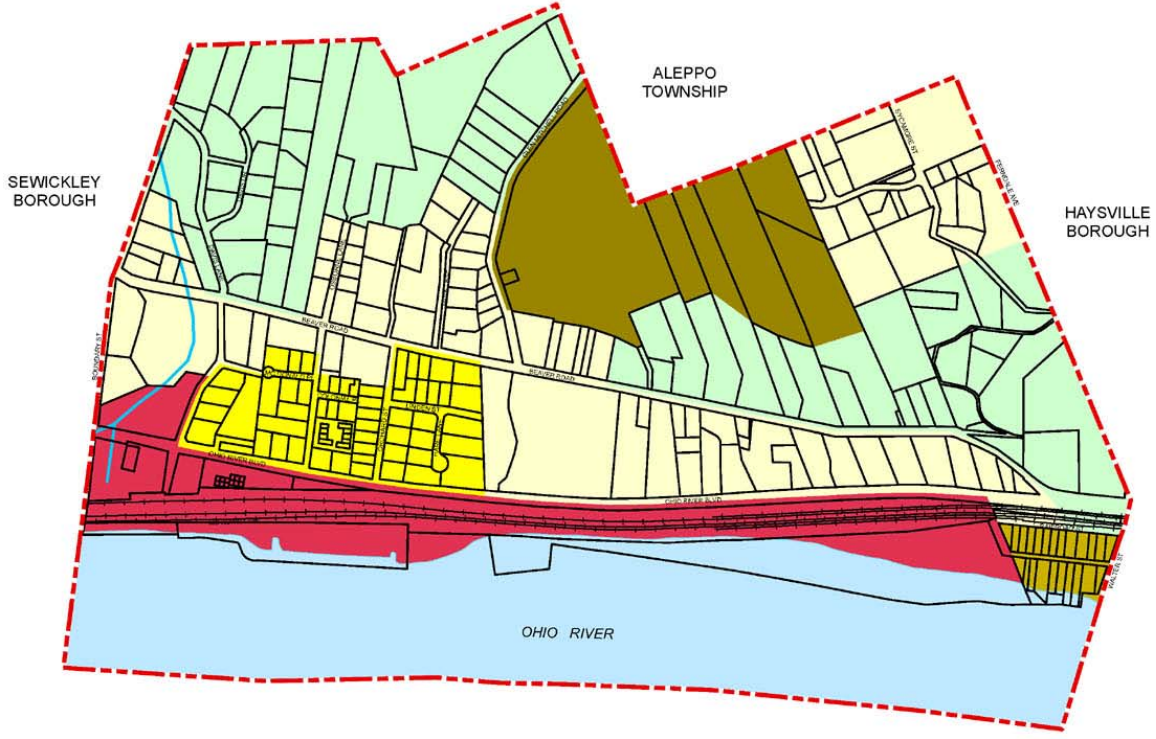
Neighborhood Protection Overlay West



Neighborhood Protection Overlay East



Natural Resource Protection Overlay



**LEGEND**

- Glen Osborne Borough
- Lot Lines
- River/Stream

**ZONING DISTRICTS**

- R-1 Low Density Residential - lots > 35,000 s.f.
- R-2 Moderate Density Residential - lots > 20,000 s.f.
- R-3 Suburban Density Residential - lots > 12,000 s.f.
- R-4 Urban Density Residential - lots > 8,000 s.f.
- R-5 Multi-Family Residential - lots > 7,500 s.f.
- C-1 Commercial

Zoning Districts



Flood Hazard District Overlay

**BOROUGH COUNCIL REVIEW DRAFT  
OFFICIAL ZONING AND OVERLAY MAPS  
GLEN OSBORNE BOROUGH**

Prepared for: Glen Osborne Borough  
Prepared by: Environmental Planning and Design, LLC  
Date: October 5, 2011  
1999.10.02r6

Borough of Glen Osborne

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## ARTICLE III – DEFINITIONS

### *§301. General construction of terms.*

For the purpose of the Zoning Ordinance, certain terms used herein are defined. When not inconsistent with the context:

- A. Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number.
- B. The word “shall” is always mandatory and not merely directory.
- C. The word “may” is permissive.
- D. The word “structure” shall include the word “building.”
- E. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- F. The word “occupied” includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
- G. The word “land” shall include water surface.
- H. The word “person” includes individual, firm, corporation, association, trust, joint venture, partnership, estate, syndicate, fiduciary, government agency, two (2) or more persons having a joint or common interest, any combination of the preceding, and other similar entities.
- I. The word “Borough” shall mean the Borough of Glen Osborne, Pennsylvania.
- J. The word “Council” shall mean the Borough Council of the Borough of Glen Osborne, Pennsylvania.
- K. The word “Council Member” shall mean the members of the Borough Council of the Borough of Glen Osborne, Pennsylvania.
- L. The word “Board” shall mean the Zoning Hearing Board of the Borough of Glen Osborne, Pennsylvania.
- M. The phrase “Board member” shall mean the members of the Zoning Hearing Board of the Borough of Glen Osborne, Pennsylvania.
- N. The word “County” shall refer to Allegheny County, Pennsylvania.
- O. The terms “Ordinance” and “Zoning Ordinance” shall refer to the Glen Osborne Zoning Ordinance.

- P. The word “Plan” or “Land Use Plan” shall mean the ASO Joint Comprehensive Plan, or the future land use element and future land use plan map of the comprehensive plan, respectively.
- Q. The word “Secretary” shall mean the Borough Secretary of the Borough of Glen Osborne, Pennsylvania.
- R. Any reference to the Borough Secretary, Borough Solicitor or other administrative official of the Borough of Glen Osborne, Pennsylvania, shall include their designees.

**§302. Abbreviations.**

dba	decibel level
dbh	diameter at breast height
DEP	Department of Environmental Protection
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
GFA	gross floor area
ITE	Institute of Transportation Engineers
LEED	Leadership in Energy and Environmental Design
LOS	level of service
MPC	Municipal Planning Code
PennDOT	Pennsylvania Department of Transportation
UCC	Uniform Commercial Code

**§303. Terms defined.**

Any term not defined in this Section shall have the meaning given by the most recent edition of Webster’s Unabridged Dictionary.

ACCESS LANE – the driveway within a parking lot directly abutting parking spaces and designed to provide a vehicular connection between the spaces and the public street.

ACCESSORY STRUCTURE – a structure clearly and customarily subordinate to and on the same lot as the principal building and used exclusively for purposes constituting an accessory use, including, but not limited to, private garages, barns, utility shed, greenhouses and buildings for housing household pets and excluding signs, antenna, communication towers, communication facilities, telecommunications equipment buildings, collocation/shared use communication facilities and power-mounted/shared use communication facilities.

ACCESSORY USE – an activity carried on within a lot, whether within or not in an accessory structure, that is not the permitted principal use thereon but is customarily generally found incidental to the principal use, unless otherwise stated.

AFTER-SCHOOL PROGRAMS – instruction of Elementary School students in academic subjects that are fundamental and essential in general education and enrichment programs

intended for the personal development of Elementary School students occurring outside of regular school hours.

**ALL OTHER USES** – any land use not specified in the Permitted Land 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.

**ALTERATION, (STRUCTURAL)** – a change in a structure involving the removal or addition of a supporting member or a change to the structure’s exterior that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

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

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

**APPLICATION FOR DEVELOPMENT** – every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**BANK** – a business in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged.

**BASE FLOOD (100-Year Flood)** – a flood having a frequency or recurrence of one in one hundred (100) years (i.e., a one (1) 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 and wholly below the average level of the adjacent ground. A basement shall not be counted as a story for the purposes of height measurements unless one-half (1/2) or more of its height is above the finished lot grade level.

**BED AND 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 Ordinance) and which each does not contain cooking facilities. New construction, alteration, or reconstruction of any structure shall also be governed by this Ordinance. The owner of said use shall be a permanent resident on the lot.

**BUFFERYARD** – a portion of land, together with a specified type and amount of planting thereon, and any permissible structures, such as fences or walls, which may be required between land uses to eliminate or minimize conflicts between them.

**BUILDING** – any roofed structure intended for the shelter, housing or enclosure of persons or of property.

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

**BUILDING, ENCLOSED** – a building in which all exterior walls are solid except for fixed, closed or operable windows and doors.

**BUILDING, HEIGHT OF** – See Figure 5.

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

**BUILDING PERMIT** – a document issued by the Borough attesting that a proposal for construction meets all requirements of this Ordinance and other applicable regulations of the Glen Osborne Borough and allowing the approved construction to proceed.

**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 residential development design technique that concentrates residential lots in specific areas of a tract of land to allow the remaining land to be used for recreation, common open space and preservation of sensitive natural resources.

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

**COMMUNICATIONS ANTENNA** – an instrument, regulated and/or licensed as such by the Federal Communications Commission (FCC), intended for use in the wireless transmission or in the gathering of data, or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic, cellular, or any other type of communicative transmission which is to be affixed to a building or structure, and including the equipment necessary for its use, but not including any structure for signal reception only, excluding such wireless transmission or



receiving instruments licensed by the FCC exclusively for private use and not subject to local regulation.

**COMMUNICATIONS TOWER** – a structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

**COMMUNITY AGRICULTURE** (Agricultural operation) – an enterprise engaged in the commercial production and preparation for market of crops, poultry and poultry products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, poultry, poultry products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Agriculture activities do not include community gardens and market gardens.

**COMMUNITY GARDENS** – an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate lots 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 use by group members.

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

**COMPREHENSIVE PLAN** – the official Joint Comprehensive Plan of the Township of Aleppo and the Boroughs of Sewickley and Glen Osborne, as amended from time to time, adopted pursuant to the provisions of Article 3 of the Pennsylvania Municipalities Planning Code..

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

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

**CONVERSION APARTMENT** – a dwelling unit established from a portion of a dwelling unit already existing as a single-family dwelling where each dwelling is provided with all the facilities normally found in a dwelling unit including adequate heat, light, ventilation, cooking facilities, sanitary facilities and means of egress.

**COVERAGE** – the horizontal area measured within the outside of the exterior wall of the ground floor of all principal and accessory buildings on the lot as a percent of lot area..

**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 dead-end street provided with a terminus in the form of a loop.

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

**DENSITY** – the measurement of compactness of residential development as to the number of dwelling units per one (1) acre or forty-three thousand five-hundred sixty (43,560) square feet of land.

**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 run-off is temporarily stored pending its release at a controlled rate.

**DETERMINATION** – final action by an officer, body or agency charged with the administration of any land use ordinance or applications there under, except the following:

- A. The Borough Council;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances.

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

**DEVELOPER** – any landowner or agent of such landowner who proposes, makes or causes to be made a subdivision of land or land development.

**DEVELOPMENT** – any manmade change to improved or unimproved real estate including, but not limited to the construction, reconstruction, renovation, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

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

**DIAMETER AT BREAST HEIGHT (dbh)** – The diameter of the tree trunk at a height of four and one-half (4.5) feet above the groundplane on the uphill side of the tree.

**DRAINAGEWAY** – a depression across the ground surface that collects water run-off from higher surrounding land and directs it to a stream or other collection system.

**DWELLING, ACCESSORY** – a suite secondary to the primary dwelling of a lot having its own entrance, kitchen, bathroom and living area above a detached garage.

**DWELLING, MULTI-FAMILY**

- A. Multi-family dwellings of one (1) or more stories which contain three (3) or more dwelling units
- B. Multi-story dwellings of two (2) or more stories which contain two (2) or more dwelling units per story and arranged with units one above another, each unit having at least one (1) entrance connected to a common interior and/or stairway.

**DWELLING, PATIO HOME/QUADPLEX** – a detached building designed for or occupied exclusively as a residence and where the building is divided by two (2) common party walls into four (4) distinct dwelling units where each dwelling unit has direct access to the outdoors.

**DWELLING, SINGLE-FAMILY DETACHED** – one (1) freestanding dwelling unit with all exterior walls open to the air where such unit is designed and intended to be occupied by one (1) family only.

**DWELLING, TOWNHOUSE** – a multi-family residential building no more than two and one-half (2-1/2) stories in height which contains no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, with each unit having independent access directly to the outside and having no other units above or below.

**DWELLING, TWO-FAMILY** – a building containing only two (2) dwelling units, each with its own access directly to the outside.

**DWELLING UNIT** – a single room or a group of connected rooms, with its own private bathing, toilet, cooking and food storage facilities, in a building for the exclusive use of one (1) family.

**EASEMENT** – a right-of-way or other right to use land granted by the landowner to another for activities such as access, drainage, utility or communications lines, slopes or other purposes.

**ELELEMENTARY SCHOOL** – a place of either public or private instruction of kindergarten through the 6th grade, operated by an organization licensed by and meeting all of the requirements of the Pennsylvania Department of Education with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education provided that the elementary school does not include home schooling or cyber schooling.

**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.

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

**ESSENTIALLY DRY SPACE** – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

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

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

**FENCE** – a fully exposed, free-standing barrier made of wire, wood, metal, masonry, or other material used as a screen or enclosure for a yard, field or other open space area including a retaining wall less than thirty (30) inches in height that functions to enclose an open space or yard.

**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.

**FLOOD** – a temporary inundation of water on normally dry land areas.

**FLOOD FRINGE AREA** – that area subject to the Base Flood not included in the Floodway. The basis for the outermost boundary of this Area shall be the Base Flood elevations contained in the flood profiles of the study referred to in Paragraph J and as shown on all of the maps referred to in such Paragraph J.

**FLOOD HAZARD AREA** – the relatively flat or low area adjoining and including a water-course which is subject to inundation during the Base Flood. The Flood Hazard Area also may be called the flood plain.

**FLOODPROOFING** – any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved lot, water, and sanitary facilities, structures, and their contents.

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

**FLOODWAY** – the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) -year magnitude.

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

**FRONT SETBACK LINE** – an imaginary line across the front of a lot between side lot lines, parallel to the street right-of-way line and distant from it the depth of the required front yard for the zoning district in which the lot is located.

**GAS WELLS** – a pierced or bored hole in the ground used to extract a naturally occurring commodity such as petroleum oil or natural gas.

**GOVERNING BODY** – the elected Council of the Borough of Glen Osborne.

**GROUP CARE HOME** – a facility which houses six (6) or more residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental retardation, autism, cerebral palsy, epilepsy or other similar conditions) and is licensed by the Pennsylvania Department of Public Welfare.

**HEARING** - a formal meeting, pursuant to PA Municipalities Planning Code Section 909.1, intended to inform and obtain public comment, prior to taking action.

**HISTORIC STRUCTURE** – any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily 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 which 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:
  - 1. By an approved state program as determined by the Secretary of the Interior, or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

**HOME OCCUPATION, LOW-IMPACT** – a business or activity administered or conducted as an accessory use within a single family dwelling which is clearly accessory to the use as a residential dwelling and which involves low 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. Employees shall be comprised of immediate family members and an additional two (2) employees unrelated to on-lot residents.

**HOME-OCCUPATION, 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 noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- H. The business may not involve any illegal activity.

HOTEL – a business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. Individual rooms may contain kitchen and dining rooms. Accessory shops and services catering to the general public can be provided. The structure may include a restaurant as an accessory use. Kitchens not located in rented rooms shall not be accessible to occupants. Supervision is provided in shifts by on-site management.

LAND DEVELOPMENT – 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. Subdivision of land;
- C. “Land development” does not include development which involves:
  - 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 building, on a lot or lots subordinate to an existing principal building; or
  - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the 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 by the proper authorities.

**LANDOWNER** – the legal or beneficial owner(s) 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 or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

**LOADING AREA** – a portion of a lot set aside for the shipping and receiving of goods and not used for any other purpose or interfering with other vehicular or pedestrian circulation on the lot.

**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 AREA** – the area contained within the lot lines of a lot excluding space within any rights-of-way(s) of public streets and ways.

**LOT, CORNER** – a lot at the junction of and adjoining two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees or the radius of the street line is less than ten (10) feet.

**LOT, FLAG** – a lot located at least partially behind another (intervening) lot and does not have the majority of its required lot width fronting a street. Flag lots access streets by narrow extensions of the lot which connect to the street (see Figure 2).

**LOT FRONTAGE** – the minimum straight line distance between the points where the side lot line intersects the front lot line. If the fronting street is curved, frontage is measured as the minimum linear distance of the arc that connects the points where the side lot lines intersect the front lot line.

**LOT LINES** - the lines indicating the boundaries of the lot.

- A. **LOT LINE, FRONT** - the boundary line separating the lot from the street. In the case of corner and through lots, front lot lines shall be established along each street.
- B. **LOT LINE, REAR** - the boundary of a lot which is most distance and is most nearly parallel to the front lot line.
- C. **LOT LINE, SIDE** - any boundary of a lot which is not a front or rear lot line.

**LOT OF RECORD** – a lot recorded, as part of a subdivision plan or on a separate deed, with the Allegheny County Recorder of Deeds, pursuant to statutes governing recording.

**LOT WIDTH** – the distance between opposite side lot lines taken at the minimum front yard setback distance on each side lot line. Arc distances shall be utilized for all curved lots unless otherwise defined by the Borough Engineer.

**LOWEST FLOOR** – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement is not considered the lowest floor



of a building provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

**LUMINAIRE** - a lighting unit consisting of one or more electric lamps with all of the necessary parts and wiring.

**MANUFACTURED HOME** – a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label that it is built in compliance with the Federal Manufacturing Housing Construction and Safety Standards. All manufactured homes shall be placed upon a permanent foundation and in accordance with the Borough’s current building code.

**MARINA** – any structure constructed on pilings over open water or supported by floatation on the water which provides three (3) 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.

**MIXED USE** – occupancy of a building or land for more than one (1) principle.

**MOBILE HOME** – a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed 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 includes park trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

**MUNICIPAL ACTIVITY** – an event held by Glen Osborne 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 AUTHORITY** – a politic and corporate body created pursuant to the Act of May 2, 1945 (P. L. 382, No. 164), known as the “Municipalities Authority Act of 1945.”

**MUNICIPAL BUILDING/USE** – an individual or group of buildings, structures or lots utilized for municipally owned and/or operated service facilities for the benefit of the health and welfare of the citizens of the Borough of Glen Osborne and the public at large.

**NON-CONFORMING LOT** – a lot with an area or dimension of which was lawful prior to the adoption or amendment of this Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NON-CONFORMING STRUCTURE** – a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment 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 this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**OBSTRUCTION** – any wall, dam, wharf, embankment, levee, dike, pike abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, or change the direction of the flow of water either in itself by catching or collecting debris carried by such water or is placed where the flow of water might carry the same downstream to the damage of life and a lot.

**OCCUPY** – to utilize a lot for its intended and approved permanent use.

**OCCUPANCY PERMIT** – a certificate issued by the Zoning Officer attesting to the fact that all requirements of this Ordinance and other applicable regulations have been met and that the construction for which the permit applies may be occupied.

**OFFICES** – as defined herein, offices shall be limited to the following:

- A. **BUSINESS** – an office which generally operates on a first-come, first-served basis and which has relatively high pedestrian or customer traffic, including advertising agencies, manufacturing representatives, personnel agencies, travel and ticket agencies and the like.
- B. **PROFESSIONAL** – an office which generally serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, realtors, and the like.
- C. **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 may 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.
  - 1. **Low intensity medical office** – such facility that contains a total of four (4) or fewer examination rooms (not including laboratories and/or x-ray rooms).
  - 2. **High intensity medical office** – such facility that contains more than four (4) examination rooms (not including laboratories and/or x-ray rooms).

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

**ONE HUNDRED-YEAR FLOOD** – a flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**PARAPET** – a low wall extending above the roof of a flat-roofed building usually as an extension of the vertical walls.

**PARKING ISLAND** – features situated within and/or bordering parking lots that typically include a combination of plant and landscaping materials. Parking islands are elevated slightly above the grade of the parking lot and feature a curbed edge in accordance with Borough Construction Standards.

**PARKING LOT** – an open-air area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to parking spaces, but not including any streets or driveways that provide access to the parking lot.

**PARKING SPACE** – an area of land meeting the requirements of this Ordinance reserved for the parking or storage of one (1) motorized vehicle

**PATIO** – a flat, paved area not more than three (3) feet above the surrounding ground level at any point and without a permanent covering.

**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 activity that is expressly allowed to occur on a lot because of the lot's location in a particular zoning district.

**PERSONAL SERVICES** – any enterprise providing domestic commodities and services pertaining to the person, their apparel or personal effects including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, massage therapy establishments and related activities.

**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, recreation and amusement.

**PLACE OF WORSHIP** – a building structure, use and/or lot or portion of a lot where people regularly observe, practice or participate in religious or spiritual services, meetings or activities.

Borough of Glen Osborne

**PLANNING COMMISSION** – the Glen Osborne Planning and Zoning Commission, appointed by the Borough Council in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**PLAT** – a layout of lots and streets as in a subdivision of a lot with the boundaries of lots and streets indicated.

**PLAYING FIELDS** – a wide stretch of open land used for outdoor games such as baseball, football, and soccer.

**PORCH** – an attachment to a building covered by a rigid permanent roof but without permanent side walls.

**PORTABLE STORAGE UNIT/CONTAINER** – a portable, weather-resistant receptacle or structure designed and used for the storage or shipment of household goods, wares, building materials or merchandise. The term portable storage container shall not include 1) roll-off/storage containers having a storage capacity of less than one hundred-fifty (150) cubic feet, 2) receptacles or structures constructed with a footing, 3) a trailer with or without a motor or 4) any other operable or inoperable vehicle or portion thereof.

**PRINCIPAL BUILDING** – the structure on a lot containing the permitted principal use, whether conforming to this Ordinance or not, and thus making all other buildings/structures on the lot accessory.

**PRINCIPAL USE** – The main use to which the premises is devoted and the primary purpose for which the premises exists.

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

**PRIVATE CLUB** – a for-profit or not-for-profit business establishment, other than an adult facility, 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.

