

ARTICLE 1000

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

SECTION 1001 APPLICABILITY

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

SECTION 1002 PROCEDURE FOR APPROVAL

The procedure for submitting and reviewing conditional use applications shall be in accordance with Subsection 1206.2 of this Ordinance. The procedure for submitting and reviewing applications for uses by special exception shall be in accordance with Subsection 1206.1 of this Ordinance.

SECTION 1003 GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use in Section 1004 below, all applications for conditional uses and uses by special exception listed in each Zoning District shall demonstrate compliance with all of the following general standards and criteria:

- (a) The use shall not endanger the public health, safety or welfare nor deteriorate the environment, as a result of being located on the property where it is proposed.
- (b) The use shall comply with the Performance Standards of Section 904 of this Ordinance.
- (c) The use shall comply with all applicable requirements of Section 901 governing signs, Subsections 902.6 and 902.7 governing parking and loading, Section 903 governing steep slopes, Subsection 905.1 governing screening and landscaping and Subsection 905.2 governing storage.
- (d) Ingress, egress and traffic circulation on the property shall be designed to ensure safety and access by emergency vehicles and to minimize congestion and the impact on local streets.
- (e) Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.

- (f) For all uses which are subject to the requirements of the Americans with Disabilities (ADA) Act, the applicant shall certify that all applicable ADA requirements have been met in the design.

SECTION 1004 STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed in Section 1003, above, an application for any of the following uses which are listed in any Zoning District as a conditional use or use by special exception shall comply with the applicable standards and criteria specified below for that use.

1004.1 Adult Business, subject to:

- (1) Adult businesses regulated by this Section shall include adult bookstore/video stores, adult movie theaters or movie houses, adult live theaters and adult nightclubs, as defined herein.
- (2) Adult businesses, as described herein, shall be permitted only in the I-1 and I-2 Zoning District.
- (3) Adult businesses, shall not be located within 1,000 feet of any property which is zoned residential.
- (4) Adult businesses shall not be located within 500 feet of the property boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, church or establishment which is licensed to serve and/or sell alcoholic beverages.
- (5) No adult business shall be located within 500 feet of any other existing or proposed adult business.
- (6) Adult businesses shall comply with the applicable parking requirements for retail sales and/or theaters specified in Subsection 902.6 (b) of this Ordinance. Any portion of an adult business which does not involve retail sales or theater seating shall meet the requirements of one (1) parking space for each occupant at maximum permitted occupancy.

- (7) Persons or owners who intend to operate an adult business shall obtain a license to operate from the Borough and shall pay a \$500 investigation fee to the Borough. In addition, such persons or owners shall supply to the Borough detailed information regarding the ownership and financing of the proposed business as required on the licensing application. Applications for licensing shall be filed with the Borough Zoning Officer.
- (8) An adult business shall be initially licensed when it has met the requirements of this Section. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Borough Zoning Officer by November 1st of the year preceding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Borough to deny or revoke an occupancy permit for an adult business.

1004.2 Any on-site retail sales or on-site distribution of products related to the permitted uses in I-2, subject to:

- (1) Additional parking shall be required in accordance with the standard of one (1) space for each 150 square feet of floor area of building devoted to sales and/or distribution.
- (2) Sales and/or distribution shall be conducted on the site of the permitted industrial use.
- (3) No more than fifteen percent (15%) of the total floor area of the building shall be devoted to sales and/or distribution.
- (4) All sales and/or distribution activities shall be conducted within an enclosed building or structure.

1004.3 Churches, Community Centers, Public Buildings, Public or Private Recreation Facilities, Public or Private Schools, subject to:

- (1) No storage of equipment or material shall be permitted outside a structure.
- (2) No school, playground, church or public building shall be located closer than two hundred (200) feet to any vehicular entrance or exit of a use involving the servicing or repair of motor vehicles.

- (3) All lights shall be shielded and reflected away from adjoining properties.
- (4) Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1004.4

Community or Club Swimming Pools, subject to:

- (1) The pool shall be limited to use by the residents or members and their invited guests.
- (2) The pool and bathing area shall be completely enclosed by a wall or fence so as to prevent uncontrolled access by children from the street or adjacent properties. The area immediately outside the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and shall be maintained in good condition.
- (3) All pools shall have permanent access to a public street.
- (4) The pool shall be constructed in accordance with all applicable State requirements.
- (5) No direct or sky-reflected glare, whether from floodlights or any other kind of lights, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

1004.5

Comparable Uses Not Specifically Listed, subject to:

- (1) The Zoning Hearing Board shall consider a proposed use which is not listed in the Zoning District in which the property is located only if it is comparable to other authorized uses listed in that same District. If a use is specifically listed in a less restrictive Zoning District, it shall not be eligible for consideration as a comparable use in a more restrictive Zoning District under this Subsection.
- (2) Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning district in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board, at a minimum, shall consider the following characteristics of the proposed use:

- [a] The number of employees;
 - [b] The floor area of the building or gross area of the lot devoted to the proposed use;
 - [c] The type of products, materials or equipment and/or processes involved in the proposed use;
 - [d] The magnitude of walk-in trade, if any;
 - [e] The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of this Ordinance;
- (3) The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located;
 - (4) The proposed use shall comply with the Performance Standards of Section 904 of this Ordinance.
 - (5) The proposed use shall comply with any applicable express standards and criteria specified in this Ordinance for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed;
 - (6) The proposed use shall be consistent with the Statement of Intent for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

1004.6 Correctional Institutions, subject to:

- (1) The site shall have frontage on a street defined by this Ordinance as an arterial street or on a public or private street located entirely within the I-1 District. Vehicular access shall be directly to the arterial street or, if direct access to the arterial street is not feasible or practical, vehicular access to the site shall be limited to a public or private street located entirely within the I-1, Planned Industrial District.
- (2) In the event that the site has frontage on more than one (1) arterial street, the vehicular access to the site shall be provided only from the street which has the higher volume of traffic.

- (3) The conditional use application shall include a Traffic Study prepared by a qualified traffic engineer which details the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers. The report shall include current and projected capacities and levels of services of all streets and intersections within one thousand (1,000) feet of the entire perimeter of the site proposed for development and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site.
- (4) Perimeter security shall be provided appropriate to secure the highest Level of Custody to be provided at the correctional facility. Perimeter security is the system that controls ingress and egress to the interior of a correctional facility which may include one (1) or more of the following features: electronic devices, walls, fences, patrols and/or towers.

Levels of Custody are categories of security and supervision established by the Pennsylvania Department of Corrections and recommended by the American Correctional Association (ACA) document entitled Standards for Adult Correctional Facilities which standards are based on inmate history and behavior, the length of sentence and the nature of risk posed to the general public and other inmates. In the event of a conflict between the ACA standards and those of the PA Department of Corrections, the more restrictive standard shall apply.

- (5) All outdoor activity areas shall be located inside the required perimeter security, as defined in Subparagraph (4), above.
- (6) The minimum institutional buffer required for all correctional institutions, regardless of Level of Custody provided within the correctional institution, shall be 250 yards. Institutional buffer is that area between the perimeter security for a correctional institution and the property line of the site on which the correctional institution is located.
- (7) Off-street parking for correctional institutions which do not house any inmates with a Level of Custody of 3 or greater may be located within the institutional buffer. Off-street parking for Levels of Custody 3 through 5 shall be located outside the institutional buffer.

The off-street parking required shall be based on the ratio of one (1) parking space for each employee working on peak shift. Additionally, in the case of a State or Federal correctional institution or a private correctional institution which is operated under contract with the State or Federal government, one (1) space for each ten (10) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel and others who visit the site, but do not work on the site on a daily basis. In the case of County correctional institution or private correctional institution operated under contract with the County, one (1) space for each four (4) inmates housed shall be provided for visitors, including family, friends, counselors, attorneys, medical personnel and others who visit the site, but do not work on the site on a daily basis.

The parking ratio for offices and other administrative facilities, including court rooms, shall be determined by the ratios required by Subsection 902.6 for professional and business offices and indoor places of assembly and shall be in addition to the spaces required by this Subparagraph for employees and visitors.

- (8) A landscaped buffer area shall be provided along any property line adjoining residential zoning classification. The buffer area shall be a minimum of thirty (30) feet in depth as measured from the property line and shall be comprised of two (2) rows of planting creating a high level (minimum eight (8) feet in height) and low level (minimum four (4) feet in height) screen, consisting of a mix of seventy percent (70%) evergreen and thirty percent (30%) deciduous plant materials staggered in such a manner to provide a minimum seventy percent (70%) opaque visual barrier.

The required plantings shall be located beyond the limits of the required institutional buffer in a location which maximizes their effectiveness while not compromising the security of the correctional institution.

- (9) The Chief Administrator of the facility shall file an Emergency Management Plan, including the planned response to fire, security and medical emergencies, with Borough Council, the Borough Police Department, Emergency Medical Service and the Borough Fire Departments for review and comment as part of the conditional use application and shall file an updated Plan with each of these agencies annually by January 31st of each year after the facility is occupied.