**PUBLIC HEARING** – a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

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

**PUBLIC NOTICE** – for the purposes of this Ordinance in context of the provisions outlined by the Pennsylvania Municipalities Planning Code, public notice shall refer to a notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing. If and where applicable for other business of the Borough of Glen Osborne, this definition shall not replace said definition for public notice as defined by the Act of July 3, 1986 (P.L. 388, No. 84 as amended), known as the “Sunshine Act.”

**PUBLIC PARK** – a lot or portion of land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland.

**PUBLIC SAFETY CENTER** – a municipal, State or Federal facility designed to provide services for addressing general public safety concerns including but not limited to fire, water and law enforcement.

**PUBLIC UTILITY** – a service, often privately operated, for the general population distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by means of a network of overhead or underground conduits and requiring at various locations, to maintain efficiency of the system, pumping, regulating, transformer, switching or other devices or structures, but not including business offices.

**RECREATION VEHICLE** – a vehicle with or without an engine for operation and with or without wheels that is utilized for leisure and/or travel purposes and not for use as a dwelling.

**REGISTERED ARCHITECT, ENGINEER, SURVEYOR or LANDSCAPE ARCHITECT** – an individual duly registered to practice architecture, engineering, land surveying or landscape architecture, respectively, in the Commonwealth of Pennsylvania.

**REQUIRED PARKING** – the number of necessary off-street parking spaces needed to serve a specific use on the same lot as the use.

**RESTAURANT, LOW TURNOVER** – a retail eating and drinking 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.

**RETAIL STORE** – a business establishment located entirely within an enclosed building which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling. The manufacturing or processing of the goods offered for sale shall not exceed ten (10) percent of the gross floor area of the store.

**RIGHT-OF-WAY** – a strip of land dedicated to, reserved for and/or improved for public or private use, providing access to a lot or lots that abut it and connecting to other public ways, or an easement across a private lot for the passage of public utilities or the disposal of storm water.

**SATELLITE DISH** – a device designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.

**SELECTIVE CUTTING** – the felling of certain, but not all, trees in an area for the purpose of: (1 removing dead, damaged, mature or marketable timber; (2 improving the quality of a tree stand or species; or (3 personal domestic needs.

**SERVICE STRUCTURE** – service structures shall include propane tanks, dumpsters, generators, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a lot.

**SETBACK** – minimum distances prescribed for each zoning district established by this Ordinance measured from the street right-of-way line, side and rear lot lines to parallel lines within the lot, describing the limits of construction on the lot and defining the required front, side and rear yards.

**SHED** – an accessory structure, secured to the ground via a slab or foundation, whose principal use is for storage of equipment and/or materials.

**SIGN** – any writing, printing, painting, display, emblem, drawing, electronic display computerized display or other device designed to be viewed by the public, designed and intended for a structure or placard for visually communicating a message to the public including the following:

- A. **ABANDONED** – a sign structure that has ceased to be used, and the owner intends no longer to use, for the display of sign copy.
- B. **ARCADE** – a sign suspended beneath a ceiling of an arcade, a roof or 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.
- C. **AWNING** – a sign displayed on or attached flat against the surface or surfaces of an awning.
- D. **BILLBOARD** – a sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service or product not principally located or sold on the premises upon which said sign is located.
- E. **CHANGEABLE COPY** – a sign which is permanently affixed to a building or on a freestanding sign structure that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
- F. **COMMUNITY** – a temporary sign, generally of a decorative, festive and/or informative nature announcing activities, promotions or events, having broad community interest often hung from a light pole or building.

- G. DIRECTIONAL – an “on-premises” sign which directs and/or instructs vehicular or pedestrian traffic on the premises relative to parking areas, entrances, exits, loading areas, public telephones and similar information and which shall contain no advertising other than the business name or logo.
- H. FREESTANDING IDENTIFICATION – a sign supported by one (1) or more uprights, poles or braces permanently placed in the ground, which identifies the business or group of businesses located on the lot.
- I. GRAPHIC AREA – that area enclosed by one (1) continuous line, connecting the extreme points of the edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area shall not include the main supporting sign structure, but all other ornamental attachment, inner connecting links, etc. which are not part of the main supports of the sign. For two- (2) sided signs, only one face is counted in computing surface area.
- J. GROUND – a freestanding sign, the bottom edge of which is no more than eighteen (18) inches above the adjacent ground level.
- K. INCIDENTAL – any temporary sign with a surface of twelve (12) square feet or less.
- L. ON-PREMISE – a sign erected, maintained or used in the outdoor environment to display messages related to activities on the lot on which it is displayed.
- M. POLE – a freestanding sign erected on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.
- N. PORTABLE – any sign, with or without wheels, not permanently attached to the ground, a building or building surface.
- O. ROOF SIGN – a sign erected and maintained upon or above the roof of any building and supported solely on the roof structure.
- P. TEMPORARY SPECIAL EVENT DISPLAY – a banner, flag or pennant constructed of durable material and erected for a specified period time whose sole purpose is to advertise a promotion, special event, grand opening or the like. Said “display” shall be affixed to the building.
- Q. TEMPORARY – a sign that is transitory in nature used to display either commercial or non-commercial messages.
- R. WALL IDENTIFICATION – a sign attached to and erected parallel to the face of an outside wall of a building and projecting outward no more than eight (8) inches from the wall of the building which identifies the business or group of businesses located in the building.

**SIGHT DISTANCE** – stopping sight distance or intersection sight distance for design as defined by the following:

- A. Stopping sight distance – the length of highway over which an object is visible to the driver at all times. For the purposes of measuring the available stopping distance at a particular location, the driver’s eye height is assumed to be three and one-half (3.5) feet above the roadway surface and the object height is assumed to be two (2) feet above the roadway surface.
- B. Intersection sight distance for design – the maximum length of highway along which a driver stopped at an intersection or driveway can continuously see another vehicle approaching on another roadway or driveway. For the purpose of measuring the available intersection sight distance, the height of both the driver’s eye and the approaching vehicle should be assumed to be three and one-half (3.5) feet above the road surface. In addition, the driver’s eye should be assumed to be ten (10) feet from the near edge of the intersecting roadway, or the near edge of the closest travel lane in the event there is parking permitted on the intersecting roadway if measured from a driveway, and fifteen (15) feet from the near edge of the intersecting roadway, or the near edge of the closest travel lane in the event there is parking permitted on the intersecting roadway if measured from a local road.

**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 one hundred (100) feet of horizontal distance.

**SPECIAL EXCEPTION** – a use permitted in a particular zoning district pursuant to the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P. S. §§10601 et seq., §§10901 et seq.

**STORY** – the vertical space between a floor and the floor of the level next above or next below when the dimension between floors is at least six (6) feet, or if no floor is next above, then the ceiling next above.

**STREAM, EPHEMERAL** – a water conveyance which lacks substrates associated with flowing waters and flows only in direct response to precipitation in the immediate watershed or in response to melting snowpack and which is always above the local water table.

**STREAM, INTERMITTENT** – a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

**STREAM, PERENNIAL** – a body of water flowing in a channel or bed composed primarily of substrates associated with flowing waters and capable, in the absence of pollution or other manmade stream disturbances, of supporting a benthic macroinvertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 sieve (twenty eight (28) meshes per inch, .595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or transport system.



**STREET** – includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. **Collector Street System** – the collector street system provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to their ultimate destinations. Conversely, the collector street also collects traffic from local streets in residential neighborhoods and channels it into the arterial system. In the central business district, and in other areas of similar development and traffic density, the collector system may include the entire street grid. The collector street system may also carry local bus routes.
- B. **Local Street System** – the local street system comprises all facilities not in one of the higher systems. It primarily permits direct access to abutting lands and connections to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes. Service to through-traffic movement usually is deliberately discouraged.
- C. **Major Arterials** – the principal arterial system serves the major centers of activity, the highest traffic volume corridors, and the longest trip desires and carries a high proportion of the total area travel even though it constitutes a relatively small percentage of the total roadway network. The system should be integrated both internally and between major connections.
- D. **Minor Arterials** – the minor arterial street system interconnects with and augments the principal arterial system. It accommodates trips of moderate length at a somewhat lower level of travel mobility than principal arterials do. This system distributes travel to geographic areas smaller than those identified with the higher system.
- E. **Private Street** – a street, including the entire right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A “private street” provides access to several lots or lots which do not have access to a public street and which require access to a public street through the private street.
- F. **Public Street** – an improved vehicular right-of-way dedicated to public use and open to the public as a part of the Borough circulation system and approved and accepted by the Borough Council or other level of government for ownership.

**STRUCTURE** – any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBSTANTIAL DAMAGE** – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50) of the market value of the structure either

(a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code conditions, or (2) any alteration of a structure listed in the National Register of Historic Places or the Pennsylvania Inventory/Register of Historic Places.

USES NOT LISTED – see ALL OTHER USES.

VARIANCE – relief granted pursuant to the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 et seq.

VETERINARY FACILITY – a business establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

WETLAND – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This definition shall include and be limited to wetlands as defined by:

- A. Section 404 of the United States Clean Water Act, as may be amended from time to time.
- B. The Pennsylvania Department of Environmental Protection.

WIND TURBINE – a wind-driven machine that converts wind energy into electrical power.

WIND TURBINE, COMMERCIAL – a wind turbine used for non-residential-scale purposes.

WIND TURBINE, RESIDENTIAL – a wind turbine used for residential-scale purposes.

WOODLAND – generally, a plant community consisting predominantly of trees and other woody vegetation, growing more or less closely together. For purposes of this Ordinance, an area, grove or stand of mature or largely mature trees (i.e., six (6) inches DBH) covering one-quarter acre or more, or a grove or stand of mature trees (i.e., twelve (12) inches or greater caliper) consisting of ten (10) or more individual trees, shall be deemed a woodland.

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 make it difficult to discern the location of yards, the zoning officer shall establish such yards at his/her sole discretion.

- A. FRONT YARD - the space extending the full width of the lot and situated between the front lot line and the front of the principal building/structure.

B. REAR YARD – the space extending the full width of the lot and located between the rear lot line and the rear of the principal building/structure.

C. SIDE YARD - the space located between the side lot line and the side of the principal building/structure and extending from the front yard to the rear yard.

YOUTH – an individual aged 18 or younger, also referred to herein as a “minor.”

YOUTH ATHLETIC ACTIVITY – participation in and preparation for competition by minors in individual and team sports including without limitation cheerleading, soccer, baseball, football and lacrosse. Youth Athletic Activity includes team and individual practice time as organized and supervised by at least one adult coach.

YOUTH COMMUNITY GROUP – a social or community service organization for minors that meets on a regular basis, under the sponsorship of a national, statewide or local organization, including without limitation local divisions of the Girl Scouts of the United States of America, The Boy Scouts of America, Girls on the Run International, and Odyssey of the Mind.

YOUTH CREATIVE ARTS ACTIVITY – activities for minors involving creative expression and performance, which activities may be for purposes of competition. Youth Creative Arts Activity includes group and individual creative expression and performance activities as organized and supervised by at least one adult director or instructor.

ZONING CERTIFICATE – a document signed by the Zoning Officer which is required by this Ordinance prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of any structure or building where said document identifies that the proposed use of a lot(s) is consistent with the Zoning Ordinance requirements and that any requested variances have been officially granted by the Borough.

ZONING CLASSIFICATION – the combination of controls and requirements that define the activities that may occur in a zoning district.

ZONING DISTRICT – a geographical area with boundaries that includes surface areas as indicated on the Official Zoning Map.

ZONING DISTRICT BOUNDARY – the perimeter line completely enclosing a zoning district.

ZONING HEARING BOARD – a body appointed by the Borough Council to examine and decide appeals from any decision of the Zoning Officer, to hear and take evidence on any challenge to the validity of any section of this Ordinance or the zoning map, to consider and take action on appeals for variances, and to hear and decide applications for special exception uses.

ZONING MAP – the official plan of zoning districts in the Borough, a part of this Ordinance, showing precisely the boundaries and title of each zoning district.

ZONING OFFICER – a person retained by the Borough to enforce the regulations of this Ordinance, with power to issue permits and to halt illegal construction.

## Borough of Glen Osborne

**ZONING ORDINANCE** – a document duly ordained for the Borough by the Borough Council to regulate the use of land and structures throughout the entire Borough, and subject to prudent change from time to time by official action of the Council.

**ZONING OVERLAY** – regulations to be applied over and above the zoning regulations otherwise controlling upon a tract of land, as enabled by and described in §605 of the Pennsylvania Municipalities Planning Code.

**ZONING PERMIT** – a document issued by the Zoning Officer attesting that a proposal for the erection of accessory structures, fences, walls, signs and/or other similar minor construction on a lot meets all requirements of this Ordinance and other applicable regulations of the Glen Osborne Borough.

## ARTICLE IV – ZONING DISTRICT REGULATIONS

### *§401. Establishment of zoning districts*

For the purposes of carrying out the provisions of this Ordinance, Glen Osborne Borough has designated Zoning Districts and Zoning Overlays, which are shown on the Official Zoning Map.

### *§402. Purpose and intent of districts*

In order to maintain the Borough’s established historic integrity within all zoning districts, all proposed development – whether new, infill, replacement or redevelopment - shall maintain compatible building orientation, building form, parking, massing, location and pedestrian connectivity. The purpose of each zoning district is outlined below.

- A. Low Density Residential (R-1) – To protect the character of existing larger lot, low density single family neighborhoods, to promote a suitable environment for family life and to accommodate additional single family residential development at a similar form, scale and density.
- B. Moderate Density Residential (R-2) – To protect the character of 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.
- C. Suburban Density Residential (R-3) – To preserve and protect the existing density of development in the core area of the Borough and provide for low-density suburban single-family residential opportunities.
- D. Urban Density Residential (R-4) – To accommodate existing development on smaller lots existing in the area between Ohio River Boulevard and the Ohio River.
- E. Multi-Family Residential (R-5) – To accommodate multi-family oriented developments within portions of the Borough .
- F. Commercial (C1) – To enhance the character and vibrancy of the community’s business environment for small-scale enterprises and consumer services.
- G. Natural Resource Protection Overlay (NRP) – This Overlay is intended to mitigate potential hazards, prevent potential impacts on the region’s water and stream quality and protect private property from potential damages that may occur due to the uncontrolled development of lands with sensitive natural resources.
- H. Residential Neighborhood Compatibility Overlay East (RNC-East) and Residential Neighborhood Compatibility Overlay West (RNC-West) – See §501
- I. Floodplain Hazard District Overlay – See §708

**§403. Permitted uses, conditional uses and uses by special exception**

- A. No building, structure or lot shall be constructed, improved or used for any purpose or in any manner other than permitted in the Zoning District in which such building, structure or lot is located.
- B. In addition to the basic zoning requirements defined by Article IV of this Ordinance, all uses by special exception shall conform to all applicable requirements and provisions defined by this Article VI of this Ordinance. All conditional uses shall conform to all applicable requirements and provisions defined by Article VII of this Ordinance.
- C. To promote the continuing retention of the Borough's established form and character as well as to encourage sustainable development and resource conservation, a landowner and/or developer shall demonstrate the following as part of any proposed land use activity, lot improvement and/or building improvement:
  - 1. Feasibility of adaptive re-use.
  - 2. Consistency with principles of sustainability and/or of the United States' Green Building Council's Leadership in Energy & Environmental Design (LEED) for existing buildings, new construction, neighborhood development and/or other types of development.

**§404. Principal land uses.**

No building, structure or land within any zoning district may be used, and no building or structure may be erected, constructed, reconstructed or altered on or after the effective date of this Ordinance unless intended or designed to be used for any uses enumerated in Table 1. For All Other Uses, see Table 1 of the Borough of Sewickley Zoning Ordinance.

- A. The letter "P" denotes a permitted use by right, subject to the requirements specified by this Ordinance and after a zoning certificate has been issued in accordance with this Ordinance.
- B. The letter "C" denotes a use that is conditional, subject to the requirements specified by this Ordinance and provided that the Borough Council grants the conditional use pursuant to Part VII of this Ordinance.
- C. The letter "S" denotes a use that is a special exception subject to the requirements specified by this Ordinance and provided that the Zoning Hearing Board grants the special exception pursuant to Article VI of this Ordinance.

**Table 1: Authorized Land Uses**

<b>Glen Osborne Draft Permitted Use Chart</b>						
P= Permitted Use						
C= Conditional Use						
S= Use by Special Exception						
<b>Residential Land Uses</b>	<b>Residential</b>					<b>Commercial</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>
1 Accessory Dwelling	P	P	P	C	C	
2 Conversion Apartment				C		
3 Dwelling, Multi-Family			C		P	C
4 Dwelling, Patio Home/Quadplex				P	P	
5 Dwelling, Single-Family Detached	P	P	P	P		
6 Dwelling, Townhouse			C	P	P	C
7 Dwelling, Two-Family			C	P	P	
8 Group Care Home			C	C	C	C
9 Home Occupation, Low Impact	C	C	C	C	C	
10 Home Occupation, No Impact	P	P	P	P	P	
11 Mixed Use Residential						C
<b>Non-Residential Land Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>
1 Accessory Use	P	P	P	P	P	P
2 Bank (With Drive-Thru)						P
3 Bed and Breakfast	P	P				
4 Communications Antennae	P	P	P	P	P	P
5 Communications Tower						C
6 Community Agriculture	C					
7 Community Gardens	P	P	P	P	P	
8 Elementary School		C				
9 Emergency Services					P	P
10 Essential Services	P	P	P	P	P	P
11 Forestry	P	P	P	P	P	P
12 Gallery						P
13 Hotel						P
14 Marina						P
15 Marina Facility						P
16 Municipal Building/Use						P
17 Office, Business						P
18 Office, Medical						P
19 Office, Professional						P
20 Personal Services						P
21 Place of Assembly	C	C	C	C	C	C
22 Place of Worship	C	C	C	C	C	C
23 Printing Facility						P
24 Private Club						C
25 Private Utility	P	P	P	P	P	P
26 Public Park	P	P	P	P	P	C
27 Public Safety Center		C				C
28 Restaurant, Low Turnover						P
29 Retail Store						P
30 Veterinary Facility						P
31 Wind Turbine, Commercial						C

***§405. Minimum lot area and dimensions***

- A. The Borough seeks to:
1. Create compatibility in the urban form and character for uses and buildings in relationship to existing development for:
    - a) Infill development;
    - b) Redevelopment;
    - c) Building replacement; or
    - d) Building additions;
    - e) Adaptive re-use;
    - f) Preserve and protect the integrity of buildings, or other structures and the streetscape;
    - g) Reduce conflict and prevent blighting caused by incompatible development, and to promote new compatible development; and
    - h) Foster civic pride.
  2. The minimum dimensional requirements for lots in each district shall be provided as shown in Tables 2 and 3: Residential and Non-Residential Districts Area and Bulk Regulations.



**Table 2: Residential Districts Area and Bulk Regulations**

	MIN. LOT AREA per DWELLING UNIT (s.f.)	MIN. LOT WIDTH (FEET)	MAX. COVERAGE (%)	MIN. SETBACKS			MAX HEIGHT	
				FRONT YARD	SIDE YARD	REAR YARD		
<b>RESIDENTIAL</b>								
1	Low Density Residential (R-1)							
	Single Family Detached	35,000	100'	20	40'	15'	40'	35'
2	Moderate Density Residential (R-2)							
	Single Family Detached	20,000	90'	25	20'	15'	30'	35'
	Suburban Residential (R-3)							
	Single Family Detached	12,000	85'	30	20'	10'	30'	35'
3	Urban Residential (R-4)							
	Single Family Detached	6,000	60'	35	20'	7'	20'	35'
4	Multifamily Residential (R-5)							
	Single Family Detached	7,500	75'	35	25'	10'	25'	35'
	Two Family	10,000	85'	35	25'	10'	25'	35'
	Town House	5,500	25'	35	25'	10'	25'	35'
	Multifamily Dwelling	5,500	100'	35	25'	10'	25'	35'

B. Non-Residential Districts.

**Table 3: Non-Residential Districts Area and Bulk Regulations**

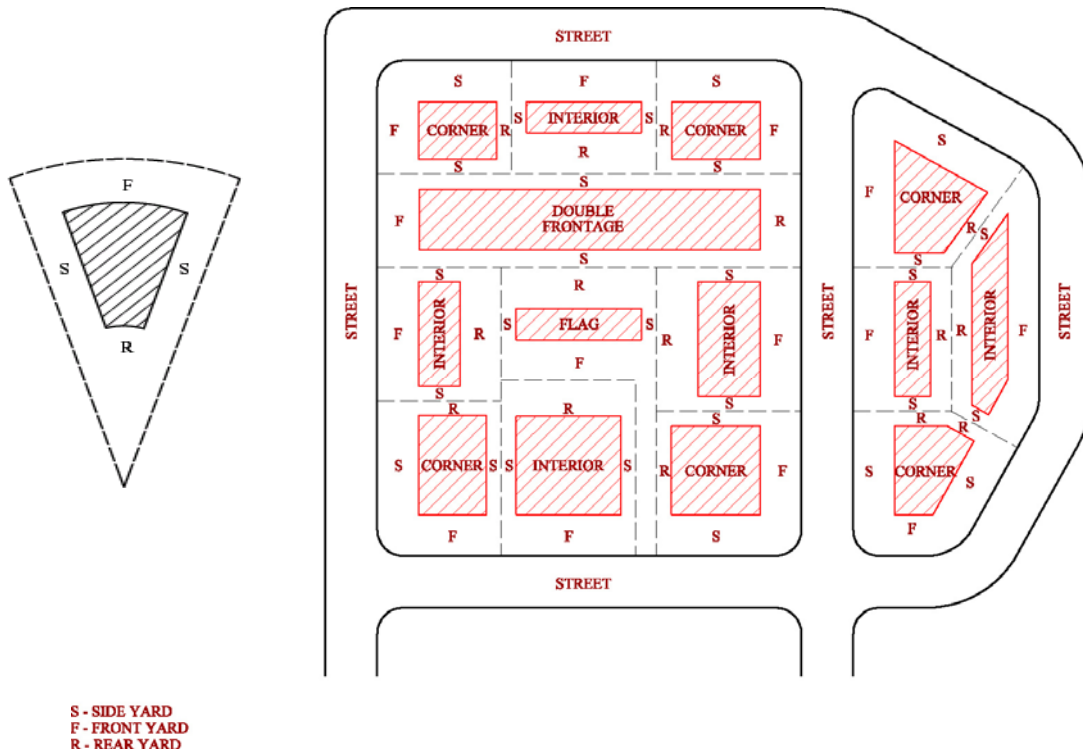
	MIN. LOT AREA (s.f.)	MIN. LOT WIDTH (FEET)	MAX. COVERAGE (%)	MIN. SETBACKS			MAX HEIGHT	
				FRONT YARD	SIDE YARD	REAR YARD		
<b>NON-RESIDENTIAL</b>								
1	Commercial District (C-1)	43,560	75	60	35'	10'	15'	40
2	Limited Professional (L1)	43,560	75	60	35'	25'	15'	40

C. Additional Lot Requirements.

1. Lot Requirements.

- (a) The following figure (not to scale) illustrates typical lot relationships. Note: on corner lots, side yards with frontage on a street right-of-way shall have the same setback as defined for the front yard of the district in which the lot is located.