- (10) The Emergency Management Plan shall include a proposal to provide an automatic alarm to the Borough Police Department and a unique audible warning signal acceptable to the Borough to warn the community in the event of a breach of security. Such warning signal shall be differentiated from other warning signals used by public safety and other public or private facilities in the area and the design and intensity of the warning signal shall be based on the location of the correctional institution, characteristics of the sounding physical environment and the proximity of commercial and residential uses.
- (11) Failure to timely file an Emergency Management Plan or an updated Plan or to properly maintain in working order the audible warning signal may be treated by the Borough as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XII of this Ordinance.
- (12) Fire alarm and fire suppression systems shall be provided in accordance with the requirements of the Borough Fire Prevention Code and the Borough Building Code.
- (13) The applicant shall provide evidence of all required Federal, State or County permits prior to issuance of the Building Permit and shall maintain valid permits throughout the operation of the facility. Any suspension or revocation of the permits required to operate the facility shall result in automatic revocation of the Certificate of Occupancy by the Borough. Reinstatement of the Certificate of Occupancy shall be subject to submission of all valid permits and a certification by the Zoning Officer regarding continued compliance with all conditions attached to approval of the conditional use.
- (14) Failure to maintain valid permits as required throughout the operation of the facility may be treated by the Borough as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XII of this Ordinance.
- (15) The Chief Administrator shall supply an Annual Report to the Zoning Officer by January 31st of each year which indicates the peak prisoner population on any given day in the previous calendar year as a basis for the Zoning Officer to determine continued compliance with parking requirements and other conditions of approval.

Failure to file the required Annual Report may be treated by the Borough as a violation of this Zoning Ordinance and each day that a violation occurs shall be subject to the enforcement remedies contained in Article XII of this Ordinance.

- (16) All correction institutions, whether governmental, quasi-governmental or private, shall be designed to meet the current performance criteria of the American Correctional Association (ACA) and the Pennsylvania Department of Corrections. In the event of a conflict between these criteria, the more restrictive shall apply.
- (17) In correctional institutions which contain several Levels of Custody, the design of the facility shall be such that there shall be no commingling of Levels of Custody and that sally ports or other entrances used by inmates, including work release inmates, are separate from entrances used by the general public.

1004.7 Day Care Centers, subject to:

- (1) Safe access and areas for discharging and picking up children shall be provided.
- (2) Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate.
- (3) The general safety of the site proposed for a day care center shall be evaluated as it relates to the needs of small children.
- (4) The facility shall be licensed by the Commonwealth.

1004.8 Day Care Homes, subject to:

- (1) All applicable standards of Subsection 1004.14 for home occupations are met.
- (2) Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
- (3) A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any public street.
- (4) Off-street parking shall be provided in accordance with the requirements of Subsection 902.6.

1004.9**Essential Services and Public Service Corporation Facilities, subject to:**

- (1) No storage of movable equipment or material shall be permitted outside a structure.
- (2) Uses involving distribution equipment which is not enclosed by a structure shall be secured by a fence at least six (6) feet in height with self-latching gate.
- (3) Uses involving distribution equipment which is not enclosed by a structure shall be adequately screened by a six (6) foot compact evergreen planting area along all property lines adjacent to residential uses or zoning districts.
- (4) Uses involving towers or other distribution structures which exceed the height limitations of the district shall be required to increase the yard clearance required for the structure by one (1) foot for every two (2) feet in excess of the height limitations.

1004.10**Gasoline Service Station, subject to:**

- (1) Such use shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.
- (2) All lighting shall be shielded away from adjacent lots.
- (3) Gasoline pumps shall be located no closer than twenty-five (25) feet to any property line.
- (4) No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.
- (5) Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.
- (6) There shall be no storage of wrecked or dismantled vehicles outside of a building, nor shall there be parking permitted on the lot of vehicles or trailers in excess of one (1) automobile per employee and employer, plus three (3) customers' vehicles per repair bay.
- (7) Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazard or great delay.

1004.11 Group Care Facility, subject to:

- (1) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- (2) The facility shall be licensed or certified by the sponsoring agency, if applicable, and evidence of certification or licensing shall be prerequisite to obtaining occupancy.
- (3) No group care facility shall be located within 3,500 feet of another group care facility.
- (4) Residents of the Borough of Jefferson Hills and contiguous communities shall be assigned highest priority in selecting residents for group care facility located in the Borough.
- (5) Adequate open space opportunities for recreation shall be provided on the lot for the residents of the group care facility consistent with their needs. The outdoor play area shall be secured by a fence with self-latching gate.
- (6) A group care facility shall have direct access to a street defined as arterial or collector by this Ordinance.
- (7) The group care facility shall submit an annual report to the Borough Zoning Officer by January 15th of the ensuing year describing the nature of the program operated in the group care facility along with evidence of recertification by the sponsoring agency, if applicable, to verify compliance with the provisions of this Ordinance.

1004.12 Personal Care Boarding Homes and Transitional Dwellings, subject to:

- (1) No personal care boarding home or transitional dwelling shall be established within one thousand (1,000) feet of another personal care boarding home or transitional dwelling.
- (2) On lots of at least one (1) acre, but no more than two (2) acres in any "R" Residential District, the maximum number of residents in a Personal Care Boarding Home shall be twelve (12).
- (3) On lots in excess of two (2) acres in any "R" Residential District, the maximum number of residents in a Personal Care Boarding Home shall be twenty-five (25).