**Figure 1**



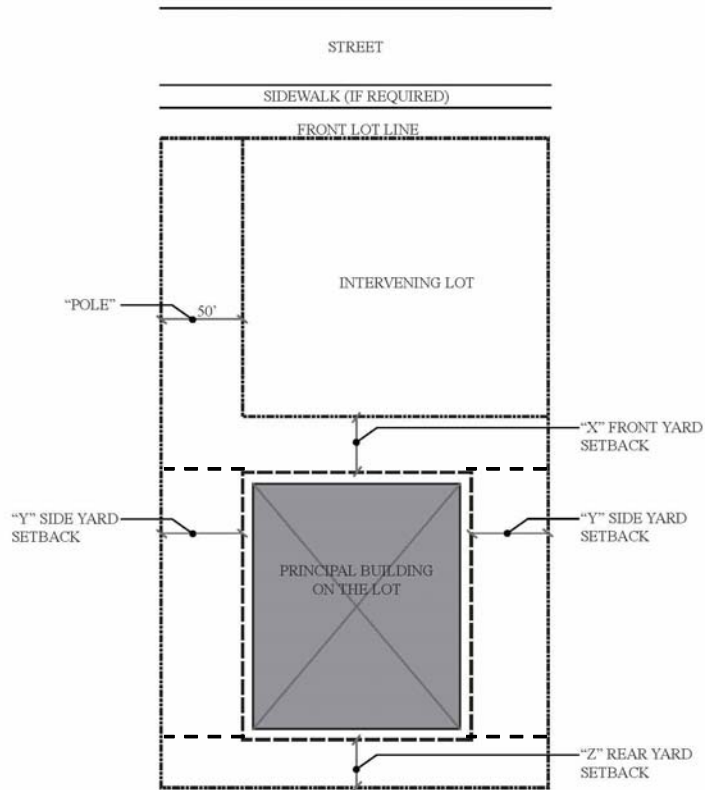
(b) Maximum Number of Principal Structures on a Lot.

- (i) Residential development. No more than one (1) structure containing dwelling unit(s) shall be constructed on a lot.
- (ii) Non-residential development. The principal use(s) of a lot shall be contained within a structure where said structure may be configured to accommodate multiple land uses permissible within the applicable zoning district.

(c) Flag lots. Flag lots are permitted subject to the following:

- (i) The “pole” portion of the flag lot shall maintain a minimum width of at least fifty (50) feet, except as stated in §608(D)(2)

**Figure 2**

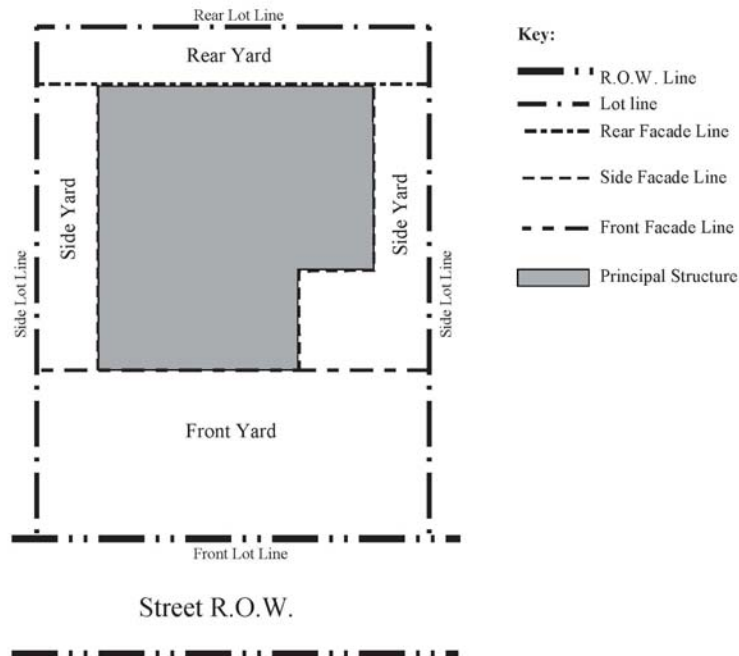


- (ii) The “pole” shall not be a private street but shall be an integral portion of the lot.
- (iii) The “pole” portion of the flag lot shall remain free of any structures, except as provided in §407(A) and a note shall be included in the Final Plan that this area is non-buildable.
- (iv) The required front yard shall be measured at the point in which the minimum lot width requirement is satisfied.
- (v) The quantity and/or location of flag lots within a development/ subdivision shall not exceed three (3) lots or fifteen (15) percent of the overall development, which ever is less, except as provided in §608(D)(1).

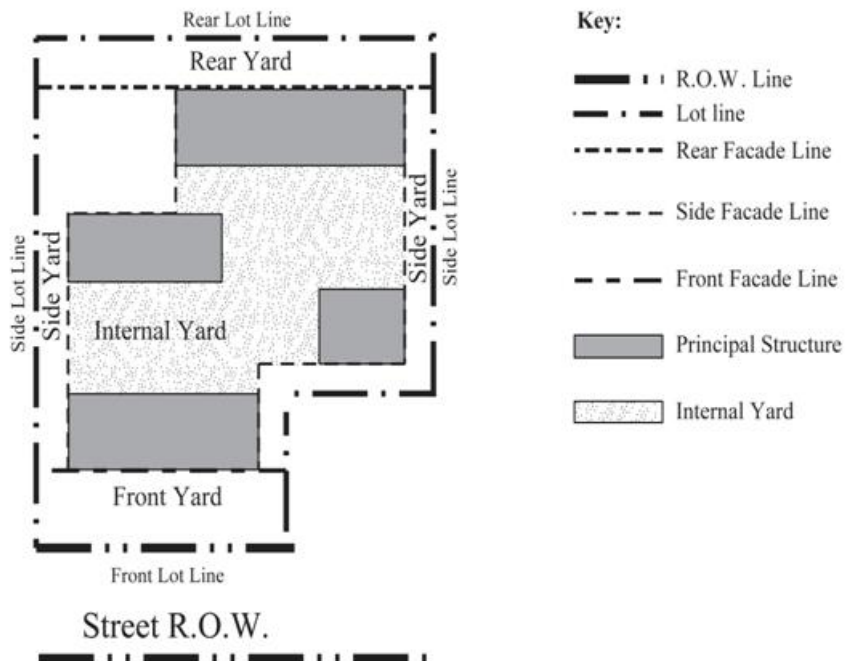
2. Yard Requirements.

- (a) In addition to the yard definitions outlined in the previous sub-sections, Figures 3 and 4 illustrate typical yard and setback relationships.

**Figure 3**

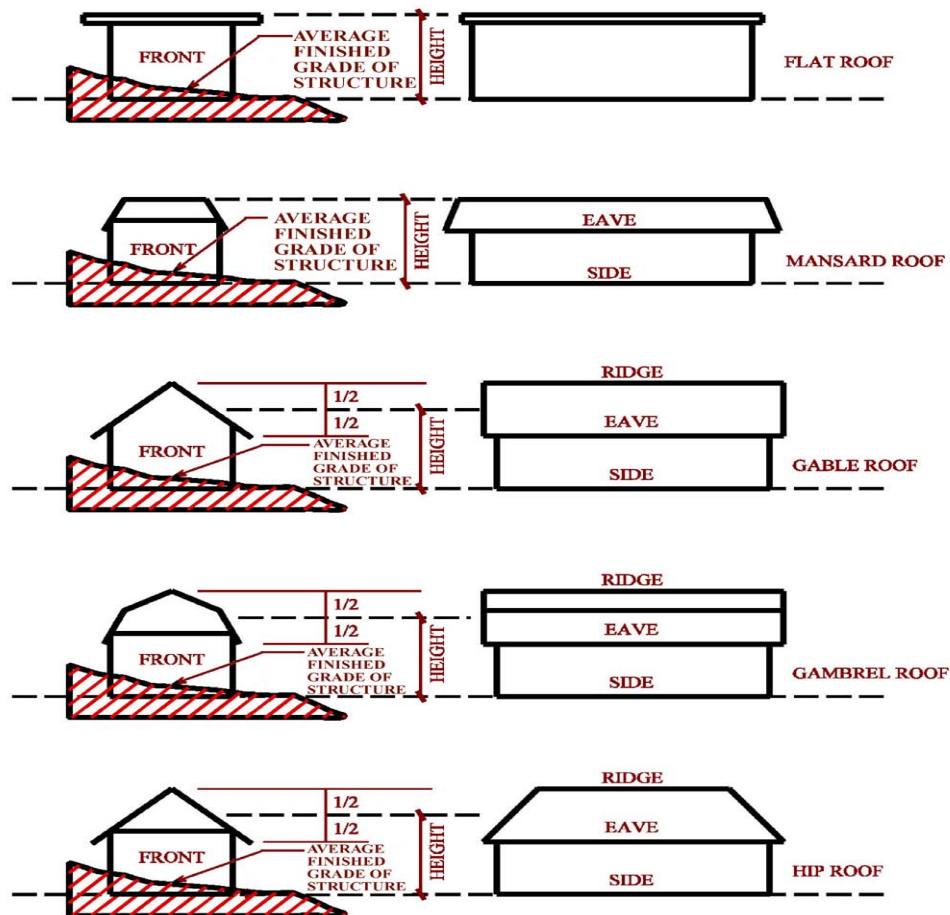


**Figure 4.**



- (b) Corner Lots and Lots with Multiple Frontages. All lots shall have a designated front yard and designated rear yard. For the purposes of determining front, side and rear yards, the shorter frontage(s) of the corner lot abutting either street right-of-way shall be the front yard, the opposing yard on the lot shall be designated the rear yard and the longer frontage abutting the other street right-of-way shall be the side yard as of the designated existing approved recorded plan. If the two (2) frontages of the corner lot are equal in dimension, the landowner and/or developer may designate either frontage as the front lot line, whereas the other frontage becomes a side lot line. See diagram contained within §405 C(1)(a).
3. Height Requirements.
- (a) Height Exceptions. Unless otherwise defined by this Ordinance, chimneys, exhaust stacks, church steeples, flagpoles, water tanks, silos, antenna and communications equipment meeting Federal Communications Commission requirements, roof-mounted air handling equipment or satellite dishes shall be exempt from maximum height requirements but only after applying for and receiving approval for a special exception. If such structures exceed sixty (60) feet in height above the ground, they shall not be approved unless application for construction is accompanied by a written opinion of a registered professional engineer attesting that the structure has sufficient strength to withstand maximum forces that may be imposed upon it by wind, ice and snow loads. Working drawings and specifications of the aforementioned structures of this subsection possessing excess height shall accompany the engineer's opinion. No sign of any kind shall be attached to a tower above the maximum height for structures in the zoning district where located.
- (b) Height of a principal building on a lot shall be measured in accordance with the following:

Figure 5



4. Mechanical Equipment.

- (a) On all non-residential and multi-family residential buildings, all building mechanical systems such as air conditioning units, exhaust systems, satellite dishes, fire escapes, elevator housing, and other similar building features, whether on the building roof or on the ground, shall be integrated into the overall design and character of the building and completely screened from view from adjoining lots and streets, to the extent screening is physically practical. All buildings with flat roofs shall have parapets concealing the flat roof and rooftop equipment.
- (b) Screening devices such as landscaping, decorative masonry walls, architectural features, or opaque fencing shall be used for such equipment. Architectural screening shall be compatible with the architectural treatment of the principal building. Where appropriate, sound absorbent material shall be utilized to screen building mechanical systems with the presence of motors.
- (c) The height of all building mechanical systems shall be a maximum of six (6) feet above a roofline.

***§406. Reduction of required areas prohibited***

No lot area, yard, setback, clearance, separation, parking area, landscape area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by the Ordinance; and if already less than the minimum required by this Ordinance for a new structure or use, said area or dimension shall not be further reduced, without first obtaining a variance pursuant to this Ordinance. No part of a required yard, setback, clearance, parking area or other space provided for any building, structure or use for the purpose of complying with the provisions of this Ordinance, shall be included as part of a yard, setback, clearance, parking area or other space required under this Ordinance for another building, structure, or use, unless specifically permitted under this Ordinance.

***§407. Setback encroachments***

A. The following structures may encroach into required setbacks, as provided:

1. Driveways
2. Utility poles and transmission lines
3. Fences, walls and hedges subject to district regulations
4. Landscaping
5. Underground utilities, including stormwater pipes, culverts, septic tanks, and drainfields
6. Signs, subject to Article X, "Signage Regulations"
7. Irrigation water pumps, wells, water meters, electrical meters and similar above ground telephone and cable utility company equipment typically found on single-family residential lots
8. Sewer or water lift stations
9. Awnings, canopies, eaves, wing walls, chimneys and steps as follows:
  - (a) Roof overhangs and projections of any principal structure may encroach up to two and one half (2 ½) feet into any required yard.
  - (b) Canopies, open balconies, pivoted or casement sash, cornices, eaves and similar architectural features may encroach:
    - (i) Not more than four (4) feet into the required front yard if eight (8) feet or more of clear headroom is provided under such projection; and
    - (ii) Not more than three (3) feet into any side or rear yard if seven (7) feet or more of clear headroom is provided under such projection.

- (c) Chimneys may encroach no more than two (2) feet into any side or rear yard if the portion of chimney structure that is encroaching into said yard is not more than six (6) feet wide.
- (d) Steps, including associated platforms, stoops, and porches that do not exceed the finished floor elevation in height, may encroach into any yard not more than four (4) feet. Such structures may be provided with railings not to exceed three (3) feet in height above the surface of the steps or associated structure.

***§408. Screening and landscaping for off-street parking and service structures.***

- A. Except in the case of a single-family lot and approved ingress and egress points, a five (5) foot wide strip of ground cover, shrubbery, trees or other landscape or decorative materials shall be provided between the right-of-way and off-street parking areas. Said strip shall be landscaped and maintained to prohibit vehicular and pedestrian access. Landscaping species at their mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street/alley.
- B. Surface parking area.
  - 1. In parking areas containing more than ten (10) new spaces, at least twenty (20) percent of the interior parking area shall be landscaped with plantings including one (1) tree for each five (5) spaces.
  - 2. Interior landscaping shall be required for all new parking areas or expansion of existing parking areas containing more than one thousand seven hundred (1,700) square feet or ten (10) parking spaces.
  - 3. One (1) internal landscape island shall be provided for every ten (10) parking spaces. No more than ten (10) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.
  - 4. At least one (1) shade tree, with a four (4) inch minimum diameter at breast height, shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed two (2) feet in height, or with turf grass.
  - 5. Shade tree size, caliper and type shall be required according to Borough standards.
  - 6. Unless otherwise approved by the Borough Engineer for promoting sustainable storm water management practices, all landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface.
- C. Landscaping for service structures. All service structures shall be fully screened a minimum of eighty (80) percent opacity. For the purposes of this subsection, service structures shall include propane tanks, dumpsters, generators, air conditioning units and



condensers, electrical transformers and other equipment or elements providing service to a building or a lot.

1. Location of screening. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure for non-residential uses on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. Fencing, if erected, shall be constructed of the same material as the principal building of a lot unless otherwise approved by the Borough. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Ordinance. When a service structure is located adjacent to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Although service structures are screened by plant material, such material may not count towards the fulfillment of required landscaping.
2. Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier (e.g. mounted metal brackets) to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the screening material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

***§409. Vegetation preservation and bufferyards.***

A. Vegetation preservation.

1. Vegetation preservation is governed by the specifications in this Ordinance and the provisions of the Pennsylvania MPC. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Ordinance or any other Borough Ordinance regulating land use, development and forestry.
2. All forestry activities shall comply with the applicable Borough and/or State Ordinances.

B. Bufferyards.

1. Where a commercial use adjoins any residential zoning district and where a non-residential use, including an institutional use, adjoins a single-family or two-family residential use, a landscaped buffer of not less than ten (10) feet in depth shall be provided along the adjoining lot lines. The bufferyard requirement may be waived by the Borough if the abutting property has a buffer that meets the minimum requirements of this Subsection. Said provision is not applicable to a front yard of said commercial or manufacturing use.

2. Unless otherwise defined by this Ordinance all bufferyard areas shall be planted and maintained with vegetative material, and where required for multi-family and commercial uses, a screen planting (Subsection C below) shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
  3. All bufferyards shall be planted with grass or ground cover, and where required, screen planting no less than eighty (80) percent opacity. Bufferyards shall be maintained and kept free of all debris and rubbish.
  4. No structure, manufacturing or processing activity, or storage of materials shall be permitted in bufferyards. However, access roads, service drives, sidewalks and utility easements not more than thirty-five (35) feet in width are permitted to cross a bufferyard.
  5. No parking shall be permitted in bufferyards.
- C. Screen Plantings. Screen plantings shall be located in the exterior portion of the required bufferyards and shall be in accordance with the following requirements:
1. Plant materials used in screen planting shall be at least four (4) feet in height when planted, shall be planted no more than three (3) feet apart, and be of such species as will produce, within three (3) years, a complete year-round visual screen of at least six (6) feet in height.
  2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
  3. The screen planting shall be so placed that at maturity it will be no closer than three (3) feet from any ultimate right-of-way or property line.
  4. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular access ways intersect public streets.
  5. The screen planting shall be broken only at points of vehicular or pedestrian access.
  6. Trees that are used in the planting of a bufferyard and elsewhere on the lot shall be in accordance with Borough standards.
  7. Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any non-residential use where the parking or solid waste area abuts a residential zoning district or a lot occupied by a residential use.
  8. Fencing shall be permitted to comprise no more than sixty (60) percent of any screen planting.

***§410. Fences and Walls.***

Fences and walls may be erected, altered and maintained in context of the following provisions. Said structures shall not need to comply with setback criteria as required by the Ordinance for accessory structures unless otherwise required. A minimum one (1) foot minimum setback is recommended for maintenance purposes.

- A. Any such fence or wall in the front yard between the front façade of the principal building and the front lot line shall not exceed four (4) feet in height. To maintain the historic nature of the Borough, no fence or wall in the front yard shall consist of chainlink material and/or pattern similar to that of a chain link fence. No barbed wire shall be erected as part of the following fencing requirements. No fence shall be constructed of fabric, junk, junk and/or abandoned vehicles, appliances, tanks, and/or barrels. Fences within front yards shall contain openings therein equal to fifty (50) percent of the area.
- B. Any fence or wall in the side yard not addressed by the provisions of §410.A shall be in accordance with the following: Fences within residential zoning districts shall not exceed eight (8) feet in height. Fences within non-residential zoning districts shall not exceed twelve (12) feet in height.
- C. Any fence or wall exceeding eight (8) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.
- D. Fences shall have a minimum footer of three (3) feet in depth underground for stability and safety.
- E. All yards used for the storage of any material needed for the operation or conduct of a commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any zoning district.
- F. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
- G. All fences must meet the intersection visibility requirements set forth in this Ordinance.
- H. The exterior face of all fencing shall face to the exterior of the lot.

***§411. Existing structures in bufferyards.***

In instances where an existing building or structure houses the principal use of the lot, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the lot line shall be required. This reduced bufferyard width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required bufferyard on one (1) side of the building or structure, the required bufferyard as determined by §409(B), Bufferyards, shall apply on all other yard areas.

***§412. Storm water management facilities within bufferyards.***

Storm water management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirement.

**§413. Landscaping.**

A. General

1. Landscaping required in bufferyards cannot be substituted for any required landscaping as outlined in this section.
2. A Conceptual Landscape Plan, shall be prepared and submitted as part of any Application that involves excavation or building expansion. The Conceptual Landscape Plan shall include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
  - (a) All required bufferyards with proposed plantings.
  - (b) All required planting independent of any bufferyard requirements.
  - (c) Any planting in excess of the requirements of this Ordinance.
  - (d) Any existing trees or vegetation which are to be preserved.
  - (e) Any existing trees or vegetation which will be removed.
  - (f) The location and species of all existing trees six (6) inches in diameter at breast height (dbh). Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh.
3. At least one (1) deciduous tree must be planted for each seven hundred and fifty (750) square feet of gross lot area occupied by the building footprint in conjunction with any development other than any single-family or two-family dwelling. A landowner and/or developer shall be permitted to apply the trees that are calculated as part of this requirement to those defined as part of §408(B), Surface Parking Area.
4. At least one (1) deciduous tree must be planted for each 3,000 square feet of gross lot area for single-family and two-family lots, but the required number of trees shall not exceed ten (10). A minimum of one (1) deciduous tree per sixty (60) feet of linear street frontage shall be planted in the front yard no closer than ten (10) feet from the front lot line, which shall be counted as part of the total number of deciduous trees required per single-family lot. The species and size of said tree(s) shall be selected from the list of permitted street trees found in Appendix A.
5. All trees which are required to be planted as per the regulations of this Section shall be a minimum of two and one-half (2 1/2) inches in diameter at breast height (dbh) at the time of planting, measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.
6. All yard areas not utilized for parking areas, street roadways, driveways, gardens, the planting of trees or shrubs, flower, vegetable or herb beds or similar uses must be seeded, sodded or landscaped within a reasonable period of time. The phrase "a reasonable period of time" shall be interpreted to be within two (2) weeks after construction activities are completed, unless those activities are completed between the period of November 1 through May 1. In such case, the required tree planting shall occur within two (2) weeks of April 1 and sodding or seeding shall occur within two (2) weeks of May 1.