- (4) In any "R" Residential District, the site proposed for a Personal Care Boarding Home shall have frontage on and direct vehicular access to a street defined as arterial or collector by this Ordinance.
- (5) Twenty-four (24) hour supervision shall be provided by staff qualified by the licensing or sponsoring agency.
- (6) Adequate provisions shall be made for access by emergency medical and fire-fighting vehicles.
- (7) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with a self-latching gate.
- (8) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification or licensing shall be submitted to the Building Inspector in January of each year.

1004.13 Helipads, subject to:

- (1) Helipads shall be located at least one hundred (100) feet from any property line or public street.
- (2) Evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation, Bureau of Aviation shall be permitted.
- (3) The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
- (4) The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- (5) An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
- (6) Maintenance of aircraft shall be prohibited, except for maintenance of an emergency nature.
- (7) There shall be no storage of fuel at the helipad.

- (8) There shall be no basing of aircraft at the helipad.
- (9) The helipad shall be fenced and secured at all times to preclude access by the general public.
- (10) Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be provided. These emergency landing areas shall be located within the normal glide range of the helicopter with one (1) engine off when operating in the approved takeoff or landing lane from the helipad.
- (11) Lighting shall be shielded away from adjacent properties.

1004.14 Home Occupations, other than Home Office or Service, subject to:

- (1) There shall be no sign or other exterior evidence of the use.
- (2) No person other than residents of the dwelling shall be employed, except for medical or dental offices which shall be authorized to employ no more than one (1) non-resident employee.
- (3) No more than fifteen percent (15%) of the floor area of the dwelling shall be devoted to the conduct of a home occupation.
- (4) A home occupation shall not be permitted to be conducted in any accessory structure.
- (5) The use shall not create any additional environmental impact than those impacts normally resulting from residential use.
- (6) The use shall comply with the Performance Standards specified in Section 904 of this Ordinance.
- (7) The use shall not cause an increase in the use of water, sewerage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- (8) The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of the structure.
- (9) There shall be no use of materials or equipment except those of similar power and type normally used in a residential dwelling for domestic or household purposes.

- (10) There shall be no storage of materials or equipment outside an enclosed building.
- (11) The conduct of any home occupation, including, but not limited to, the storage of goods or equipment, shall not reduce or render unusable any area required for enclosed parking for the dwelling unit.
- (12) The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- (13) Any need for parking on a regular basis which is generated by the conduct of a home occupation and which exceeds the parking usually associated with a residential dwelling shall be provided for on the lot and shall not be permitted on the street. Borough Council shall determine the parking required for the conditional use based on the anticipated number of employees and visitors to the home occupation.
- (14) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises and commercial vehicles shall not be parked on the premises.
- (15) There shall be no regular display of merchandise available for sale on the premises, other than samples of articles produced by residents of the dwelling; however, merchandise, whether produced on or off the premises, may be stored on the premises for pick-up or delivery.
- (16) The home occupation shall not involve the use of advertising signs on or off the premises or the use of any other local advertising media which shall call attention to the fact that the home is being used for business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a phone number.
- (17) The following uses shall not be considered to be home occupations and shall be limited to the zoning districts in which they are specifically authorized as permitted uses, conditional uses or uses by special exception:
 - [a] Animal hospitals;
 - [b] Auto body repair shops;
 - [c] Beauty shops and barber shops containing more than one (1) chair;
 - [d] Clinics, hospitals, nursing homes;
 - [e] Kennels;
 - [f] Mortuaries;

- [g] Private clubs;
- [h] Private instruction to more than five (5) students at a time;
- [i] Restaurants or tea rooms;
- [j] Stables;
- [k] Tourist or boarding home;
- [l] Vehicle or equipment rental or sales;
- [m] Veterinary office or clinic.

1004.15 Hospitals, Medical Clinics or, Nursing Homes, subject to:

- (1) Nursing homes shall have a capacity of not less than twenty (20) nor more than two hundred (200) beds.
- (2) Nursing homes shall not be considered to be dwelling units and shall not be governed by the dwelling unit density requirements of the Zoning District in which they are located.
- (3) Adequate open space shall be provided for outdoor activity consistent with the needs of the patients or residents of each of the facilities.
- (4) Outdoor lighting shall be shielded away from adjacent lots.
- (5) The facility shall be licensed by the Commonwealth.
- (6) Adequate security shall be provided for the facility.
- (7) The lot on which any of said uses are proposed shall have direct access to a street defined as collector or arterial by this Ordinance.
- (8) The lot shall be landscaped and the perimeter of the lot shall be planted with a six (6) foot high compact hedge or other dense year-round screen.
- (9) Ingress, egress and internal traffic circulation shall be designed to ensure safety, minimize congestion and provide access by emergency vehicles.

1004.16 Junk Yard, subject to:

- (1) The minimum site size shall be ten (10) acres.
- (2) The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.

- (3) No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- (4) The manner of storage of junk shall be arranged in such a fashion that aisles of a minimum width of twenty-five (25) feet between rows of junk are maintained in order to facilitate access for fire fighting and prevent the accumulation of stagnant water.
- (5) Junk yards shall comply with the Performance Standards of Section 904 of this Ordinance.
- (6) No junk shall be stored or accumulated and no structure shall be constructed within one hundred (100) feet of any dwelling unit or within forty (40) feet of any property line or right-of-way line of a public street.
- (7) The premises shall be enclosed by a metal chainlink fence not less than eight (8) feet in height supported on steel posts with self-latching gate.
- (8) The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- (9) All property lines adjoining residential use or zoning district classification shall provide landscaped screening as required by Subsection 905.1 of this Ordinance which is at least fifteen (15) feet in depth as measured from the property lines. All property lines adjoining nonresidential use or zoning district classification shall provide landscaped screening as required by Subsection 905.1 of this Ordinance which is at least ten (10) feet in depth as measured from the property line.
- (10) The operator shall obtain a permit from the Borough prior to initiating operation. The Zoning Officer may inspect the property at any time. The Zoning Officer shall notify the operator forty-eight (48) hours before such inspection shall take place.

1004.17 Private Clubs, subject to:

- (1) Private clubs shall have a minimum lot area of one (1) acre.
- (2) Clubhouses shall be located at least fifty (50) feet from any property line adjoining a residential dwelling.

- (3) Parking areas accessory to a clubhouse which adjoins a property line abutting a residential use or zoning classification shall be screened by a buffer area as defined by this Ordinance which is at least ten (10) feet in depth measured from the property line.
- (4) Where clubhouses are located within three hundred (300) feet of a residential dwelling, operations shall be discontinued between the hours of 2:00 A.M. and 6:00 A.M.
- (5) Swimming pools shall be subject to the provisions of Subsection 1004.4 of this Ordinance governing Community or Club Swimming Pools and Subsection 902.9 governing fences.

1004.18 Mini-Warehouses and Self-Storage Buildings, subject to:

- (1) The minimum site required shall be five (5) acres.
- (2) The site shall have direct vehicular access to an arterial or collector road, as defined by this Ordinance, and access shall not be through any road on which the current use is single family dwellings.
- (3) Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the site has frontage and which meets the requirements of Subparagraph (2), above.
- (4) All one-way driveways shall have a minimum of one 10-foot parking lane plus one 15-foot travel lane.
- (5) All two-way driveways shall provide a minimum of one 10-foot parking lane plus two (2) 12-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- (6) All interior driveways shall be paved with an impervious surface.
- (7) Parking shall be provided in accordance with the requirements of Subsection 902.6 of this Ordinance.
- (8) A buffer area, as defined by this Ordinance, at least ten (10) feet in depth as measured from the property line shall be provided along all property lines which adjoin residential use or zoning classification.
- (9) The perimeter of the site shall be fenced with a minimum eight (8) foot fence with self-latching gate.

- (10) Maximum building height shall be twenty (20) feet.
- (11) The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eight (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
- (12) The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
- (13) The maximum length of any storage building shall be two hundred (200) feet.
- (14) The maximum size of any storage unit shall be fourteen (14) feet wide, forty (40) feet deep and no more than one (1) story and fifteen (15) feet in height. If storage units are placed back-to-back, the maximum width of the building shall not exceed forty (40) feet.
- (15) Maximum lot coverage by all buildings shall be forty percent (40%).
- (16) Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
- (17) No storage shall take place outside of an enclosed building.
- (18) Storage units shall not be equipped with water or sanitary sewer service.
- (19) No business activity other than rental of storage units shall be conducted on the premises.
- (20) Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- (21) Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- (22) The design of the storage buildings shall be sealed by a Pennsylvania registered architect.
- (23) No signs shall be placed on the buildings or on their rooftops.

- (24) One (1) freestanding business identification sign shall be permitted which complies with the requirements of Section 901.5 of this Ordinance for the Zoning District in which the use is located.
- (25) No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the Borough Building or Fire Codes. Both the landlord and the tenants of the storage buildings shall be responsible for the prevention of the storage of hazardous materials or substances in the storage buildings that would be beyond the allowance of the Borough Building or Fire Codes.
- (26) A minimum of one (1) fire hydrant shall be provided on the site subject to the approval of the number and location of hydrants by the Borough Fire Marshal.
- (27) The facility shall comply with all local Fire Codes.

1004.19 Motel or Hotel, subject to:

- (1) In the O-P, Office Park, District, the site proposed for a motel or hotel shall be within five hundred (500) feet of the right-of-way for an interchange on a limited access highway.
- (2) The minimum floor area per sleeping unit shall be 240 square feet.
- (3) A landscaping screen, as required by Subsection 905.1, at least four (4) feet in depth shall be provided along interior property lines where a motel/hotel site adjoins the site of an existing or proposed light manufacturing, warehousing or wholesaling development.
- (4) The maximum permitted building height for motel/hotels may be increased to seventy-five (75) feet provided that the required yards are increased by one (1) foot for every foot of building height in excess of fifty (50) feet.
- (5) Ingress, egress and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles and minimize congestion.
- (6) Vehicular access shall be provided from the site to a street defined as collector or arterial by this Ordinance without traversing local streets beyond the frontage that the site may have on a local street.