**ARTICLE V – RESIDENTIAL NEIGHBORHOOD COMPATIBILITY  
OVERLAYS (EAST AND WEST)**

**§501. Purpose**

- A. The purpose of the Neighborhood Compatibility 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 blighting caused by incompatible and insensitive development, and to promote new compatible development;
  5. To foster civic pride; and
  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.

**§502. General provisions.**

- A. In the event of a conflict between the provisions of a specific Neighborhood Compatibility Overlay Ordinance and general district regulations, the provisions of the Neighborhood Compatibility Overlay Ordinance 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 neighborhood. The provisions within the following sections pertain to both East and West Overlays unless specifically stated otherwise.

**§503. 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.
3. 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.

**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 minimum and 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.

D. Accessory Buildings.

1. Accessory buildings that are used as accessory dwellings, such as granny flats or alley houses, shall have:
  - (a) A mean roof height of not more than thirty (30) feet.
  - (b) A dwelling space of at least seven hundred (700) square feet, but not more than one thousand two hundred (1,200) square feet.
2. 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 foot print square footage.

E. Principal Building Orientation

1. Unless otherwise established by existing development patterns, the primary facade of the building (where the front entrance will be) shall face the principal street.
2. 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.



3. All principal buildings shall be parallel to the principal street right-of-way line unless the developer/land owner can demonstrate that there is no practical means of meeting the requirement.
4. 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.

F. Additions to Principal Buildings.

1. Additions or alterations to principal buildings shall use the same architectural standards, elements and materials as the principal building.
2. Porches and/or stoops shall not be calculated as part of the building's GFA.
3. 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.
4. 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.
5. 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.
  - (a) Such enclosures, however, shall be counted toward the permitted GFA of a lot; and,
  - (b) Such enclosures shall nullify the GFA increase described in F(3) above.

G. Impervious Area.

1. The maximum impervious area permitted on a lot shall be based on pervious area type in the following manner:
  - (a) 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.
  - (b) 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.

- (c) Type 3 area is defined as those areas that are twenty (20) percent impervious to surface runoff and rainfall, such as a lawn.
  - (d) 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.
2. 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.
  3. 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.

#### H. Utilities.

1. For new subdivisions, detached accessory structures and accessory dwellings all utilities, including electric, shall be located underground.
2. Utility connections such as gas meters, electric meters, phone, cable, and HVAC condenser units shall be screened from view from any public street.

#### I. Driveways and Parking.

1. Access to one lot shall be by not more than one (1) driveway for each fifty (50) feet of frontage on any street.
2. Lots with more than fifty (50) feet of frontage may have a driveway with two (2) access points or two (2) separate driveways.
3. 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.
4. 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.
5. 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 VI – NATURAL RESOURCE PROTECTION OVERLAY**

### ***§601. 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.

### ***§602. 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.

### ***§603. 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 such as, but not limited to, new buildings or any building addition, shall not be required to meet the minimum standards of this Article, but shall be reviewed using the provisions of §706, Steep slope conservation.
- 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 Section 706, the provisions of Section 706 shall apply.
- G. If a developer/property owner does not wish to utilize the cluster development regulations as outlined in Section 608, the net density for a land development contained within the boundaries of the Natural Resource Protection Overlay shall be calculated by multiplying the net buildable area, as defined by the Natural Resource Protection Worksheet, by the permitted gross density stated within the applicable base zoning district regulations.

**§604. 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. Bureau of Topographic and Geologic 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.

***§605. 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 4: Resource Protection Overlay Worksheet shall be at least twenty-five (25) feet in length, measured on a horizontal plane.

***§606. 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 than five (5) feet where the slope is greater than fifteen (15) percent and at intervals of not more than two (2) feet where the slope is fifteen (15) percent or less. The Slope Map shall delineate the location and extent of the following four (4) slope categories:

Borough of Glen Osborne

- (a.) 0-15%;
  - (b.) 15-25%;
  - (c.) 25-40%; and
  - (d.) 40% 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 4: Resource Protection Worksheet of this Ordinance, as available through the Borough, shall be completed to determine the initial net buildable area of the lot.

**Table 4: 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% and greater _____ 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			<b>0.00</b>
		(Total Gross Lot/Site Area)	(Total Net Buildable Area)		

- 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 4: Resource Protection Worksheet).

**§607. 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 4 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/land owner 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 to 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.



**§608. 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 5 as to net density, minimum lot area, minimum lot frontage and minimum setbacks.

**Table 5: Cluster Development**

		R1	R2	R5
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)	30/10/40	20/10/20	20/5/15

D. Flag lots shall be permitted where necessary to provide ingress/egress access within a cluster development.

1. No more than two (2) flag lots shall be permitted per land development.
2. 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.
3. The front setback requirement for flag lots shall be measured at the point where the lot meets the minimum lot frontage requirement

E. 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 five hundred (500) feet in length unless otherwise determined by the Borough to be safe and adequate distance for emergency service and fire fighting purposes in context of topography and site visibility.

F. 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 VII- SUPPLEMENTAL REGULATIONS

### *§701. Temporary structures*

- A. A temporary structure, for the purposes of this Ordinance, shall be determined to be man-made structures, either constructed on-site, or constructed elsewhere and erected or placed on site, for a use which is permitted in the zoning district, and is not a permanent use, such as kiosks, tent, shed or trailer that is temporarily used for seasonal sales, such as Christmas trees, but excluding sales by itinerant merchants of flowers, flea markets or any other products in which sales are conducted. Such structures shall not disturb or impair traffic ingress/egress and fire lanes and shall be authorized, in writing, by the owner of the lot(s).
  
- B. 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.
  
- C. A temporary structure which is proposed in a non-residential zone shall not alter the movement of traffic or parking arrangement of cars in a designated parking lot. If this is proposed, a revised site plan must be submitted in accordance with the requirements of the Borough .
  
- D. Portable Storage Unit/Container. A portable storage unit or container shall be subject to the following:
  - 1. Portable storage units shall not be permitted in the front yard.
  
  - 2. Portable storage units and containers, including, but not limited to, "Portable On Demand" (PODs) units shall not be kept upon a lot in excess of one (1) year if there is an active building permit for construction on the lot, or until the issuance of a certificate of occupancy or completion, whichever occurs first. Portable storage units not associated with an active permit for construction on the same lot shall be limited to thirty (30) days within any six (6) month period.
  
  - 3. An Applicant with an active building permit for construction may request an extension for up to one (1) year for the portable storage unit until the construction is complete or an occupancy permit is issued.
  
  - 4. An Applicant shall obtain a permit for said placement of a portable storage unit.
  
  - 5. Portable storage units shall not be used as living quarters within the Borough.

**§702. Outdoor display and 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. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.
- C. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five (85) percent opacity.

**§703. Solar collectors and solar-related equipment**

- A. Solar collectors and solar-related equipment shall be permitted in any zoning district as an appurtenance to a building or as a detached accessory structure. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building façade of the principal building on the lot.
- B. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an adjoining lot shall not be located so as to block the solar collector's access to solar energy. This section shall not be applicable to any ground-mounted collection system and/or related equipment. The portion of the solar collector to be protected is defined by the following:
  - 1. The portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12) foot obstruction located on the lot line; and,
  - 2. The portion which has an area of not greater than one half (1/2) of the largest floor area of the structure served.
- C. The above subsection does not apply to accessory structures or vegetation existing on an adjoining lot at the time of installation of the solar energy collection system, or on the effective date of this Part, whichever is later. The above subsection controls any accessory structure erected on, or vegetation planted in, adjoining lots after the installation of the solar energy collection system. These provisions shall not be applicable to ground-mounted systems and/or related equipment.
- D. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Zoning Officer on the date the zoning permit for the solar system is issued, with

the date of installation being the date of recordation. The solar facility must be completed, and the Borough Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.

**§704. Wind turbines**

Wind turbines, windmills, windwheels, or wind energy conversion systems (WECS) for residential purposes shall be permitted as accessory uses in all zoning districts, subject to the following conditions:

- A. No said systems or equipment shall be erected in a front yard or within the area between a front lot line and the front building façade of the principal building on the lot.
- B. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten (10) feet from any occupied dwelling, and shall not be more than forty-five (45) feet in height.
- C. The minimum distance between the tower and any lot line shall be not less than twice the height of the tower.
- D. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
- E. All electric lines/utility wires shall be buried underground.
- F. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6) foot fence with screening planting in accordance with this Ordinance. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred forty (140) square feet.
- G. One (1) wind turbine, windmill, windwheel or WECS shall be permitted per lot.
- H. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
- I. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
- J. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed forty five (45) dBA measured at the lot line.
  - 1. A “decibel” shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

2. A “weighted” sound level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micro-pascals using the “A” weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.

***§705. Dumpster enclosures***

Dumpsters existing as of the effective date of the Article and dumpsters constructed subsequent to the effective date of this Article shall comply with the following:

- A. All dumpsters shall be kept within opaque enclosures that meet all building code requirements. No dumpster or dumpster enclosure shall be located within a required landscape buffer, and may be located within a required yard only if a street or dedicated alley separates the lot from any adjacent residential lot.
- B. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents
- C. It is the responsibility of the landowner to provide dumpsters, either in number or size, that will preclude the overflow of garbage. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the landowner free of overflowing refuse at all times. If there is a continuous problem of insufficient dumpster capacity the landowner will be responsible for providing a larger capacity dumpster or shall provide additional dumpsters. If an increase in capacity or number is required the enclosure shall continue to meet all provisions of this section.
- D. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete, in accordance with the requirements of the Borough’s Building Code as may be amended from time to time. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

***§706. Steep slope conservation***

- A. Purpose. The purposes of the steep slope conservation regulations are to:
  1. Promote the public health, safety and welfare by the protection of steep slope areas within the Borough of Glen Osborne by encouraging the retention of open space that is situated and designed to be a harmonious and appropriate part of the physical development of the Borough;
  2. Minimizing disturbances to vegetative ground covers;
  3. Restrict the regrading of steep slope areas;

4. Limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to the property of individuals;
5. Protect low-lying areas from flooding by limiting the increase in storm water runoff caused by, grading of sloped areas, changes of ground cover, or the erection of structures;
6. Maintain the ecological integrity and habitat value of steeply sloped areas (i.e., indigenous vegetation and wildlife), which could be adversely affected by otherwise permitted disturbances; and,
7. Allow the continuing replenishment of groundwater resources and the maintenance of springs.

B. Applicability.

1. The following provisions shall be deemed to be an additional regulation on any zoning district(s) now or hereafter enacted to regulate the use and development of land in the Borough.
2. For the purposes of carrying out the provisions of this Ordinance, a Steep Slope Analysis shall be completed for all development activities within the Borough unless the developer/landowner voluntarily elects to comply with Article VI, Natural Resource Protection Overlay.
3. 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.
4. 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.
5. If any conflict exists between the provisions of the Natural Resource Protection Overlay and the provisions of Section 706, the provisions of Section 706 shall apply.

C. Steep slope types.

1. **Precautionary Slope.** Precautionary slopes are those of fifteen (15) percent to twenty-five (25) percent slope (i.e. sloping twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal), or a similar slope on the United States Geological Survey Topographical Map (USGST Map), where such slope exists in any continuous horizontal increment of fifty (50) feet or more;
2. **Prohibitive Slope.** Prohibitive Slopes are those of greater than twenty-five (25) percent slope (i.e., sloping more than twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal), or a similar slope on the USGST Map, where such slope exists in any continuous horizontal increment of fifty (50) feet or more;

D. Boundary Interpretation and Appeals Procedure.

1. Each application for construction or land disturbance within an area encumbered by a steep slope as determined in subsection (C) above shall be submitted in accordance with subsection (G), below. Any area of the subject lot or lots encumbered by steep slopes shall be interpolated and shown on the site plan required under subsection (G)(1)(b) through shading of such area or areas.
2. Where an interpretation is needed as to the exact location of the boundaries of the steep slope areas in relation to a given parcel, an initial determination shall be made by the Zoning Officer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation for consideration. The Zoning Officer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Borough Council.
3. Any party aggrieved by any such determination of the Zoning Officer or other decision or determination under this Article may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

E. Permitted Uses.

1. Standards applicable to all uses within steep slope areas.
  - (a) All grading shall be minimized, and no grading shall be undertaken within any area encumbered by steep slopes except where approved in conjunction with a use permitted under the terms of this section.
  - (b) Finished slopes of all cuts and fills shall not exceed thirty-three (33) percent unless the developer/landowner can demonstrate that steeper slopes can be stabilized and maintained adequately.
2. Uses permitted in areas of Prohibitive Slope. The following are the only uses permitted as of right in areas of Prohibitive Slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.
  - (a) Logging and woodcutting, where such activity is limited to highly selective removal of trees. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.
  - (b) Grading for a portion of a driveway accessing a single- family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding twenty-five (25) percent is feasible.
  - (c) Yard areas of a building not within areas encumbered by steep slopes, so long as no building is within fifty (50) feet of the Prohibitive Slope area.



3. Uses permitted in areas of Precautionary Slope. The following are the only uses permitted as of right in areas of Precautionary Slope, provided they also are in compliance with the base zoning district and all other provisions of this Ordinance.
  - (a) Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Allegheny County Conservation District.
  - (b) Single-family detached dwellings, provided that the impervious surfaces within the area of Precautionary Slope shall not exceed ten (10) percent of that area.
  - (c) Yard areas of a building not within areas encumbered by steep slopes, so long as no building is within the Precautionary Slope area.
  - (d) Non-structural accessory uses (excepting swimming pools), necessary for the operation and maintenance of the above permitted uses.

F. Uses By Special Exception

1. Any of the following uses shall be permitted in area of Precautionary Slope as a Special Exception when authorized by the Zoning Hearing Board, subject to requirements of this Article and this Ordinance. In making its determination, the Board shall give particular consideration to the criteria and standards set forth in (F)(2) below.
  - (a) Sealed public water supply wells, where approved by all regulatory agencies.
  - (b) Sanitary or storm sewers, where approved by all regulatory agencies.
  - (c) Access roads that shall be suitable for the passage of emergency vehicles in the event of fire or accident. Such roads shall be constructed only when no viable alternative for emergency access exists. Any such proposal shall be subject to the terms of Borough Ordinance No. 189, as amended, shall have secured applicable approval from any other regulatory agencies, and shall be reviewed by the Chief of the Fire Department servicing the Borough.
  - (d) Extractive uses, including borrow pits, when operated in accordance with recognized conservation practices and, as applicable, where approved by all regulatory agencies.
  - (e) Any structure permitted by right, special exception, or conditional use according to the terms of the underlying base zoning district.
  - (f) Any road necessary to provide primary access to a use permitted by this Ordinance, when no practical alternative exists in an area of lesser slope. Any such road shall be constructed according to the standards of the Borough Ordinance No. 189, as amended.
2. Factors: In evaluating any application for special exception, the Zoning Hearing Board shall consider the following factors:

- (a) Disturbance to particularly sensitive features of the lot shall be minimized; special emphasis in planning for the lot should be given to the protection of:
  - (i) The steepest areas of Precautionary Slope, i.e., those approaching twenty-five (25) percent;
  - (ii) Soils with seasonal high water table; and,
  - (iii) Underlying geology which comprises, or contributes to, a major groundwater resource including the flow of existing springs.
- (b) Disturbance shall be minimized where the length or area of Precautionary Slope, both on the lot and on adjacent lands within two hundred (200) feet of the lot, is extensive.
- (c) The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the lot.
- (d) Removal of, or disturbance to, existing vegetation on the lot shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transpiration and recharge of storm water, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Zoning Hearing Board as it deems appropriate.
- (e) Important visual qualities of the lot shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops or ridgelines, rock outcroppings, and the natural terrain and contours of the lot.
- (f) Road construction shall follow the natural topography, with cuts and grading minimized.
- (g) Innovative, imaginative building techniques that are well-suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.
- (h) The equilibrium of the slope, as characterized by the existing interrelationships among the soil, water, and vegetation, shall be disturbed as little as possible.

G. Administration.

- 1. In addition to the other administrative provisions found in this Ordinance, the following additional requirements apply to development within areas encumbered by steep slopes:
  - (a) On any lot containing an area or areas of Precautionary Slope, the total amount of impervious surface that may be installed or maintained within the total area or areas of Precautionary Slope shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying

base zoning district. Provision shall also be made and approved by the Zoning Officer for control of runoff from impervious surfaces to prevent erosion.

- (b) Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be subjected for review by the Borough Engineer.
  - (i) An earthmoving plan for the lot which indicates existing grades with contour lines at two (2) foot intervals where the existing slope is less than fifteen (15) percent and at five (5) -foot intervals where the existing slope is fifteen (15) percent or greater. Proposed grades within the area of any proposed activity, disturbance, or construction also shall be shown. All areas of Prohibitive and/or Precautionary Slope shall be shaded accordingly.
  - (ii) A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within areas of Prohibitive and Precautionary slopes, as well as proposed landscaping material to be installed.
  - (iii) Architectural plans, elevations, and sections.
  - (iv) A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.
  - (v) Plan, profile and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.
  - (vi) A statement, signed by the owner at the time of subdivision, land development, or building permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes.
- 2. No zoning permit shall be issued, and no special exception shall be granted, without the Zoning Officer's review of the material submitted by the developer/landowner and his positive recommendation thereon.

#### H. Non-Conforming Uses and Structures.

- 1. Following the adoption of this Ordinance, any use or structure which is situated within an area encumbered by steep slopes and which does not conform to the permitted uses specified herein shall become a non-conforming use or structure, regardless of its conformance to the zoning district in which it is located without consideration of this Article. The expansion or continuance of said non-conforming use or structure shall be governed by the requirements of Article XIII, Nonconforming Uses, Structures and Lots, of this Ordinance. However, the Zoning

Hearing Board shall also ensure that the standards contained in this Article are applied to the expansion or continuance of said non-conforming use or structure.

**§707. Communications Antennas**

- A. All Communications Antennas shall be of stealth design unless clearly impractical and shall be designed and maintained to blend in with the existing structure to the greatest extent feasible and, further, shall be designed and maintained to blend in with existing surroundings to the greatest extent feasible, including the use of compatible colors and disguised structures.
- B. No antenna or groups of antennas upon a tower or placed upon an existing structure shall have, or create an additional height to the structure of more than twenty (20) feet; with the exception of amateur radio antennas.
- C. No antenna shall be located within two hundred-fifty (250) feet of an existing dwelling in a residential district, with the exception of amateur radio antennas, or 500 feet of an existing elementary school, hospital, or similar use, measured from the antenna(s) to the nearest property line of such uses.
- D. No antenna shall be located or situated within seven hundred-fifty (750) feet of another antenna; except that antennas may be located or situated upon the same tower or upon the same structure.
- E. No antenna may be erected upon any structure having historical designation or which is recognized as a historic structure.
- F. Communications Antennas shall be collocated where technically possible, i.e., where there is no substantial impairment to the quality of service. All facility owners and operators shall cooperate with other existing communications providers in co-locating Communications Antennas unless there are substantial electronic, mechanical, structural or regulatory factors which prevent the sharing of facilities.
- G. Exemption. A commercial communications antenna necessary for and clearly used only for emergency communications by a police department, fire company, emergency medical service, and other similar public safety organizations is exempt from the requirements of this Section.

**§708. Flood Plain**

**§708.1. Flood Hazard District Overlay**

- A. The Flood Hazard District shall be deemed an overlay on the otherwise applicable zoning districts set forth on the Borough Zoning Map. No reduction in the Flood Hazard District shall be made without prior consultation with, and approval of, the Federal Insurance Administrator.

- B. The boundaries of the Flood Hazard District shall be determined by scaling the distances as shown on the Flood Hazard District Overlay Map. Where interpretation is needed as to the exact location of boundaries of the District as shown thereon, as for example, where there appears to be conflict between a mapped boundary and actual field conditions, an initial determination of the exact boundary of the area subject to inundation by the base flood shall be made by the Borough Engineer and a written report made to the Council. Any party aggrieved by any such determination of the Borough Engineer or other decision or determination under §708 may appeal to the Zoning Hearing Board. The person contesting the location of the district boundary shall have the burden of proof in case of any such appeal. Such interpretation by the Borough Engineer and/or Zoning Hearing Board shall not constitute a reduction of the Flood Hazard District for purposes of requiring prior approval of the Federal Insurance Administrator.
- C. §708 is to be administered in conjunction with Borough ordinances Nos. 189, 190 and 278, as amended.
- D. The degree of flood protection required by §708 is considered reasonable for regulatory purposes and is based on scientific study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes such as ice jams or bridge openings constricted by debris. In such instances, areas outside the Flood Hazard District or land uses permitted within the District may be subject to flooding or flood damages. Section §708 shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

***§708.2. Uses in Flood Hazard District Overlay***

The following uses and no others, unless by special exception granted by the Zoning Hearing Board, are permitted in the Flood Hazard District to the extent that they are not prohibited by any other law or ordinance and to the extent that they do not require structure, fill, or storage of materials or equipment.