- (7) Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.
- (8) Swimming pools proposed as accessory to a motel/hotel shall be subject to the parking and fencing requirements for Swimming Pools, Other Than Residential, and any other ordinance of the Borough regulating swimming pools.

1004.20 Private Greenhouses, subject to:

- (1) The minimum site for a private greenhouse shall be three (3) acres.
- (2) No storage of manure or odor or dust producing substances shall be permitted within two hundred (200) feet of any adjoining lot line.
- (3) No greenhouse heating plant shall be operated within fifty (50) feet of any adjoining lot line.
- (4) No products shall be outwardly displayed or offered for sale from the roadside.

1004.21 Private Recreational Facilities, Commercial Recreational Facilities and Recreation-Related Commercial Uses in the Special Conservation District, subject to:

- (1) Recreation-related commercial uses shall include, and are limited to: a concession stand, ice cream store, delicatessen, bicycle rental, bicycle repair, pro shops, retail sales of sporting goods and other similar retail or service uses which are directly related to the otherwise authorized recreational activities on the Montour Trail and on other recreational sites which may develop along the Trail.
- (2) The proposed recreational or commercial structures shall be designed to preserve natural features and orient to the Montour Trail. Grading and vegetation removal shall be minimized.
- (3) Lighting or other features which encourage use of the area after dusk shall not be permitted.
- (4) The design of the proposed recreational facilities and any proposed recreational or commercial structures shall comply with all applicable requirements governing flood plains and wetlands.

- (5) The maximum floor area of any recreational or commercial building shall be 5,000 square feet.
- (6) In addition to the required parking spaces for vehicles required by this Ordinance for the proposed uses, parking areas for bicycles shall be provided.
- (7) No storage of equipment or materials shall be permitted outside a completely enclosed structure.
- (8) All areas which are not used for active recreational facilities, structures or parking areas shall be maintained in a natural state or attractively landscaped. Areas kept in a natural state shall be adequately maintained to eliminate the accumulation of litter and growth of weeds and tall grass.

1004.22 Private Schools and Private Recreation Facilities, subject to:

- (1) No storage of equipment or material shall be permitted outside a structure.
- (2) No school or recreational area shall be located closer than 200 feet to any vehicular entrance or exit of a use involving the servicing or repair of motor vehicles.
- (3) All lights shall be shielded away from adjacent properties.
- (4) Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

1004.23 Public Garage, Auto Body or Auto Repair Garage, Auto Laundries, subject to:

- (1) Such uses shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.
- (2) All lighting shall be shielded away from the street and adjacent lots.
- (3) Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazards or delay.
- (4) Gasoline pumps shall be located no closer than twenty-five (25) feet to any lot line.

- (5) No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.
- (6) Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.
- (7) There shall be no storage of dismantled or wrecked vehicles outside of a building, nor shall there be parking permitted on the lot of vehicles or trailers in excess of one (1) automobile per employee and employer, plus three (3) customers' vehicles per repair bay.

1004.24 Residence in Combination with Business, subject to:

- (1) The minimum lot area required for each dwelling unit shall be 2,800 square feet and shall be provided in addition to the lot area required for the business use.
- (2) Dwelling units shall not be permitted on the street floor of a commercial building.
- (3) Dwelling units shall not be permitted in basement, garages or any other accessory buildings.
- (4) Dwelling units shall have a minimum habitable floor area of 800 square feet.
- (5) Off-street parking shall be provided on the lot in accordance with the ratios for each use specified in Subsection 902.6 of this Ordinance. Shared parking for residential and commercial uses shall not be permitted.
- (6) A minimum of 500 square feet of usable yard area shall be provided for the enjoyment of the residents of the dwelling unit. The usable yard area shall be screened from adjacent commercial uses or parking areas by a buffer area, as defined by this Ordinance, which is at least three (3) feet in depth.

1004.25 Restricted Surface Mining, subject to:

- (1) Restricted Surface Mining shall be limited to surface mining operations conducted entirely within the right-of-way of proposed streets to be constructed in an approved plan of subdivision or planned residential development for which surety has been posted with the Borough to guarantee proper installation of public

improvements or directly related to the preparation of foundations for dwelling units to be constructed on approved lots within the plan and limited to the buildable area of the lot or lots.

- (2) Conditional use approval shall be subject to submission of all materials required by Subsection 1206.3 of this Ordinance.
- (3) Conditional use approval shall be subject to all of the standards and criteria required for surface mining operations specified below, except that the approved development plan, rather than a sketch plan, shall be submitted with the reclamation plan required by Subsection 1004.31(16).