- A. Agricultural: Crop farming, nurseries, and green houses. Such activities shall be conducted in accordance with a plan approved by the Allegheny County Soil and Water Conservation District or recognized soil conservation practices approved by the Borough.
- B. Selective cutting of trees: permitted, provided that desirable mature shade trees are not totally eliminated, that particular attention is paid to retaining such trees within twenty five (25) feet of any stream bank, and that no such trees growing within or upon a stream bank shall be removed unless dead or damaged and threatening the stability of the bank.
- C. Recreational uses: Picnic grounds, archery ranges, hiking trails, fishing areas, game farm, fish hatchery, wildlife sanctuary, nature preserve, and swimming areas.

- D. Pervious parking areas and driveways: permitted, when permitted by the regulations for the underlying zoning district otherwise applicable to the lot.

***§708.3. Uses By Special Exceptions***

The following uses are permitted only upon the granting of a special exception by the Zoning Hearing Board:

- A. Accessory: Accessory uses customarily incidental to any of the foregoing permitted uses.
- B. Other: Railroads, roads, bridges, utility transmission lines, dams, and culverts, where approved by the Borough Engineer in consultation with any interested state agency.
- C. Water and Sewer: Sealed water supply wells, water pipelines, and sanitary sewer line systems, provided they are designed and constructed to eliminate infiltration of flood waters into the waters of the Commonwealth.

***§708.4. Special Exception or Variance Criteria***

- A. Factors: The following factors are to be considered by the Zoning Hearing Board in considering an application for a special exception or variance from §708:
  - 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  - 3. The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination, and unsanitary conditions.
  - 4. The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
  - 5. The importance of the proposed use to the community.
  - 6. The requirements of the use for the waterfront location.
  - 7. The availability of alternative locations, not subject to flooding, for the proposed use.
  - 8. The compatibility of the proposed use with existing and foreseeable nearby use.
  - 9. The relationship of the proposed use to the Borough Comprehensive Plan and any flood plain management program for the area.
  - 10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

12. The likelihood that the proposed use will result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing Borough ordinances or regulations.
  13. The proposed activity's possible undue alteration of natural water flows or water temperatures.
  14. The potential degradation or destruction of archaeological or historic sites and structures, endangered or threatened species of animals or plants, high quality wildlife habitats, or other irreplaceable land uses.
  15. Such other factors which are relevant to the purposes of this ordinance.
  16. No special exception or variance shall be granted for any requirement pertaining to developments which may endanger human life in accordance with the aforesaid Flood Plain Management Act or which are specifically prohibited in Paragraphs D, F, I, J, K, L, or M of Section 708.8 hereof.
- B. Variance Requests: In addition to the foregoing, and in addition to other criteria elsewhere in this Ordinance, the following factors are to be considered by the Zoning Hearing Board in considering a request for a variance from §708:
1. Whether failure to grant the request would result in exceptional hardship to the applicant.
  2. Whether the variance requested is the minimum necessary, considering the flood hazard, to afford relief.

***§708.5. Conditions for Special Exception and Variance***

- A. Attachment of Conditions: The Zoning Hearing Board shall attach such conditions to granting of a special exception or variance as it deems necessary to further the purposes of §708, including without limitation because of specific enumeration, the following:
1. All such structures shall be securely anchored to prevent flotation, collapse, and lateral movement; all such structures shall employ construction materials and techniques to minimize flood damage. Adequate drainage shall be provided.
  2. The provisions of all other federal and state rules and regulations are applicable to such construction. No special exception or variance will be granted until all applicable state and federal permits are obtained.
  3. Required flood-proofing measures may include, without limitation because of specific enumeration, the following:
    - (a) Installation of watertight doors, bulkheads, and shutters.
    - (b) Reinforcement of walls to resist water pressure.

- (c) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - (d) Addition of mass or weight to structures to resist flotation.
  - (e) Installation of pumps to lower water levels in structures.
  - (f) Construction of water supply and waste treatment systems so as to prevent the entrance of flood water.
  - (g) Pumping facilities far subsurface external foundation wall and basement floor pressures.
  - (h) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - (i) Cutoff valve on sewer lines or the elimination of gravity flow basement drains.
4. The following design and construction standards shall be followed:
- (a) Any building or structure shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to its effect upon the flow and height of flood waters.
  - (b) All utilities such as water and sewer lines, gas lines, electrical and telephone systems being placed in the Flood Hazard District should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.
  - (c) All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations above the base flood level.
  - (d) Water heaters, furnaces, and other mechanical equipment or apparatus shall be permitted only at elevations above the base flood level.
  - (e) No part of any on-site sewage disposal system shall be constructed within any part of the Flood Hazard District.
  - (f) All materials that are buoyant, flammable, explosive or, in time of flooding, could be injurious to human, animal, or plant life, shall be stored only at elevations above the base flood level.

***§708.6. Declaration of Flood Hazard Status***

In any case where the Zoning Hearing Board shall grant a special exception or variance to permit the erection of a structure to permit a change in use of a structure already existing in the Flood Hazard District, the Board shall, for the protection of prospective purchasers and lessees, impose the following conditions:



- A. Advice: Require the applicant to advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the Flood Hazard District.
- B. Written Notice: Require that, before settlement or change in use, as the case may be, may take place, the purchaser or lessee shall signify in writing that he has been advised that the premises lie partially or entirely in the Flood Hazard District and a signed copy of such signification shall be delivered to the Borough by the applicant.
- C. Deed Restriction: A deed restriction shall be created and placed on record to run as a covenant with the land, which restriction shall contain the following provision:

"This lot is entirely (partially) within a flood hazard area as defined by §708 of the Borough of Glen Osborne Zoning Ordinance."

**§708.7. Flood Hazard District Administration**

Upon receiving an application for a special exception or variance, the Zoning Hearing Board shall, prior to rendering a decision thereon, and notwithstanding the provisions of Article XVII11 of this Ordinance, require the applicant to furnish such of the following material as is deemed necessary by the Board:

- A. Plans: Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot and existing and proposed uses; photographs showing existing uses and vegetation; soil types and other pertinent information.
- B. Cross Sections: A series of cross-sections at 25-foot intervals along the lot shoreline, showing the stream channel or lake or pond bottom, and elevation of adjoining land areas to be occupied by the proposed uses, and base flood elevation information. Cross sections shall be field-run topography based on a known USGS benchmark.
- C. Profile: Profile showing the slope of the bottom of the channel or stream bed.
- D. Computation: Computation of the increase, if any, in the height of the base flood which would be attributable to any proposed uses.
- E. Experts: In considering any application for a special exception or variance, the Zoning Hearing Board may request at the hearing the testimony of the Council, Planning Commission, the Borough Engineer and other technical experts, concerning the extent to which the proposed use would (a) diminish the capacity of the Flood Hazard District to store and absorb flood waters, to moderate flood velocities, and to accommodate sediment; (b) be subject to flood damage; (c) cause erosion and impair the amenity of the Flood Hazard District; and (d) adversely affect the area contiguous to the Flood Hazard District as well as areas downstream.
- F. Notifications and Documentations: The Zoning Hearing Board shall notify the applicant in writing that (1 the issuance of a decision to allow construction or development below the base flood elevation will result in increased premium rates for flood insurance, and (2

such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions as herein required. The Zoning Hearing Board shall also (1) maintain a record of all decisions including justification for their issuance, and (2) report such decisions issued in its annual report submitted to the Federal Insurance Administration. The elevation of the proposed lowest floor of any structure approved by the Zoning Hearing Board shall be indicated on the application for a building permit.

***§708.8. Specific Prohibitions***

In addition to and without limitation of the uses specifically permitted in the Flood Hazard District by the provisions of this Article, the following activities are specifically prohibited in the Flood Hazard District:

- A. Clear cutting of trees, as defined in §708, or the clearing of vegetation, except where such clearing is necessary for construction permitted as a result of action by the Zoning Hearing Board; as a reforestation measure; or, as a means to eliminate dead, diseased, or hazardous tree stands. When a clear cutting operation is deemed permissible for one of the above reasons, it shall be consistent with the terms of a woodland management plan approved by the Council. Under no circumstances shall a clear cutting operation be conducted within twenty-five (25) feet of a stream.
- B. Sod farming.
- C. Storage of any material which, if inundated, would float.
- D. Storage of flammable or toxic material or any other material which, if inundated, would degrade or pollute the water, or cause damage if swept downstream.
- E. Installation or maintenance of on-site sewage disposal systems and wells.
- F. The construction, enlargement or expansion of manufactured homes.
- G. Junk yards.
- H. Alteration, relocation or enclosure of any watercourse, unless and until the applicant has notified the governing bodies of adjacent municipalities and the Pennsylvania Department of Community Affairs, with copies of such notices being sent to the Federal Insurance Administrator, and has demonstrated to the satisfaction of the Borough Engineer that the flood-carrying capacity of the watercourse as altered or relocated is maintained at a level equal to or better than the existing flood-carrying capacity. This requirement shall be in addition to the requirements of the Pennsylvania Department of Environmental Resources pertaining to such alteration or relocation.
- I. The construction of hospitals (public or private).
- J. The construction of nursing homes (public or private).

- K. The construction of jails and prisons.
- L. The construction, enlargement or expansion of any structure which would be used for the production, storage or maintenance of a supply of the following toxic chemicals and compounds, which are dangerous to human life:
  - (a) Acetone
  - (b) Ammonia
  - (c) Benzine
  - (d) Calcium Carbide
  - (e) Carbon Disulfide
  - (f) Celluloid
  - (g) Chlorine
  - (h) Hydrochloric Acid
  - (i) Hydrocyanic Acid
  - (j) Magnesium
  - (k) Nitric Acid and Oxides of Nitrogen
  - (l) Petroleum Products (gasoline, fuel oil, etc.)
  - (m) Phosphorus
  - (n) Potassium
  - (o) Sodium
  - (p) Sulphur and sulphur products
  - (q) Pesticides (including insecticides, fungicides, and rodenticides)
  - (r) Radioactive Substances, insofar as such substances are not otherwise regulated.
  - (s) Any other dangerous materials or substances regulated by the appropriate federal or state agencies.
- M. Any development which would result in an increase in the base flood level.

**§709. Traffic Impact Study.**

A. Traffic Impact Study Type A.

1. The Borough shall require a traffic impact study for developments or changes in uses generating less than seventy-five (75) trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.
2. The applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The applicant shall submit the completed worksheet to the Zoning Officer. The applicant shall reference the *Average Rate* in the *Trip Generation Per Acre* table for the applicable *Land Use 210 Codes* of the ITE Trip Generation Manual.
3. In addition to the computation worksheet, the applicant shall supply copies of the land use pages ITE results to the Zoning Officer.

B. Traffic Impact Study Type B.

1. Any land development or subdivision which will generate, on average, seventy-five (75) or more peak hour trips on any adjacent street shall be required to have a traffic impact study completed as part of the approval process. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Borough.
2. Traffic impact study scope. Prior to beginning a traffic impact study, the applicant shall submit a proposed scope of services to the Zoning Hearing Board for review and approval. The traffic impact study shall include the following if appropriate as determined by the Borough:
  - (a) A brief description of the proposed project in terms of land use and magnitude.
  - (b) An inventory and analysis of existing roadway and traffic conditions in the site environs including:
    - (i) Roadway network and traffic control.
    - (ii) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).
    - (iii)Planned roadway improvements by others.
    - (iv)Intersection levels of service.

- (v) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.
- (c) Proposed site-generated traffic volumes in terms of:
- (i) Peak hours and ADT (by development phase if required).
  - (ii) Arrival/departure distribution including method of determination.
  - (iii) Site traffic volumes on study roadways.
- (d) An analysis of future traffic conditions including:
- (i) Future opening year combined traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use.
  - (ii) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to ten (10) years beyond the expected opening year of the development or change in use.
  - (iii) Background traffic growth rates shall be obtained from the Southwestern Pennsylvania Commission.
  - (iv) Intersection levels of service.
  - (v) A pavement analysis of roadways which are projected to experience significant increase in ADT volumes off-site.
  - (vi) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc
  - (vii) When access is onto a state road, the analysis of future conditions shall be consistent with PennDOT requirements.
- (e) A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
- (i) Traffic capacity LOS shall be based upon future design year analysis.
  - (ii) New or modified (a new approach created) non-signalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Borough.

- (iii) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless otherwise specified by the Borough.
  - (iv) Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement, or, if future base (without development traffic) LOS is E then mitigation shall be made to maintain LOS E with development traffic. If future base LOS is F, then degradation in delays shall be mitigated.
- (f) A description and analysis of the proposed access plan and site plan including:
- (i) Access plan including analysis of required sight distances using PennDOT criteria and description of access roadway, location, geometric conditions and traffic control.
  - (ii) On-site circulation plan showing parking locations and dimension, loading access circulation roadway and traffic control.
- (g) Traffic circulation mitigating action plan shall include:
- (i) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
  - (ii) Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.
3. Traffic control devices and other traffic improvements. Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign, additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements to be constructed on the applicant's lot or on the lot abutting the applicant's lot, the applicant shall, as a condition to approval of the final plat, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Borough, reimburse the Borough for the cost of the improvements.

## ARTICLE VIII - SPECIAL EXCEPTIONS

### *§801. Granting and evaluation of special exceptions*

- A. General criteria for evaluation of special exception uses.
1. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.
  2. The granting of a special exception use by the Zoning Hearing Board shall be predicated on:
    - (a) The developer's submission of a written application, together with a site plan of the proposal to the Zoning Officer;
    - (b) Any recommendation from the Zoning Officer and/or Zoning Hearing Board Solicitor;
    - (c) Presentation of the application;
    - (d) Testimony, whether written or spoken, from the Planning Commission
    - (e) Other written and verbal testimony and/or expert witnesses.
  3. The written submission shall demonstrate that the development for which the special exception use is sought will meet the primary criteria outlined below:
    - (a) Will not endanger the public health, safety and welfare if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by Article XII of this Ordinance;
    - (b) Meets all other requirements of this Ordinance in the zoning district where the use is proposed;
    - (c) Meets the requirements of the Pennsylvania Uniform Construction Code;
    - (d) Is generally consistent with the ASO Joint Comprehensive Plan.
    - (e) In the case of an application by a landowner and/or developer whose lot does not meet the minimum lot area requirements of this Ordinance, development may occur nonetheless on said lot without regard to its non-conforming size so long as:
      - (i) the lot was established prior to the date of enactment of this Ordinance;
      - (ii) No other conformity exists on the lot at the time of application;

(iii) a minimum vegetated buffer of 70% opacity shall be required along all side and rear lot lines of said lot; and

(iv) a maximum of one (1) point of ingress and egress is constructed between the right-of-way and the front yard of said lot.

4. In proceedings involving a request for a special exception, both the duty of initially presenting evidence and the burden of documenting to the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance rest upon the applicant. The burden of documenting to the Zoning Hearing Board that the proposed use will not endanger the public health, safety and welfare of the neighborhood rests upon the applicant.
  5. The site plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height and use of structures, driveways, signs, lighting, landscaping/bufferyards, parking areas, architectural rendering or photo and topographical and/or natural features of the lot.
- B. The Zoning Hearing Board shall reserve the right to deem the application subject to review of driveway locations and appropriateness of vehicular access.
- C. The Zoning Hearing Board may attach reasonable conditions, in order to protect the public's health, safety, and welfare. These reasonable conditions may include but are not limited to increased screening and/or setbacks.
- D. Approval of all uses by special exception contained in this Ordinance shall be subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.



## ARTICLE IX - CONDITIONAL USES

### *§901. Granting and evaluation of conditional uses.*

- A. In evaluating an application for a conditional use, the Borough Council shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.
- B. Where the Borough Council, in this Ordinance, has identified conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria of §913.2 and §603.C(2), [or as most recently amended] of the Pennsylvania Municipalities Planning Code. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Article and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 et seq. All conditional uses shall be reviewed with the standards and criteria of §913.2 and §603.C(2) of the Pennsylvania MPC and the criteria listed in this Article. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, as necessary to implement the purposes of this Article and the Pennsylvania MPC.
- C. The criteria for conditional uses are listed in this Article. As part of these criteria, the following consideration and evaluations shall be made for all conditional uses.
  1. Building and parking setbacks shall be consistent with the existing building and parking setbacks of the adjoining and neighboring lots on the block on which the development is proposed. The location and arrangement of parking on a lot shall be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. The Borough reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front façade of the principal building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
  2. 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 zero (0) footcandles.
  3. In order to protect and/or safeguard the historical character of existing development in the Borough, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer shall maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
  4. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

5. A traffic impact study acceptable to the Borough Engineer, shall be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- D. The consideration of a conditional use by the Borough Council upon review of recommendations by the Planning Commission shall be predicated on the applicant's submission of written application containing all of the information required under this section, together with a site plan meeting the requirements of this Ordinance and any other Borough Ordinance as applicable.
- E. An approved conditional use shall commence within eighteen (18) months following the date of approval, unless the Borough Council has established a different completion date at the time of approval. Also, the Borough Council may grant an extension of time for any completion date if the landowner or his agent requests such an extension, and if good cause for the extension is shown. There are no other exceptions to this rule. If, at the end of the eighteen (18) month period or extended completion period, the conditional use is not implemented, and if no extension has been granted, the approval of the conditional use shall be null and void. Upon approval of any conditional use by the Borough Council, any prior approved conditional use for the same tract of land shall become null and void.

***§902. Residential conditional use provisions***

- A. Accessory Dwelling. In zoning districts where an accessory dwelling is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
  1. Vehicular and pedestrian access to the accessory dwelling shall be from the same point of access to the lot as provided for the principal dwelling of the lot.
  2. The square footage of the accessory dwelling shall not exceed the footprint of the principal use of the lot.
- B. Conversion Apartment. In zoning districts where a conversion apartment is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
  1. Conversions of a single-family dwelling to multi-family dwellings shall create no more than three (3) total dwelling units.
- C. Multi-Family Dwellings. In zoning districts where a multi-family dwelling is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
  1. No more than twelve (12) dwelling units per building.

2. A dwelling unit's off-street parking area shall be located no more than three hundred (300) feet from the dwelling unit's principal entrance and on the same lot unless otherwise permissible by this Ordinance.
  3. Screening and buffering of parking areas shall be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
  4. Dumpsters, if located on the lot, shall be located in the rear yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty (80) percent.
  5. The design and size of the apartment conforms to all applicable State and Borough standard/codes.
  6. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use.
- D. Townhouse Dwelling. In zoning districts where a townhouse dwelling is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
1. All off-street parking spaces for resident use shall be internal to the building. Guest parking shall be located no more than three hundred (300) feet from each townhouse.
  2. All dumpsters and/or waste collection areas shall be located a minimum of fifty (50) feet from the nearest residential unit and shall be enclosed by a solid masonry screen.
  3. The primary entrance to the townhouse units shall be from a primary public or private road. No primary entrance shall be from an alley.
  4. To minimize potential nighttime lighting pollution and to minimize negative impacts from impervious surface run-off, bufferyards shall be increased by five (5) feet for a townhouse development. The additional buffer area shall be planted at a minimum with groundcover or shrubs.
  5. The maximum number of contiguous units in a townhouse development shall be eight (8).
- E. Two Family Dwelling. In zoning districts where a two family dwelling is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
1. Such dwellings may occur along an arterial road, on the edge of but within a lot plan abutting such a road with no intervening single-family homes between the two-family dwellings and the road, or abutting a commercial zoned district.

2. Two-family dwellings shall be located on lots at least one-and one-half (1½) times larger in area than those required for single family dwellings in the same zoning district.
  3. All other requirements for single-family dwellings in the same zoning district shall be met.
- F. Group Care Home. In zoning districts where a group care home is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
1. The party or parties of said use shall file a detailed statement of intent with the Borough Council describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding lots and neighborhood.
  2. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet if the dumpster has a peaked roof, and otherwise six (6) feet, and a minimum opacity of eighty (80) percent.
- G. Home Occupation, Low Impact. A low impact home occupation shall be permitted as a conditional use upon the approval of the Borough Council subject to the following requirements:
1. The home occupation shall be carried out completely within the dwelling unit or accessory building.
  2. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed.
  3. Not more than twenty-five (25) percent of the floor area of a main building shall be devoted to a home occupation.
  4. Parts sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty-five (25) percent of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted. It shall be the home occupation operator's responsibility to annually file an accurate and attested annual report of gross business receipts with the Zoning Officer to serve as proof of compliance with this provision.
  5. There shall be no exterior display or sign (except as permitted in the regulation of signs in Article X), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.

6. As regulated by Article XII, "Performance Standards," no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
  7. A home occupation shall, under no circumstances, be interpreted to include retail goods, kennels or any occupation where the principal activity involves sales offered across the counter.
- H. Mixed use residential. A mixed use residential development shall be permitted as a conditional use upon the approval of the Borough Council subject to the following requirements:
1. If constructed in conjunction with a non-residential use, the residential land use shall not be located on the first floor.
  2. Individual access shall be provided to each dwelling unit.

***§903. Non-residential conditional use provisions***

- A. Communications Tower. In zoning districts where a communications tower is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
1. A telecommunication tower is permitted as a conditional use in designated Zoning Districts.
  2. A telecommunication tower that is not mounted on an existing structure or that is more than twelve (12) feet higher than the structure in which it is mounted, is only permitted as a conditional use in designated Zoning Districts.
  3. All uses ancillary to the communication tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication tower unless otherwise permitted in the Zoning District in which the communication tower is located. Ground transformer/generators and related ground equipment shall be permissible.
  4. The height of any antenna on said tower shall not exceed the height of the structure by more than twelve (12) feet. If the antenna is to be mounted on an existing tower, a full site plan shall not be required.
  5. The owner of the communication tower must demonstrate by competent expert testimony that the location of the tower (or antenna, whatever the case may be) is necessary to prevent a gap in reasonable and acceptable transmission or reception service under prevailing industry standards.
  6. If the communication tower owner proposes to erect a new tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it

contacted the owners of tall structures within a one mile radius of the lot proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

7. Tower Height.

(a) The Applicant shall submit justification that the proposed tower does not exceed the minimum height required to function according to reasonably acceptable industry standards. Industry standards shall be submitted as part of the conditional use application. The height of the tower shall be determined by the distance from grade to top of the support tower.

8. Set backs from the base of the communication tower support structure. If a new communication tower support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and any lot line or street right-of-way shall be one hundred fifteen (115) percent of the tower's height with the minimum setback equal to twenty-five (25) feet.

9. The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards and the applicant must submit certification by duly licensed engineer, competent in the field, that the tower is structurally sound for the purposes intended.

10. The communication tower shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The applicant shall also demonstrate that the proposed tower and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the Federal Communications Commission (FCC). All of the foregoing shall be certified by a duly licensed engineer, competent in the field, and by an expert competent in radio emission standards.

11. The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public. Fencing shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Subsection. Associated supports and guide wires shall not be located within the required setbacks.

12. The applicant shall submit to the Planning Commission a site plan or survey of the lot certified by an Engineer or Architect. The applicant must also submit a fencing and landscaping plan with the application for conditional use.
13. Only one (1) communication tower shall be permitted per lot.
14. The applicant shall have the burden of proof to demonstrate a high degree of probability that the placement and use of the tower will not endanger the health, safety and welfare of the public.
15. The applicant will provide, at the Borough's request, copies of FCC licenses for all users of the facility. Conditional use approval is contingent upon the maintenance of FCC licenses for all users. Any grant of conditional use hereunder will automatically expire if said license ever expires.
16. Communication tower owners shall be responsible for removing all communication towers whose licenses have expired. Removal of the tower shall occur within one (1) calendar year following the expiration date of the license. Such activity shall be subject to bonding as defined by the Borough.
17. Landscaping. Outside of the required fencing, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required on all sides of said fencing except where an opening/access way exists.
18. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies and other public and emergency management entities. The applicant shall file written certification that said requirements will be complied with and agrees that if it fails to do so, the conditional use shall become null and void.
19. Communication tower and support structures fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support structure are located within existing woodland, the communication tower and support structure shall be painted dark green.
20. Additional Standards. In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:
  - (b) Inspection. The Borough Council may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
    - (i.) Monopole Towers - at least once every three (3) years;
    - (ii.) Self-Support Towers - at least once every three (3) years;
    - (iii.) Guyed Towers - at least once every three (3) years.

- (c) Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Borough. Based upon results of an inspection, the Borough may require repair or removal of a communication tower.
  - (d) Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the lot abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway with parking inside the fence boundaries must also be constructed.
  - (e) When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
  - (f) Prior to the site plan certification, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA or the authorized Allegheny County Department. Said Department shall review the communication tower application to determine if it is a hazard to any FAA flight paths.
  - (g) Applicants will be required to execute a Developers Agreement with the Borough Council in a form acceptable to the Borough Solicitor. Such Agreement may be subject to bonding as defined by the Borough.
- B. Community Agriculture. In zoning districts where Community Agriculture is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
1. All agriculture-related buildings shall not be closer to any lot line than fifty (50) feet.
  2. Surface water run-off from areas where animals are enclosed shall be diverted away from adjacent lots and shall not contaminate downstream watercourses.
  3. As regulated by Article XII, "Performance Standards," no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced. The impacts of traffic and environmental conditions shall also be considered as part of the Borough's evaluation.
  4. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
  5. Any new operation as part of an existing agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the County Conservation District, if said plan is applicable.



- C. Place of Worship/Place of Assembly. A place of worship/place of assembly shall be a permitted conditional use subject to the following conditions and/or standards:
1. A 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.
  2. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Engineer to ensure employee and visitor safety.
  3. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
  4. Parking areas shall be screened from view of neighboring houses or those directly across a street from the lot.
  5. For parking demands greater than one hundred fifty (150) 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.
  6. Buildings shall be set back a minimum of thirty (30) feet from lot lines and the minimum height shall be as permitted for the district in which the building is located.
  7. Detached structures on the lot shall be set apart not less than the height of the taller of the two buildings.
- D. Private Club. A private club shall be a permitted conditional use subject to the following conditions and/or standards:
1. A private club serving alcohol shall not be established or operated within seven hundred fifty (750) feet of an existing school, public playground, public park, residence, childcare facility, place of worship or place of assembly.
  2. A private club shall not be established or operated within seven hundred fifty (750) feet of an existing bar, nightclub or liquor store.
  3. All parking and service areas shall be located to the rear of the lot and properly screened. All screens shall have a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
  4. The club shall be a chartered, non-profit fraternal, social or professional organization.
  5. Swimming pools or court game areas, if part of the operation, shall not occupy more than fifteen (15) percent of the lot, including accessory structures and areas thereto, shall not be closer than 100 feet from the nearest lot line, shall meet all current State Health Department requirements, shall be surrounded by a permanent fence at least

- six (6) feet in height with secured access, and shall have all flood-lighting shielded from adjacent residential lots or streets.
6. Access drives shall be located to take maximum advantage of sight distances for motorists, shall be as remote as possible from street intersections.
  7. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
  8. All buildings on the lot shall be set back at least thirty (30) feet from side yard lines and shall be no higher than thirty-five (35) feet.
- E. Public Park. A public park shall be a permitted conditional use subject to the following conditions and/or standards:
1. Setbacks of structures and paved play areas shall be in accordance with regulations for buildings in the zoning district where located.
  2. Parking areas, court game areas and other areas of intense active use shall be screened from view of adjacent residential lots.
  3. Sanitary facilities meeting the Allegheny County Health Department current requirements shall be provided on the lot.
- F. Public Safety Center. A public safety center shall be a permitted conditional use subject to the following conditions and/or standards:
1. Lot dimensions and bulk requirements/restrictions shall conform to the district regulations in which the building is located.
  2. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.
- G. Elementary School. An elementary school shall be a permitted conditional use subject to the following conditions and/or standards:
1. The facility shall have access directly to Beaver Road or an approved State or County roadway.
  2. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
  3. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot by meeting the minimum criteria for landscape buffers established in §408.

4. Buildings on the lot shall be set back at least thirty (30) feet from side yard lines and shall be no higher than thirty-five (35) feet.
  5. Recreational areas shall be located no closer than thirty (30) feet to an abutting street or ten (10) feet to other lot lines.
  6. The school's course of instruction or other activities on the lot shall comply with applicable performance standards established in Article XII of the Zoning Ordinance, including without limitation restrictions on noise, dirt, glare, and dust.
  7. Accessory uses to the Elementary School use are specifically limited to the following:
    - (a) After-School Programs
    - (b) Municipal Activity
    - (c) Youth Athletic Activity
    - (d) Youth Community Group
    - (e) Youth Creative Arts Activity
    - (f) Parking
    - (g) Storage
    - (h) Outdoor Athletic Areas including Playing Fields, Basketball Courts and Tennis Courts
    - (i) Pre-kindergarten and/or early childhood education subject to licensing of the Commonwealth
  8. At no time shall the occupancy of the Elementary School exceed 540 persons.
- H. Wind Turbine, Commercial. A commercial wind turbine shall be a permitted conditional use subject to the following conditions and/or standards:
1. The minimum lot area for a commercial wind turbine shall be two (2) acres.
  2. The top of a commercial wind turbine shall not exceed two hundred fifty (250) feet not including the blades.
  3. The minimum setback of a wind turbine from any lot line shall be equal to one hundred (100) percent of the wind turbine's height.
  4. Noise from any wind turbine shall not exceed seventy (70) decibels when measured from a lot line.
  5. The landowner and/or developer shall complete a view shed impact analysis as part of all potential commercial wind turbine development.

6. The landowner and/or developer shall complete a biological resource survey to identify and determine what conflicts are likely to occur with birds or other sensitive biologic resources.
7. The owner(s) and operator(s) of a wind turbine shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
8. All structures more than two hundred (200) feet in height shall have aircraft warning lights and comply with United States Federal Aviation Administration (FAA) requirements.

## ARTICLE X - SIGN REGULATIONS

### *§1001. Purpose*

The sign regulations, controls and provisions set forth in this Ordinance are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls and provisions are intended to guide public safety, area development, preservation of lot values and the general welfare of Glen Osborne Borough. The regulations, controls and provisions are also intended to: aid in traffic control and traffic safety; lessen congestion of land and air space; guard against concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; respect public safety needs and concerns; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome and attractive character of the Borough and its generally established semi-rural nature; and to recognize that the general welfare include a community plan that shall be attractive as well as healthy, spacious, clean and well balanced in its growth and development.

### *§1002. Sign packages, permits, fees and procedures.*

- A. **Sign Packages.** 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 of tenant,
  3. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.
- B. **Sign Permits.** A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the Borough unless otherwise indicated in this section. "Modify," as it is used herein shall mean a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.
- C. The application for a permit shall be signed by the landowner and/or developer of the lot. The tenant of the lot, if not the landowner and/or developer, shall be permitted to sign the permit application if he can present notarized evidence that the tenant has permission to act on the landowner and/or developer behalf.

- D. Failure to conform to the conditions of a sign permit, including any conditions and/or stipulations attached thereto shall render such permit void.
- E. Fees for sign permits shall be required and payable in such sums as the Borough Council may from time to time establish by the Ordinance.
- F. No sign permit shall be valid or effective after six (6) months from the date of issuance thereof and shall thereafter be void unless the sign is in place as of the expiration date.
- G. To obtain a sign permit, a sign permit application must be completed and include the following information:
  - 1. A drawing prepared to scale, of the proposed sign showing: all sign dimensions, including the height of the sign and grade level of base of sign; sign materials; connections to ground plane where applicable; and colors.
  - 2. Lot plan showing proposed locations of sign;
  - 3. Any building elevations showing proposed location of signs;
  - 4. The sources of sign illumination and applicable details of the fixture and screening.
- H. Sign installation. All signs shall be installed in accordance with good engineering practice which shall be the responsibility of the sign owner.
- I. Sign maintenance.
  - 1. Every permitted sign must be constructed of durable material, kept in good condition and repair and otherwise comply with the Borough Property Maintenance Code. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign shall be removed by the Borough at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by the Borough.
  - 2. Any damaged sign shall be repaired within sixty (60) days.
  - 3. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, shall be repaired or removed immediately.
  - 4. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
  - 5. Failure to comply with these sign maintenance requirements shall constitute a violation of the Borough Zoning Ordinance.

J. Size.

1. The square footage of the sign shall refer to the graphic area of the sign facing. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos. Ground signs mounted as individual letters and/or graphics against a wall or fence incorporated in the landscaping of a building shall be measured from the outermost length and height dimensions of the sign.
2. The height of any decorative base or architectural or landscape feature erected to support or ornament the sign shall be measured at average grade as part of the sign height. Maximum sign height shall be measured from the existing or proposed average ground level to the top of the sign structure provided the ground level is not deliberately elevated to increase the height of the sign.
3. Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face. Double-faced signs that are erected at an angle to each other will be subject to the interpretation of the Zoning Officer as to whether they are intended as two (2) signs or for all intents and purposes only constitute one (1) sign for north-south, east-west orientation on the serving street.
4. Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than twelve (12) inches from the facade on which the sign is mounted.
5. In no case shall a wall, projecting or awning sign exceed the building height allowed in the Zoning District.
6. Gasoline service stations shall be allotted ten (10) additional square feet to display price per gallon figures divided as they select between logo and prices on the one ground sign permitted on the lot.
7. Automobile dealers are permitted one (1) "Used Car" ground sign not to exceed twelve (12) feet in height and ten (10) square feet in area; or the ten (10) additional square feet can be incorporated into the existing sign to advertise used cars divided as the sign owner selects.
8. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A non-illuminated sign placed on an awning shall be measured as if placed on any other architectural element.

K. Signage placement.

1. No sign shall be placed, erected or located so that:

- (a) It is pasted, stapled or otherwise attached to public utility poles or trees within the street right-of-way line.
  - (b) It is on a public lot or public rights-of-way, unless erected by a governmental body, or unless required to be so located by order of a governmental body.
  - (c) It is painted on, attached to, or supported by a tree, stone, cliff or other natural objects.
  - (d) It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
- 2. Sign font and logos shall not be legible from the rear of the sign.
  - 3. Signage shall not be painted directly upon the wall or any other part of the building except for windows.
  - 4. Building signs in Non-residential Districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on the side or the rear of the building. However, no signs in Non-residential Districts may face an immediately adjacent Residential Zoning District.
  - 5. Illuminated Window Signs shall include lit signs placed inside a window facing the exterior of the building. A permit shall be required for illuminated window signs.
    - (a) Illuminated window signs shall not be placed above the ground floor of the building and/or more than ten (10) feet above grade level of the building.
    - (b) Illuminated window signs shall not exceed a size of sixteen (16) square feet. Anything exceeding this size shall be deemed the building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed sixteen (16) square feet will be permitted.

L. Sign landscaping.

- 1. Ground signs. For each visible sign face, the landowner and/or developer shall provide landscaping equivalent to one and one-half (1½) square feet for each square foot of sign area (both faces). Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grass shall not be considered as landscaping for ground signs.
- 2. Pole Signs. For each visible sign face, the landowner and/or developer shall provide landscaping equivalent to three (3) square feet for each square foot of sign area (both faces). Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grass shall not be considered as landscaping for ground signs.



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

**§1003. General signage regulations**

- A. A sign permit shall be required for all proposed signs or modifications to existing signs.
- B. No animated sign (except time and temperature indicators), no signs illuminated by a flashing, pulsating or intermittent source, no strung pennants or bare bulbs, or no signs lighted in such a manner as to create glare conditions on adjacent lots or any adjacent street shall be permitted.
- C. Signs shall be considered as structures for purposes of location on a lot except that in a front yard between side lot lines they may be placed no closer than twenty (20) feet to an adjacent highway right-of-way line.
- D. Signs containing an integral lighting source, as well as their structural supports, shall be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below one thousand two hundred (1,200) degrees Fahrenheit.
- E. No sign shall exceed the height limitations specifically enumerated in further Sections of this Article.
- F. The construction of each sign shall comply with applicable provisions of the Unified Construction Code.
- G. No sign shall be located so as to block doors, fire escapes, operable windows or access to them; nor shall a sign be attached to a fire escape. No sign shall by reason of location or message content create a traffic hazard by obstructing sight distances or confusing motorists. The Zoning Officer may modify other portions of this Article to gain compliance with this Subsection.
- H. No sign shall be painted directly on a wall, but letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
- I. Where glass panels on any sign exceed three (3) square feet in area they shall be wire glass or shatter-proof glass; otherwise glass areas shall be at least one-fourth (1/4) inch thick safety or plate glass.

- J. No sign shall be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.

***§1004. Signs exempt from regulation***

The following signs shall be exempt from regulation under this Article:

- A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- B. 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;
- C. 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.
- D. Traffic control signs, and governmental informational and warning signs, the faces of standards set forth in the Manual of Uniform Traffic Control Devices and which contain no commercial message of any sort, and that are erected or required to be erected by a governmental agency.
- E. Any sign erected by the Borough, including public rights-of-way.
- F. Historical markers approved by the Borough Council.

***§1005. Prohibited signs***

The following signs shall not be permitted:

- A. "A-Frame," sandwich board or other incidental signs unless otherwise approved by this Ordinance;
- B. Portable or wheeled signs;
- C. Banners and pennants, other than temporary event or displays authorized by this Ordinance; banners used as temporary signs are permitted as long as they are secured, not waving or fluttering, comply with maximum size permitted and erected no more than fourteen (14) days prior to an event and are removed within five (5) days of the event. National, State or Municipal Flags shall not be considered a banner or pennant.
- D. Moving or flashing signs otherwise not authorized by this Ordinance;

- E. Changeable copy signs except where specifically provided for motor fuel pumps, institutional uses, theatres and drive-thru menus.
- F. Signs that emit audible sounds, odors or visible matter.
- G. Roof sign;
- H. Pole sign;
- I. Signs on trees, utility poles or official traffic control devices or signs;
- J. Signs that imitate traffic control devices;
- K. Signs painted on walls or chimneys of a building or on fences or walls;
- L. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public lot or private lot, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.
- M. Signs that by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
- N. Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit way.
- O. Signs that make use of words as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
- P. Misleading Information. No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of the Ordinance.
- Q. Electronic variable message signs, meaning an electrically or electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming shall not be permitted, with the exception for time and temperature.

***§1006. Signs in the public right-of-way***

No signs shall be allowed in the public right-of-way, except for the following. All proposed signs in the right-of-way require approval of the Zoning Officer to ensure compliance with minimum, professionally accepted safety criteria.

A. Permanent Signs. The following permanent signs:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Bus stop signs erected by a public transit company;
3. Informational signs of a public utility regarding its poles, lines, pipes, or other facilities;
4. Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the Borough;
5. Direction signs for public institutions and facilities, Borough activity districts such as "downtown," and civic organization identification signs, the latter being permitted only at entrances to the Borough, with each name or insignia not exceeding one square foot each.
6. Neighborhood or subdivision identification signs.

B. Temporary signs.

1. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
2. Signs promoting a special event sponsored by the Borough, or authorized by the Borough to take place within the right-of-way. The Borough shall specifically approve any such signage, including its size, location, materials and copy.

C. Permits shall state on their face that the Borough can require the owner to remove the sign at any time and for any reason, and that failure to remove the sign within thirty (30) days of the Borough's order to do so may result in forfeiture of the security and Borough removal of the sign.

***§1007. Signs authorized in residential districts.***

The following signs shall be permitted in all residential zoning districts:

- A. Residential plan identification sign. One non-illuminated or indirectly illuminated permanent wall or freestanding ground residential plan identification sign containing only the street address and/or name of a residential subdivision plan or multifamily building or development which shall not exceed twenty-four (24) square feet in area. A sign identifying the name of a residential subdivision may be affixed to a freestanding decorative wall rather than to a building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.

- B. Business identification sign. One non-illuminated or indirectly illuminated wall or freestanding ground identification sign 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 which shall not exceed twelve (12) square feet in area.

***§1008. Signs authorized in non-residential districts***

The following signs shall be permitted in a commercial district:

- A. Temporary special event display. Temporary special event displays, as defined by this ordinance, shall be permitted in conjunction with special sales promotions, introduction of new products or services for sidewalk sales, grand openings, going-out-of-business sales and similar events, provided that:
  - 1. No more than two signs or banners shall be permitted on any establishment at any one time.
  - 2. The temporary special event display signs or banners shall be securely attached to the building or to the supporting structure of a freestanding business identification sign, provided it shall not obstruct the free flow of pedestrian or vehicular traffic and shall not be placed in any public right-of-way.
  - 3. Temporary special event display signs shall be displayed for a period not to exceed thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period, unless extended by permission of the Borough Council for a specified period of time.
  - 4. The aggregate surface area of all temporary special event display signs shall not exceed forty (40) square feet per establishment. In the event that there is more than one establishment on a lot, the maximum aggregate surface area of all temporary special event display signs on the lot at any one time shall not exceed one hundred (100) square feet.
- B. Changeable copy signs.
  - 1. In addition to the authorized business identification signs, one non-illuminated or non-internally illuminated manual changeable copy sign shall be permitted per lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the building or to the supporting structure of an authorized freestanding sign on the lot.
- C. Business identification signs.
  - 1. Wall signs. Each business establishment shall be permitted to have wall signs which may be illuminated or non-illuminated. The aggregate area of all wall signs shall not exceed two square feet for each lineal foot of width of the front wall of the building, or portion of the building, occupied by the business or a maximum of one hundred

- (100) square feet, whichever is less. The wall identification sign shall not be located on the roof nor extended above the height of the building.
2. Freestanding monument signs. In addition to the wall signs, one freestanding monument sign shall be permitted per lot, regardless of the number of businesses on the lot, provided that:
    - (a) No freestanding pole sign exists on the lot or that the existing pole sign is proposed to be removed.
    - (b) The maximum surface area of the ground sign face shall not exceed twenty-four (24) square feet.
    - (c) The height and location of the signs shall be designed so as not to interfere with visibility for vehicular traffic entering or leaving the lot or traveling on any street, and in no case shall the total height exceed six (6) feet.
    - (d) Ground signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground signs shall not be permitted.
    - (e) All freestanding ground signs shall be located at least ten (10) feet from any lot line, except where the lot abuts on a public right-of-way the ground sign shall be set back at least ten (10) feet from the right-of-way.
    - (f) 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 at least half of the maximum allowable area of the primary sign
  3. Arcade signs. In developments which have pedestrian access ways covered by a roof, marquee or exterior arcade, one arcade sign, as defined herein, shall be permitted for each business in the building, provided that the maximum surface area of each sign shall not exceed eight (8) square feet.

## ARTICLE XI- OFF-STREET PARKING AND LOADING

### *§1101. Introduction*

- A. Existing Parking: Structures and uses in conformity with any predecessor zoning law or ordinance and in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- B. Change in Requirements: Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of the Borough, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
- C. Conflict with Other Uses: No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve, except that it may be used for a storm water retention basin of a maximum depth of six (6) inches.
- D. Continuing Character of Obligation: All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of the Borough. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.
- E. Joint Use: Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced by twenty (20) percent of this total by variance if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- F. Location of Parking Spaces: Required off-street parking spaces shall be on the same lot or premises with the principal use served; or where this requirement cannot be met, within three hundred (300) feet of the same lot if the use is non-residential.
- G. Maintenance of Parking Areas: For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property and to the extent necessary to comply with the drainage standards set

forth in Borough Ordinance 189, as amended. Such off-street parking spaces shall be marked so as to indicate their location. Failure to keep parking areas in satisfactory condition, e.g., free from holes, shall be considered a violation of this Ordinance.