1004.26 Semi-Private Golf Practice Facility, subject to:

- (1) The minimum site required for the use shall be twenty-five (25) acres.
- (2) The site shall have frontage on and direct vehicular access to a street defined as collector or arterial by this Ordinance.
- (3) All lights shall be shielded and reflected away from adjoining properties and streets.
- (4) All facilities on sites which adjoin property containing single family dwellings shall cease operations between 11:00 P.M. and 6:00 A.M. All site lighting, other than minimal security lighting, shall cease at Midnight.
- (5) There shall be no external loudspeakers.
- (6) The site shall be secured when the facility is not in operation and vehicular access to the site shall be restricted during the hours when the site is not in operation.
- (7) Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- (8) Off-street parking for the putting greens, driving ranges or other outdoor recreational instructional facilities shall be provided based on the ratio of 1 parking space for each hole or practice position. Parking for the pro shop shall be provided based on the ratio of 1 parking space for each 150 square feet of gross floor area devoted to the pro shop.

- (9) If a clubhouse and/or restaurant are proposed as accessory uses to the golf practice facility, off-street parking shall be provided based on the ratio of one (1) parking space for each 60 square feet of net floor area of the building which is accessible to the public.
- (10) If a swimming pool is proposed as an accessory use to the golf practice facility, the pool shall be further subject to the conditional use criteria for Community or Club Swimming Pools contained in Subsection 1004.4. Off-street parking for the swimming pool shall be provided based on the ratio of one (1) space for each 50 square feet of water surface area.
- (11) All practice facilities shall be located a minimum of seventy-five (75) feet from any property line which adjoins single family use or zoning classification. A buffer area, as defined by this Ordinance, shall be provided along all property lines which adjoin single family use or zoning classification which shall be at least five (5) feet in depth as measured from the property line.
- (12) All practice facilities shall be oriented on the site and designed to protect adjoining single family properties from any potential hazards.
- (13) All principal and accessory structures on the site shall be subject to the front and side yard requirements of Subsection 203.2 of this Ordinance for All Other Principal and Accessory Structures and to the rear yard requirements for All Principal Structures. Swimming pools, if proposed, shall be subject to the special yard requirements for Community or Club Swimming Pools specified in Subsection 203.2 (b) of this Ordinance.
- (14) If a clubhouse, restaurant, miniature golf course or any other recreational facilities such as swimming pools, tennis courts, batting cages or similar facilities, are proposed as accessory uses to the golf practice facility, submission of a conditional use application shall be required for the proposed accessory uses. In evaluating the application, the Planning Commission and Borough Council shall consider whether the proposed uses are, in fact, accessory to the principal golf practice facility and whether the additional accessory uses are appropriate for the site on which they are proposed, taking into consideration the impact on public streets and adjoining properties.

- (15) One (1) non-illuminated or indirectly illuminated freestanding ground business identification sign, as authorized by this Ordinance, shall be permitted on the site provided that the maximum surface area of the sign shall not exceed twenty-four (24) square feet and the sign shall be located a minimum of ten (10) feet from any property line or street right-of-way. If the site includes property which is in a nonresidential zoning classification, the business identification sign shall be located on the portion of the property which is zoned in the nonresidential classification and no signs, other than directional signs as authorized by this Ordinance, shall be permitted on the portion of the site which is zoned Residential.

1004.27 Shopping Centers, subject to:

- (1) The minimum site shall be five (5) acres.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector road, as defined by this Ordinance.
- (3) The site plan shall be designed to minimize points of access to the arterial or collector road. The site shall be planned as a unit and uniform signage and landscaping and common parking and loading areas shall be proposed to promote design and efficiency.
- (4) Ingress, egress and internal traffic circulation shall be designed to minimize congestion and ensure safety and provide access for emergency and fire vehicles.
- (5) All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- (6) There shall be no storage of materials or equipment outside a completely enclosed building. All sales shall be conducted within a completely enclosed building.
- (7) All uses shall be located at least fifty (50) feet from any property line which adjoins a residential use.
- (8) All parking areas shall be located at least twenty (20) feet from any property line which adjoins a residential use.

1004.28

Single Family Dwellings in R-5 and C-2, subject to:

(a) R-5 District, subject to:

- (1) Compliance with all applicable requirements of Section 204, R-4 High Density Residential District, of this Ordinance.

(b) C-2 District, subject to:

- (1) Compliance with all applicable requirements of Section 203, R-3 Medium Density Residential District, of this Ordinance.

1004.29

Storage Trailers, subject to:

- (1) Storage trailers shall not be located in the required front yard.
- (2) Storage trailers may be located in the required rear or side yards if adequately screened from view from the public street or adjacent residential property by a six (6) foot compact evergreen hedge or screening fence in accordance with Subsection 902.9 (e).
- (3) Storage trailers shall be located so as to not reduce the required parking or loading area for the principal use, nor shall their location obstruct the free and safe vehicular or pedestrian circulation on the lot.
- (4) No display or sale of merchandise shall be permitted from the storage trailer.
- (5) No office or other administrative use of the storage trailer shall be permitted.
- (6) Storage trailers shall be included in the computation of maximum permitted lot coverage for the principal use.
- (7) Storage trailers must be secured in the fixed location approved by the Borough and shall not be used for hauling while they are in use as a storage trailer as defined by this Ordinance.
- (8) In approving the location of storage trailers on the lot, the Zoning Hearing Board may attach such reasonable conditions as necessary to protect the public health, safety and welfare, including limiting the duration of time during which a storage trailer may be used on a lot, if warranted.