**§1102. Parking Requirements.**

General Standards. The parking spaces in all zoning districts shall be provided according to the following regulations.

**Table 6: Required Parking**

<b>Land Use</b>	<b>Minimum Parking Requirement</b>
<b>Residential Land Uses</b>	
1 Accessory Dwelling	One (1) off-street space per dwelling unit
2 Conversion Apartment	Two (2) off-street spaces per dwelling unit
3 Dwelling, Multi-Family	One and one-half (1.5) off-street spaces for 2-bedroom units or less; two (2) off-street spaces for 3-bedroom units or more
4 Dwelling, Patio Home/Quadplex	Two (2) off-street spaces per dwelling unit
5 Dwelling, Single-Family Detached	Two (2) off-street spaces per dwelling unit
6 Dwelling, Townhouse	Two (2) off-street spaces per dwelling unit
7 Dwelling, Two-Family	Four (4) off-street spaces per dwelling unit
8 Group Care Home	One-half (.5) off-street space for each non-staff resident; one (1) off-street space for each staff resident. A minimum of two (2) spaces shall be paved with site space allowance for additional spaces as required by resident use.
9 Home Occupation, Low Impact	Two (2) off-street spaces in addition to spaces otherwise required
10 Home Occupation, No Impact	Not applicable
11 Mixed Use Residential	For Borough review and approval
<b>Non-Residential Land Uses</b>	
1 Accessory Use	Three (3) off-street spaces in addition to spaces otherwise required plus one (1) space for each employee, assistant or associate
2 Bank (With Drive-Thru)	One (1) off-street space for each three-hundred (300) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for each full-time employee
3 Bed and Breakfast	One (1) off-street space per guest room, plus one (1) additional space per owner/manager



**Table 6: Required Parking (Continued)**

Non-Residential Land Uses		
4	Communications Antennae	Not applicable
5	Communications Tower	One (1) off-street space per tower
6	Community Agriculture	For Borough review and approval
7	Community Gardens	One (1) off-street space
8	Elementary School	Elementary School - One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices
9	Emergency Services	Three (3) off-street spaces for every four (4) employees on the two (2) major shifts at maximum employment, or four (4) offstreet parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community room is provided, two (2) off-street spaces for each fire truck plus one (1) off-street space for each fifty (50) square feet of gross floor area.
10	Essential Services	Not applicable
11	Forestry	Not applicable
12	Gallery	One (1) off-street space for each five-hundred (500) square feet
13	Hotel	For Borough review and approval
14	Marina	one (1) space for every two (2) slips
15	Marina Facility	Not applicable
16	Municipal Building/Use	One (1) off-street space per peak-shift employee

**Table 6: Required Parking (Continued)**

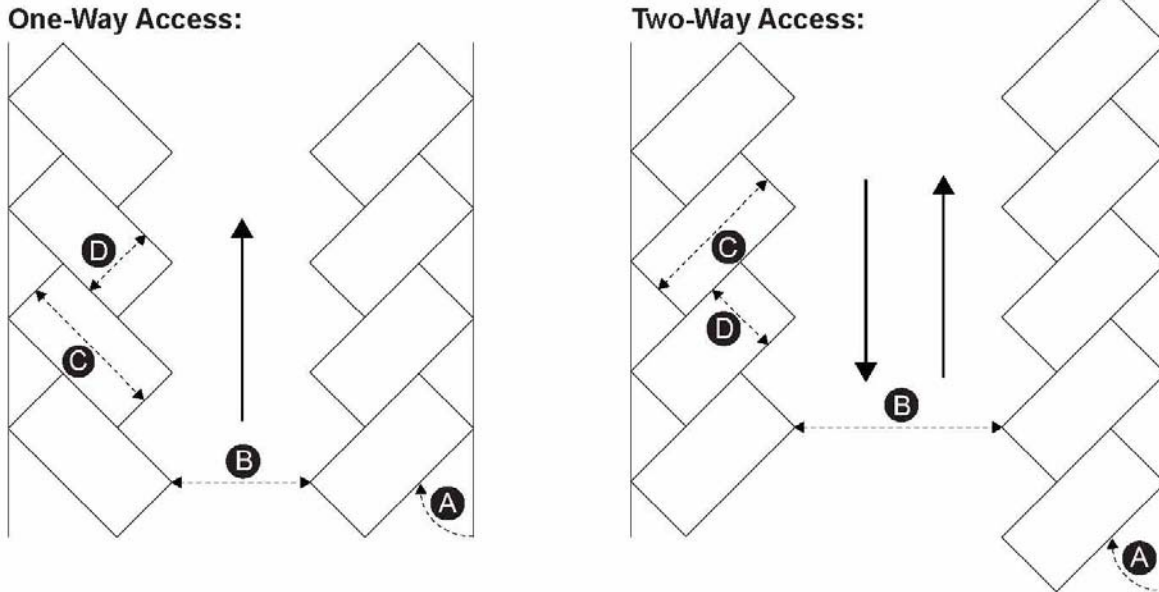
Non-Residential Land Uses		
17	Office, Business	One (1) off-street parking space for each three-hundred (300) square feet of gross floor area
18	Office, Medical	Six (6) off-street spaces per doctor plus one (1) additional space
19	Office, Professional	One (1) off-street space for each two-hundred (200) square feet
20	Personal Services	One (1) off-street space for each five-hundred (500) square feet
21	Place of Assembly	One (1) off-street space per eight (8) seats in the largest meeting room
22	Place of Worship	One (1) off-street space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each twenty-five (25) square feet of gross floor area used or intended to be used for service to patrons, guests or members whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee
23	Printing Facility	Three (3) off-street spaces for each four (4) employees on the largest shift, or one (1) off-street space for every two hundred fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises
24	Private Club	One (1) off-street space for every five (5) members of total capacity or at least one (1) off-street space for every fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.
25	Private Utility	As determined by the Borough
26	Public Park	For Borough review and approval
27	Public Safety Center	One (1) off-street space for each peak shift employee
28	Restaurant, Low Turnover	One (1) space for every three (3) patron seats, plus one (1) space for every two employees
29	Retail Store	One (1) space for every two-hundred (200) square feet above the first 2,000 square feet
30	Veterinary Facility	Three (3) off-street spaces for each full-time employee
31	Wind Turbine, Commercial	One (1) space per turbine

**§1103. Design standards**

The design standards specified below shall be required for all off-street parking facilities with a capacity of three (3) or more vehicles built after the effective date of this Ordinance.

A. The minimum dimensions of stalls and aisles shall be as follows:

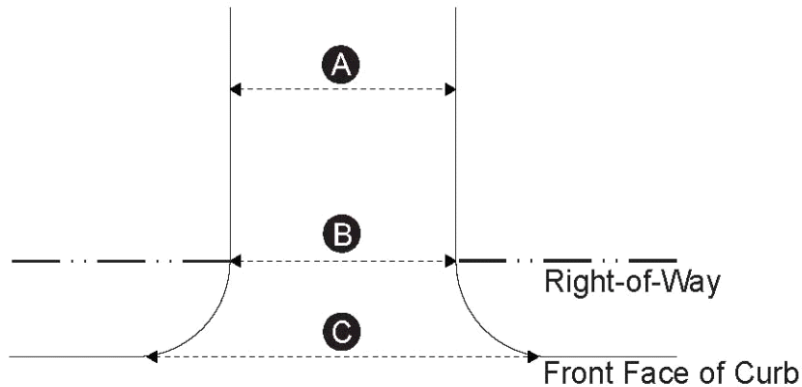
**Figure 6**



Off-Street Parking Facilities (3+ Vehicles)		
<b>Minimum Dimensions: Angle of Parking Space</b>		
Angled Parking	30 degrees	(A)
	45 degrees	(A)
	60 degrees	(A)
<b>Minimum Dimensions: Width of Parking Space</b>		
Parallel Parking	8'	(D)
Angled Parking	9'	(D)
<b>Minimum Dimensions: Depth of Parking Space</b>		
Parallel Parking	22'	(C)
Angled Parking	18'	(C)
<b>Minimum Dimensions: Aisle Width</b>		
Two-Way Traffic	24'	(B)
One-Way Traffic		
Parallel	12'	(B)
30 degree	14'	(B)
45 degree	16'	(B)
60 degree	20'	(B)

- B. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- C. The width of entrance and exit drives shall be:

**Figure 7**



Driveways		
Minimum Dimensions: Width of Entrance/Exit		
One-Way Traffic	12'	A
Two-Way Traffic	24'	
Minimum Dimensions: Width at Right-of-Way		
One-Way Traffic	23'	B
Two-Way Traffic	35'	
Minimum Dimensions: Width Front Face of Curb		
One-Way Traffic	42'	C
Two-Way Traffic	54'	

- D. For the purpose of servicing any property held under single and separate ownership, entrance and exit drives crossing the street lot line shall be limited to two (2) along the frontage of any single street and their center lines shall be spaced at least eighty (80) feet apart. On all corner properties, there shall be a space of a minimum of sixty (60) feet, measured at the curb line, between the center line of any entrance or exit drive and the street line of the street parallel to said access drive.
- E. In no case shall parking areas be designed to require or encourage cars to back into a public street in order to exit the lot.

- F. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line and shall be in designated paved driveway/parking areas.
- G. All parking areas for any purpose other than single-family residences shall be physically separated from any public street by a planting strip which shall be not less than three (3) feet in depth. Concrete tire bumpers or concrete curb shall be installed so as to prevent vehicle overhang of the sidewalk area. This three (3) foot planting strip shall be parallel to the street line and shall be measured from the right-of-way.
- H. Lighting of parking areas may be required at the discretion of the Council. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets.

***§1104. Handicap parking***

The number of handicap-accessible parking spaces shall be in accordance with the Americans with Disabilities Act or equivalent provisions. The percentage of van accessible spaces shall also be provided in accordance with the Americans with Disabilities Act or equivalent provisions.

***§1105. Parking and storage of commercial vehicles***

Unenclosed private off-street parking of boats, commercial vehicles, construction implements, recreational vehicles and/or trailers owned and used by the occupants of the premises, including residents, tenants, employees and employers shall not be permitted for more than an aggregate of seventy-two (72) hours in any three (3) month period. After such time, the vehicle, implement and/or trailer shall either be moved from the lot or parked in an enclosed area where the vehicle, implement and/or trailer is not visible from any adjoining property, public sidewalk, street, way or right-of-way. No parking of commercial or non-commercial vehicles shall be permitted in the front yard.

***§1106. Parking and storage of recreational vehicles***

Specialized vehicles such as recreational vehicles, campers, trailers, mobile home coaches, boats and boat trailers may be parked or stored in all residential districts under the following conditions:

- A. That such vehicles are not used as living quarters; and
- B. That the location of the parking or storage area shall be in the buildable area of the lot and shall not be in front of the principal structure in any of the residential districts.

***§1107. Off-street loading required***

Off-street loading requirements as specified below shall be provided on any lot on which a building exceeding six thousand (6,000) square feet of gross floor area for business or industry is hereafter erected.

- A. Every retail establishment, storage warehouse or wholesale establishment exceeding six thousand (6,000) square feet shall have at least one (1) off-street loading space. Where there is a gross floor area of twenty thousand (20,000) square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in accordance with the following table.

<u>Square Feet of Gross Required Floor Area Devoted to Each Use</u>	<u>Required Number of Berths</u>
6,000 up to 19,999	1
20,000 up to 79,999	2
For each additional 50,000 square feet	1 additional berth

- B. Every school, multi-family dwelling of ten (10) units or more, or office building, which exceeds six thousand (6,000) square feet, shall have at least one (1) off-street loading space. Where there is a gross floor area of thirty thousand (30,000) square feet or more, arranged, intended or designed for such use, there shall be provided off-street truck loading and unloading berths in accordance with the following table:

<u>Square Feet of Gross Required Floor Area Devoted to Each Use</u>	<u>Required Number of Berths</u>
6,000 up to 29,999	1
30,000 up to 44,999	2
For each additional 75,000 square feet	1 additional berth

***§1108. Design and maintenance of off-street loading requirements***

- A. Off-street loading facilities shall be designed to conform to the following specifications:
1. Each required space shall be no less than fourteen (14) feet wide, fifty-five (55) feet long and seventeen (17) feet high, exclusive of drives and maneuvering space and located entirely on the lot being served.
  2. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
  3. The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.
  4. All accessory driveways and entrance ways shall be graded, surfaced and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways.

5. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.
  6. The lighting requirements of §1209 shall be met when applicable.
- B. All required loading facilities shall be provided and maintained in accordance with the following requirements:
1. They shall be provided and maintained as long as the use exists which the facilities were designed to serve.
  2. They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of the Borough.
  3. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles they are designed to serve.

Borough of Glen Osborne

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## **ARTICLE XII- PERFORMANCE STANDARDS**

### ***§1201. Compliance required.***

- A. All uses shall comply with the requirements of this section and landowner and/or developer shall demonstrate that a proposed use shall comply with the standards below prior to the Borough issuing approval and operation commencing on the lot. 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 Ordinance, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
  
- B. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. The fact that there is no availability of essential services 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. 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, permit and inspection as required by other policies or ordinances of the jurisdiction.

### ***§1202. Fire protection.***

Fire protection and fire-fighting 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 material.

### ***§1203. Radioactivity; electrical disturbances.***

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.

### ***§1204. Noise.***

Fire sirens, place of worship bells and related apparatus used solely for public purposes shall be exempt from this requirement. Within the C-1 district when adjoining a residential use, noise in excess of seventy-five (75) decibels between 7:00am and 11:00pm and fifty-five (55) decibels between 11:00pm and 7:00am 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.

**§1205. Vibrations.**

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 7pm and 7am.

**§1206. Odors.**

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

**§1207. Smoke.**

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.

**§1208. Air pollution.**

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

**§1209. Glare.**

- 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 (0) 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 sixty (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 glareshielding 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 two and one half (2½) footcandles with a maximum intensity at any given point on the ground of six (6) footcandles, unless otherwise approved by the Borough Council. A four-hundred (400) watt maximum shall apply to any light source.

- E. In any zoning district, all pole mounted illumination or lighting over six (6) feet in height or any wall mounted illumination or lighting supported by brackets or pole arms over six (6) 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 lighting fixture designed to provide a light distribution so that the candela at ninety (90)/above nadir is zero (0) and less than ten (10) percent of rated lumens at eighty (80)/above nadir as defined by current industry standards.
- F. Illumination and light intensity shall not exceed zero (0) 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 (2) faced sign, shall be restricted to not more than one (1) one-hundred fifty (150) watt light per sign for up to forty (40) square feet and no more than two (2) one-hundred fifty (150) watt light per sign for over forty (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 twenty (20) feet.
  - 2. In any other zoning district, the maximum height shall be thirty (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.

***§1210. Erosion.***

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.

***§1211. Excavation, filling and grading.***

See the Borough's Grading Ordinance.

## **ARTICLE XIII - NONCONFORMING USES, STRUCTURES AND LOTS**

### ***§1301. Purpose and intent***

The purpose and intent of this Article is to regulate and limit the development and continued existence of lawfully established uses, structures, and lots established prior to the original effective date of the Ordinance from which this Ordinance is derived or any amendments hereto that do not conform to the requirements of these regulations. The provisions of this Article are designed to generally curtail substantial investment in nonconformities and bring about their eventual elimination in order to preserve the integrity of these regulations. Any nonconforming use, structure or lot that does not conform to the requirements of this Ordinance and that lawfully existed as of the effective date of the Ordinance from which this Ordinance is derived, and any use, structure or lot that has become nonconforming as a result of the adoption of these regulations or any subsequent amendment hereto may be continued or maintained only in accordance with the terms of this Article as well as all other provisions in this Ordinance pertaining to nonconformities. Where a period of time is specified in this Article, or in any other Article of this Ordinance, for the removal or discontinuance of nonconforming structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.

### ***§1302. Registration of nonconformities***

- A. The Zoning Officer shall make a determination as to the existence of a nonconformity based upon evidence furnished by the applicant for the determination. Although the Zoning Officer may make use of affidavits and investigation as the Zoning Officer determines necessary in a particular case, the applicant, for the determination shall bear the burden of proof that the lot is entitled to nonconforming status.
- B. The question as to whether a nonconforming use exists shall be a question of fact, and the determination of the Zoning Officer may be appealed pursuant to the procedures of the Borough.

### ***§1303. Repair, expansion and reconstruction of nonconforming uses***

- A. Nonconforming use of structures. The nonconforming use of a structure may be extended throughout any part of the structure clearly designed for such use, but not so used at the effective date of the Ordinance which first regulated such use. Any nonconforming use that occupied a portion of a structure not originally designed or intended for such use shall not be extended to any other part of the structure or any other structure on the lot.
- B. Nonconforming use of land. A nonconforming use shall not be extended to any land outside of a structure. The nonconforming use of land shall not be extended or moved to any area on the lot not so used at the effective date of the Ordinance which first regulated such use.

- C. Alteration, enlargement of structures used for nonconforming uses. 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 exceptions shall apply. Improvements specifically required by this Ordinance, for example, bringing the lot into compliance with §409, "Vegetation preservation and bufferyards 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.
- D. Repair or Maintenance. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety.

***§1304. Change of nonconforming use***

- A. There may be a change of tenancy, ownership or management of a nonconforming use provided there is no change of use, except as provided in Section 1304 (B).
- B. Any change of a nonconforming use shall be to a conforming use.

***§1305. Discontinuance, destruction or abandonment of a nonconforming use***

- A. Nonconforming use of land. If for any reason a nonconforming use of a lot(s) ceases or is discontinued for a period of more than twelve consecutive (12) months, the lot(s) shall not thereafter be used for a nonconforming use. Maintenance of an occupational license for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.
- B. Nonconforming use of a structure. If for any reason the nonconforming use of a structure ceases or is discontinued for a period of twelve (12) months or more, the structure shall not thereafter be used for a nonconforming use. Maintenance of an occupational license for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.
- C. Reconstruction. If more than fifty (50) percent of the total floor area of any nonconforming structure in which there is a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war, other catastrophe, or demolition it shall not be again used or reconstructed except in full conformity with the regulations of the district in which it is located.

***§1306. Unlawful use not authorized***

- A. Nothing in this Article shall be interpreted as authorization for, or approval of, the continuation of the use of a structure or premises in violation of any ordinance in effect at the time the use was initially begun at the premises.
- B. The casual, temporary or illegal use of a lot or a structure, or part thereof, shall not be sufficient to establish the existence of a nonconforming use or to create any vested rights in the continuance of such a use.

***§1307. Nonconformity other than use***

- A. Except as provided in §1303.C., a non-conforming structure may be modified, expanded and/or enlarged, so long as:
  - 1. The modification, expansion and/or enlargement is for a legal use;
  - 2. The modification, expansion and/or enlargement is not for a non-conforming use;
  - 3. The modification, expansion and/or enlargement does not increase the existing non-conformity(ies) associated with the lot.
- B. The land owner/developer of an existing developed lot on which the setbacks had been made non-conforming by the adoption of this or any prior Ordinance, may submit an application for special exception as related to relief of the setback standards set forth herein for:
  - 1. The expansion/enlargement of existing development; and/or
  - 2. Redevelopment.

Said relief may apply to principal and/or accessory structures of the lot.

***§1308. Nonconforming lots of record***

- A. In any zoning district in which single-family residential buildings are permitted, a single-family residential building and associated accessory buildings may be erected on any single lot of record existing on the date of adoption or amendment of this Ordinance. Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the zoning district's requirements for area or width, or both, provided that the lot conforms to the zoning district's setback dimensions and other requirements not involving area or width, or both. Variance of area, width and setback requirements shall be obtained only through action of the Zoning Hearing Board.
- 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. For any lot that is non-conforming in lot area only in accordance with the minimum lot area standards provided for in this Ordinance and when said lot has been established prior to the date of the enactment of this Ordinance, the landowner and/or developer of said lot shall be eligible to apply as a use by special exception for the purpose of development on said lot



## **ARTICLE XIV - GENERAL APPLICATION AND REVIEW PROCESS**

### ***§1401. Schedule of fees.***

- A. A schedule of fees shall be established by resolution of the Borough Council from time to time and shall be posted conspicuously in the Borough Building.
- B. No permit, certificate, application or variance shall be issued unless, or until such costs, charges, fees or expenses as established by such resolution have been paid in full; nor shall any action be taken by the Borough Council and/or Zoning Hearing Board unless or until preliminary charges and fees have been paid in full.
- C. A zoning permit shall be required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure. A building permit may also be required under the Glen Osborne Borough Code relating to building codes/construction.

### ***§1402. Requests for reasonable accommodation.***

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit the request to the Zoning Hearing Board which may require information as outlined in Section 1403 as may be reasonably needed to process the request.
- B. The Zoning Hearing Board may hold any meetings and/or hearing necessary in his discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Hearing Board's decision shall be in writing and shall state the reasons for the decision.
- D. The Zoning Hearing Board shall issue its written decision to the applicants and the Borough.
- E. A request for reasonable accommodation shall be directed in the first instance to the Zoning Hearing Board. In considering a request for reasonable accommodation, the Zoning Hearing Board shall, with the advice of the counsel of the Borough Solicitor or their Solicitor, apply the following criteria.
  - 1. Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
  - 2. The degree to which the accommodation sought is related to the handicap or disability of the applicant.
  - 3. A description of hardship, if any, that the applicants will incur absent provisions of the reasonable accommodation requested.

4. The extent to which the requested accommodation is necessary to afford the applicant(s) an opportunities equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
5. The extent to which the proposed accommodation may impact other landowners in the immediate vicinity.
6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the Zoning Ordinance, the comprehensive plan, and the community development objectives set forth in the Zoning Ordinance.
7. The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough.
8. The extent to which the requested accommodation would impose an undue hardship upon the Borough.
9. The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.
10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or non-disabled persons.
11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued when no longer needed to provide handicapped or disabled persons equal opportunity to use and enjoy the dwelling in question.
12. The extent to which the requested accommodation will increase the value of the lot during and after its occupancy by applicants.

***§1403. Special exception procedures of approval.***

- A. Approval of Uses by Special Exception. The Zoning Hearing Board shall hear and decide requests for uses by special exception in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
  1. A written application for special exception shall be submitted to the Zoning Officer prior to the regular meeting of the Zoning Hearing Board for review based upon schedule defined by the Borough. The Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance, which have not been met, shall be sent to the applicant. The application shall include the following:
    - (a) A Development Plan, as defined herein.

- (b) A written statement showing compliance with the applicable express standards and criteria of this Ordinance for the proposed use.
  - (c) A map showing and identifying all lots within two hundred (200) feet of the subject lot for which use by special exception approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Tax Assessors Office.
  - (d) The application fee defined by the Borough.
- 2. Approval of a use by special exception shall expire automatically and without written notice to the applicant if no application for a development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorized occupancy approved in the grant of the special exception is submitted by the applicant within twelve (12) months of the date of the special exception approval. Up to two (2) extensions of six (6) months may be issued by the Borough Zoning Officer upon receipt from the applicant of a written submission showing a continuous good faith effort to proceed with the proposed use and obtain the required permits or approvals.
  - 3. The decision of the Zoning Officer to grant or deny an extension shall be appealable to the Zoning Hearing Board by any party aggrieved;
  - 4. If all permits and other approvals have not been obtained in such period as defined in subsection (3) above, the approval of the special exception use shall be null and void;
  - 5. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same lot shall become null and void.
- B. Request for Reasonable Accommodation. An application for a Request for Reasonable Accommodation shall include the following in addition to the standard requirements for special exceptions:
- 1. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
  - 2. The name and address of the applicant.
  - 3. The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or location-based accommodation.
  - 4. The condition of the applicants for which reasonable accommodation is sought.
  - 5. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.

6. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.
  7. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
  8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
  9. A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the lot (s) in question in a manner similar to that sought by applicants.
- C. Conditions & Safeguards. In considering an application for approval of a use by special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance.
- D. Expiration of Approval of Use By Special Exception. Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a building permit or zoning certificate to undertake the construction for the authorized occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of said approval.

The Zoning Hearing Board, in their sole discretion, may extend approval of the use by special exception upon written request of the applicant if the written request is received prior to the expiration of the approval of use by special exception. The maximum extension permitted shall be one (1) twelve- (12) month extension.

- E. Expiration of Approval of Use by Special Exception Granted Prior to Effective Date of this Ordinance. Approval of a use by special exception granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval.

The Zoning Hearing Board, in their sole discretion, may extend approval of the use by special exception upon written request of the applicant if the written request is received prior to the expiration of the approval of use by special exception. The maximum extension permitted shall be one (1) twelve- (12) month extension.

**§1404. Conditional uses procedure for approval.**

## A. Approval of Conditional Uses.

1. The Borough Council shall hear and decide requests for conditional uses within the time periods and according to the procedures set forth in the Pennsylvania Municipalities Planning Code. 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. Conclusions based on any provisions of this Ordinance or any other Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
2. Where the Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in §908 (1.2) of the Pennsylvania Municipalities Code within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than one hundred (100) days after the completion of the applicant's case-in-chief (unless extended for good cause upon application to the Allegheny County Court of Common Pleas), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council shall fail to provide such notice, the applicant may do so.
3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
4. Given the requirements of subsections 1 through 3, the Borough Council shall not evaluate a conditional use application unless and until:
  - (a) A written application for conditional use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission for review. The application shall indicate the section of this Ordinance under which conditional use approval is sought and shall state the grounds upon which it is requested. The Zoning Officer shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice, which cites the specific requirements of this Ordinance, which have not been met, shall be sent to the applicant. The application shall include the following:

- (i) A Development Plan, as defined herein;
  - (ii) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
  - (iii) A map showing and identifying all lots within two hundred (200) feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Tax Assessors Office.
  - (iv) A traffic impact analysis, if required by the Subdivision and Land Development Ordinance or by the requirements of this Part.
  - (v) The application fee required by the Borough.
5. A written recommendation shall be received from the Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered for approval.
6. A public hearing shall be held by the Borough Council pursuant to public notice.
7. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may seem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance.
- B. Expiration of Conditional Use Approval. Conditional use approval shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of said approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.
- C. Expiration of Conditional Use Approval Granted Prior to Effective Date of this Ordinance. Conditional use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or occupancy permit to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

**§1405. Variances.**

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board 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 area or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
  - 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 the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - 3. That such unnecessary hardship has not been created by the appellant.
  - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.
- C. A variance from the terms of this Chapter shall not be granted by the Zoning Hearing Board unless and until:
  - 1. A written application for the variance is submitted:
  - 2. The required fees are paid.
  - 3. Public notice by advertising shall be given at least two weeks in advance of the hearing. The owner of the property for which the variance is sought or his agent shall be notified by mail.
  - 4. The hearing shall be held. Any party may appear in person, or by agent or by attorney.

5. The Zoning Hearing Board shall make written findings that the requirements of this Section, have been met by the applicant for the variance.
  6. The Zoning Hearing Board shall further make a written finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
  7. Zoning Hearing Board shall further make a written finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- D. In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and such safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and subject to Article XVIII.
- E. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- F. Hearings for variances shall be conducted in accordance with the procedures of PA MPC Section 908.



## **ARTICLE XV. REZONING PROCEDURES**

### ***§1501. Purpose of rezoning.***

- A. 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 Borough's Comprehensive Plan.
- B. Borough rezoning recommendations shall be based on the projected beneficial and/or detrimental effects on the Borough and the ASO region as a whole.
- C. See also Article XVII as applicable.

### ***§1502. Rezoning application forms.***

- A. All rezoning applications shall be completed on the official forms provided by the Zoning Officer.
- B. All rezoning applications shall be required to prepare a series of plans, analyses and reports to demonstrate the compatibility of a rezoning proposal.

### ***§1503. Review of rezoning applications.***

- A. Upon receipt of a rezoning application, the Zoning Officer will review the package for completeness. If the Zoning Officer finds the application to be incomplete or insufficient, the rezoning application will be returned to the applicant. When the rezoning application 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.
- B. The Planning Commission shall review the application in compliance with the following procedural guidelines:
  - 1. The Planning Commission shall develop a Determination Strategy to decide if the proposed rezoning is or is not generally consistent with the Comprehensive Plan.
  - 2. If the rezoning proposal 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.
  - 3. Based on these analyses, the Planning Commission shall submit a recommendation either in favor or not in favor of the rezoning proposal.
- C. The final recommendation of the Planning Commission shall be forwarded to the Borough Council.

- D. 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 proposal. The Borough Council shall compose a brief summary explanation of its decision and forward the decision and explanation to the Zoning Officer.

***§1504. Application criteria.***

There are two (2) categories of rezoning applications: minor and major. Minor and major rezoning applications 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).

- A. Minor Applications. Minor rezoning applications 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 application:
  - 1. The rezoning of a non-residential parcel, or contiguous parcel(s), that totals one (1) acre or less.
  - 2. The rezoning of an existing residential parcel, or contiguous parcel(s), that totals one (1) acres or less.
- B. Major Applications. Any rezoning project that does not meet the criteria in §1504.(A) is a major application.

***§1505. Rezoning applications plans, analyses and reports.***

The plans, analyses and reports to be submitted as part of minor or major rezoning application include:

- A. A Sketch Plan.
- B. Estimated infrastructure demands (gallons per day).
- C. Off-street parking projections (number of spaces).
- D. 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.
- E. Depending upon the location of lot access, infrastructure service/demands and impacts identified in Subsection 1505D on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies.

***§1506. 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 XVI: PERMITS

### *§1601. Building permits.*

- A. No building or structure shall be erected, moved, expanded or structurally altered without a permit for such action having been issued by the Zoning Officer. Building permits shall be required for construction or removal of fences, exterior walls and patios, but not for the installation or paving of walks or residential driveways when no earth moving is involved or for erection of small auxiliary structures less than one hundred (100) square feet in floor area and not on a permanent foundation. Building permits shall be required for all other provisions as defined by the Borough Building Code.
  
- B. Applications for building permits shall be made to the Zoning Officer for the project to be covered by the permit, using forms supplied by the Zoning Officer. The permit shall bear the signatures of both the general contractor and the owner of the project.
  - 1. No building permit shall be issued until all other required permits have been obtained from any other office or agency (local, State, County, and Federal).
  - 2. No building permit shall be issued until the Zoning Officer determines whether a stormwater management plan is necessary for the project to be covered by the permit, and if so, finds that an approved plan meeting the requirements of the Subdivision and Land Development Ordinance has been submitted.
  
- C. Applications shall include the following, in duplicate.
  - 1. A site plan of the lot upon which the proposed construction is to occur, drawn to scale and dimensioned, showing the following where applicable.
    - (a) The boundaries of the lot, indicating dimensions and total area and names of record of owners of abutting properties.
    - (b) Public streets abutting the lot indicating right-of-way and pavement width.
    - (c) Public utilities in the streets abutting the lot and/or in easements running across the lot identified by type and line size.
    - (d) Existing buildings on the lot and approximate location of walls of buildings or structures within fifty (50) feet of the lot boundaries on adjacent properties.
    - (e) The proposed building or structure, indicating height, and dimensions between building or structure and all lot boundaries.
    - (f) The location of proposed parking and loading areas and drives, indicating the number of parking spaces.
    - (g) The location of proposed signs.

- (h) Topographical information for the area to be developed at two (2) foot contour intervals, showing grade changes proposed and means of collecting and disposing of storm water.
- 2. A narrative statement indicating:
  - (a) The proposed use of the structure to which the permit applies and the use of other buildings or structures on the lot, if any.
  - (b) The number of dwelling units, whether for sale or rent, or commercial retail or service units if applicable, that the building is designed to accommodate.
  - (c) If the building or structure is part of a larger complex of buildings or structures to be erected over time on the same lot, an indication of location and scheduling of future construction.
  - (d) If the building or structure is for commercial, industrial or multi-family residential use, the area of the lot to be occupied on the ground by the building or structure.
  - (e) A statement giving the developer permission to build if the developer and owner of the land are not the same person or corporation.
- 3. The Zoning Officer may waive portions of these requirements where interior work or construction not affecting the outside dimensions of an existing building is involved or no site work is included.
- 4. The Zoning Officer may, to satisfy requirements of other development ordinances adopted by the Borough, expand the application form to secure additional information necessary to assure conformance with such other development ordinances.
- 5. Building plans and specifications as required by the Building Code.
- D. If the application is satisfactory, the Zoning Officer shall inspect the premises where the construction is proposed to occur and shall satisfy himself that the structure will be located as specified on the application and that construction can take place on the lot without violating this Ordinance or any other Borough Ordinance. Upon completing his inspection and finding the application and premises compatible the Zoning Officer shall approve the application and return one copy of the documents together with a signed building permit authorizing the applicant to proceed.
- E. If the application is not satisfactory, the Zoning Officer shall return all but one set of the application documents together with a letter indicating the specific reasons why the application cannot be approved and the changes needed to make it acceptable.
- F. The Zoning Officer shall visit the lot whereon the approved construction is taking place in order to assure himself that the work is proceeding in accordance with the application documents. If new construction is proposed to occupy previously undeveloped area, the Zoning Officer may order the owner to have stakes positioned by a registered surveyor to

indicate the lot line and outline of the new construction. Subsequently the Zoning Officer, depending on the type of construction proposed, shall visit the site after pouring of foundation footers, at the conclusion of erection of structural members and rough-in carpentry, and upon completion of the structure. The Zoning Officer shall not be denied access to the lot in order to inspect the construction in progress and may order the work halted pending appeal to the Zoning Hearing Board or corrected to conform to the approved application documents. If the Zoning Officer is denied access to the lot, the Zoning Officer shall issue an order halting the work until such time as access is granted. Failure to comply with such order shall be a violation of this Ordinance and subject to a penalty under this Ordinance.

- G. If an applicant wishes to amend the use, arrangement or construction of the structure from that shown on the application documents after such documents are approved, he shall file with the Zoning Officer an application for a building permit to cover the proposed amendment. All work shall conform to the approved application documents for which the permit has been issued and any approved amendments thereto.
- H. A building permit shall become void, if after six (6) months from the date of issue, construction for which the permit was issued has not commenced and been vigorously pursued. The life of a building permit shall be 1 year from the date of issue. Permits may be extended for not more than 1 additional year on large projects for which the value of the permit is in excess of one hundred-thousand (\$100,000) dollars, upon request of the permit holder when the permit is originally issued. To continue uncompleted construction after the expiration of a building permit, the permit holder shall apply for a new permit, for which a fee representing the value of the work to be completed shall be collected. Failure to renew a permit after expiration shall be a violation of this Ordinance and subject to penalty under this Ordinance.
- I. A permit fee in an amount to be established from time to time by resolution of the Board of Supervisors shall accompany the application.

***§1602. Occupancy permits.***

- A. For new use or expansion of existing uses:
  - 1. Upon completion of the entire building or structure for which a building permit has been issued, the contractor or builder for such building or structure shall apply to the zoning officer for an occupancy permit.
  - 2. The Zoning Officer shall inspect the premises and if satisfied that all conditions of the building permit have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this Charter and may be used for the purposes set forth on the building permit.
  - 3. If the Zoning Officer upon inspection finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the violations corrected to conform to the building permit and shall not issue an occupancy permit until satisfied these corrections have been made. The contractor shall be responsible

for requesting a re-inspection after violations have been corrected and the Zoning Officer shall not issue an occupancy permit until all violations have been corrected.

4. It shall be a violation of this Ordinance for a new structure to be occupied without an occupancy permit first having been issued. Each day of occupancy without a building permit shall constitute a separate violation.
5. A permit fee in an amount to be established from time to time by resolution of the Board of Supervisors shall accompany the application.

B. For Changing Existing Uses.

1. If a lot owner wishes to change the use of any building or structure on the lot (or properties) he owns, or if a new owner seeks to occupy a lot that is used for commercial or industrial purposes, he shall apply to the Zoning Officer for an occupancy permit. Changes for which an occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion of a use, or continuation of the use of a commercial or industrial lot by a new owner. The Zoning Officer shall first determine that no building permit is needed to effect the proposed change, but if so the developer shall proceed as under Subsection 2 below.
2. If the Zoning Officer is satisfied that such change is in conformance with all requirements of this Ordinance and of other development ordinances of Glen Osborne, he shall issue an occupancy permit.
3. Applications for occupancy permits for a change of use that are denied by the Zoning Officer may be appealed to the Zoning Hearing Board.
4. It shall be the responsibility of the owner of a lot to determine that any persons leasing or subleasing the premises will use them only for activities permitted by this Ordinance, and if a use is contemplated or undertaken by a lessee or sublessee which is not permitted, or is permitted only as a special exception, it shall be the responsibility of the owner to either secure permission from the Borough for the use or to remove the use from the premises.
5. A permit fee in an amount to be established from time to time by resolution of the Board of Supervisors shall accompany the application.

**ARTICLE XVII: AMENDMENTS*****§1701. Enactment of zoning ordinance amendments***

- A. The Borough Council may, from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in Pennsylvania Municipalities Planning Code.
- B. The Borough Council will conduct hearings and make decisions in accordance with the Municipalities Planning Code. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- C. Where a proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- D. In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the public hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. The recommendations of the Planning Commission including a specific statement as to whether or not the proposed action is in accordance with the objectives of the ASO Joint Comprehensive Plan shall be made in writing to the Borough Council within forty-five (45) days.
- E. Proposed zoning ordinances and amendments shall not be enacted unless notice of the proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.
  2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- F. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- G. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- H. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- I. At least thirty (30) days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to Allegheny County for recommendations. If the Allegheny County Planning Agency fails to act within forty-five (45) days the Borough Council shall proceed without recommendations.
- J. Within thirty (30) days after enactment, a copy of the adopted amendment to this Ordinance shall be forwarded to Allegheny County for record.

***§1702. Procedure for landowner curative amendments.***

- A. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P. S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and §916.1 of the MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Borough Council will conduct hearings and make decisions in accordance with the Municipalities Planning Code. If the Borough does not accept a landowner’s curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court’s decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner’s curative amendment and challenge.



- C. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner’s curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
  2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
  3. The suitability of the lot for the intensity of use proposed by the lot’s soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  4. The impact of the proposed use on the lot’s soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

***§1703. Procedure for Borough curative amendments.***

- A. If the Borough determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take the following actions:
1. The Borough Council shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council shall:
    - (a) By resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
      - (i) References to specific uses which are either not permitted or not permitted in sufficient quantity;
      - (ii) Reference to a class of use or uses which requires revision; or,
      - (iii)Reference to this entire Ordinance which requires revisions.
    - (b) Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- B. The Borough Council will conduct hearings and make decisions in accordance with the Municipalities Planning Code.

***§1704. Content of public notice.***

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the public hearing.

## ARTICLE XVIII - ADMINISTRATION AND ENFORCEMENT

### *§1801. Borough Council.*

- A. Under this Ordinance the Borough Council shall have the duties of:
1. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law; and of establishing a schedule of fees and charges.
  2. Appointing the members of the Planning Commission, the Zoning Hearing Board and the Zoning Officer.
  3. Instituting any appropriate action or proceeding to prevent, restrain, correct or abate a violation. Such action or proceeding may be instituted either by the Borough Council, or, with its approval, an officer of the Borough.
  4. Receiving and considering the recommendations of the Planning Commission on matters the Commission reviews pursuant to this Ordinance.
  5. Asking for recommendations of the Planning Commission on the adoption or amendment of this Ordinance if such recommendations are not prepared by the Planning Commission. In accordance with §303(a) of the Pennsylvania MPC, the Borough Council must ask for recommendations from the Planning Commission for proposed actions related to:
    - (a) the location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
    - (b) the location, erection, demolition, removal or sale of any public structure located within the municipality;
    - (c) the adoption, amendment or repeal of an official map, subdivision and land development ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program: or
    - (d) the construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
  6. Advertising and hosting a public hearing before adopting a zoning ordinance or any amendment thereto.
  7. Removing members of the Planning Commission, the Zoning Hearing Board or the Zoning Officer from their positions upon just cause and after a formal hearing.
  8. Establishing fees for the issuance of land development, building, occupancy and sign permits. In accordance with MPC §717.3(e), the Council may also prescribe fees for conditional use applications, landowner curative amendments, municipal curative amendments and for hearings before the Zoning Hearing Board.

9. The Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - (a) All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P. S. §10501 et seq..
  - (b) Applications for conditional use under the express provisions of this Ordinance
  - (c) Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
  - (d) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
  - (e) 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 storm water management as enabled by the MPC.

**§1802. Planning Commission.**

- A. The Planning Commission shall at the request of the Borough Council have the power and shall be required to:
  1. Prepare the comprehensive plan for the development of the Borough as set forth in this act, and present it for the consideration of the Borough Council.
  2. Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Borough Council.
- B. The Planning Commission at the request of the Borough Council may:
  1. Make recommendations to the Borough Council concerning the adoption or amendment of an official zoning map.
  2. Prepare and present to the Borough Council a zoning ordinance, and make recommendations to the Borough Council on proposed amendments to it as set forth in this act.
  3. Prepare, recommend and present subdivision and land development and planned residential development regulations for the consideration of the Borough Council.
  4. Prepare and present to the Borough Council a building code and a housing code and make recommendations concerning proposed amendments thereto following review and approval by the Pennsylvania Department of Labor and Industry.

5. Review and present recommendation to the Borough Council on conditional uses applications.
6. Complete other actions, including but not limited to the review and recommendation of conditional use applications to Borough Council, or make such studies as may be necessary to fulfill the duties and obligations imposed by this Ordinance.
7. Prepare and present to the Borough Council an environmental study. Submit to the Borough Council a recommended capital improvements program.
8. Prepare and present to the Borough Council a water survey which shall be consistent with the State water plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
9. Promote public interest in, and understanding of, the Comprehensive Plan and planning.
10. Make recommendations to individuals, governmental, civic and private agencies as to the effectiveness of such agencies' proposals.
11. Hold public hearings and meetings.
12. Present testimony before any board.
13. Require from other departments or agencies of the Borough such available information as relates to the work of the Planning Commission.
14. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
15. Prepare and present to the Borough Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Borough.
16. Review the zoning, subdivision and land development ordinance, Official Zoning Map of the Borough of Glen Osborne, provisions for planned residential development, and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.

***§1803. Zoning Hearing Board.***

- A. Zoning Hearing Board. The Borough Council shall appoint a Zoning Hearing Board in accordance with the provisions of §3207 of the Borough's Code of Ordinances and §901 of the PA MPC. The Zoning Hearing Board shall have powers as outlined in the Pennsylvania Municipalities Planning Code §909.1.

***§1804. Zoning Officer.***

- A. The day-to-day administrative procedures provided for in this Ordinance are the responsibility of the Zoning Officer. The Zoning Officer's duties generally involve receiving, reviewing, and issuing building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance, notifying persons violating this Ordinance, instituting civil enforcement proceedings, keeping this Ordinance and map up-to-date and accepting applications for and presenting facts at hearings before the Zoning Hearing Board. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents. The Zoning Officer must administer this Ordinance by its literal terms; the Zoning Officer does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance. The Zoning Officer is required to meet qualifications established by the Borough and the Pennsylvania Municipalities Planning Code and must be able to demonstrate a working knowledge of the municipal zoning. The Zoning Officer may also serve as the Building Inspector.

***§1805. Enforcement Notice.***

- A. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this 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 lot in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this 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 Zoning Hearing Board within the timeframe as defined by the enforcement notice.
  6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**§1806. Remedies.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one 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 this Ordinance shall be paid over to the Borough.
- 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.