1004.30

Supporting Commercial Uses in an Office Park, subject to:

- (1) Supporting Commercial Uses shall be limited to one (1) or more of the following uses:
 - [a] Business Services
 - [b] Travel Agency
 - [c] Pharmacy, in a building housing medical offices, a clinic or a diagnostic or testing facility
 - [d] Sale of medical supplies and equipment in a building housing medical offices, a clinic or diagnostic or testing facility
 - [e] Newsstand or tobacco shop
 - [f] Card and gift shop or stationery store
 - [g] Delicatessen or sandwich shop providing either sit-down or take-out service primarily for convenience of employees of the Office Park.
- (2) Supporting Commercial Uses shall be limited to the ground or first floor of any office building and shall not be permitted in any other freestanding principal or accessory building.
- (3) The gross floor area devoted to Supporting Commercial Uses shall not exceed fifteen percent (15%) of the gross floor area devoted to office use and/or medical clinic and/or research, testing or diagnostic facilities.
- (4) The maximum gross floor area devoted to any single Supporting Commercial establishment shall be five thousand (5,000) square feet.
- (5) Off-street parking for the Supporting Commercial Uses shall be provided at the ratio of one (1) parking space for each five hundred (500) square feet of gross floor area.

1004.31

Surface Mining, subject to:

- (1) Surface mining operations shall be subject to all applicable area and bulk regulations of this District for nonresidential uses.
- (2) Conditional use approval shall be subject to submission of all application materials required by Subsection 1206.3 of this Ordinance.

- (3) Borough Council shall determine compliance with these standards and criteria and consider such reasonable conditions and safeguards as may be necessary to protect the public health, safety and welfare of the residents of the Borough regarding routing and hours of operation of trucks and other vehicles serving the surface mining operation, and the minimizing of other noxious, offensive and hazardous conditions resulting from the proposed surface mining operation.
- (4) There shall be no removal of minerals or vegetative cover within five hundred (500) feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- (5) Surface mining shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Resources as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.
- (6) No surface mining operation shall be conducted within three hundred (300) feet of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.
- (7) No surface mining operation shall be conducted within one hundred (100) feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join the right-of-way line, except where the appropriate State or Federal agency having jurisdiction over the conduct of surface mining operations shall permit in accordance with law.
- (8) No surface mining operation shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- (9) No surface mining operations shall be conducted within one hundred (100) feet of a cemetery.
- (10) No surface mining operation shall be conducted within three hundred (300) feet of any occupied dwelling, unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.

- (11) The applicant shall demonstrate that the proposed surface mining operation will not adversely affect any lawful existing or permitted uses of adjacent properties.
- (12) The applicant shall demonstrate that the proposed surface mining operation shall not pollute or diminish any public or private water supply source.
- (13) The applicant shall demonstrate that the proposed surface mining operation shall not adversely affect any flood-prone or landslide-prone areas within the Borough.
- (14) The applicant shall demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- (15) If blasting is to be undertaken, a seismograph shall be placed on the site of the surface mining operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Borough and whose fee is paid by the applicant.
- (16) The applicant shall provide reclamation plans for the site which demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. If the proposed re-use of the land is for single family development, a sketch plan of the proposed layout of lots and public utilities shall be submitted with the reclamation plan. The sketch plan will be for information purposes only to assist in the review of the reclamation plan and approval of the reclamation plan shall not constitute approval of any aspect of the future development plan.
- (17) The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall comply with designated weight limits on Borough roads and shall design the hauling routes for the surface mining operation to minimize the impact on local roads within the Borough.
- (18) Portions of the site where surface mining operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

- (19) The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits before initiating any work and of maintaining the required State or Federal permits throughout the duration of all surface mining operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and will result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.
- (20) Upon approval of a conditional use application and prior to commencing operations, the applicant shall submit an escrow deposit to the Borough in an amount established by Borough Council upon the advice of the Borough Engineer. The escrow deposit shall be maintained throughout the duration of the surface mining operation and shall be used to cover all costs to the Borough for engineering, consultant, legal and inspection fees and any other miscellaneous costs associated with the project.
- (21) Conditional use approval shall expire if work authorized in the conditional use application is not commenced within ninety (90) days of the date of Borough Council's approval of the application, unless the applicant submits a written request for an extension to Borough Council prior to the expiration of the ninety (90) days explaining the reasons for the delay in initiating the work and Borough Council approves the request.
- (22) Once work is initiated under an approved conditional use application, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by Borough Council. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of the conditional use approval and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the surface mining operation. Upon expiration or revocation of zoning approval for the conditional use, the applicant shall reapply for conditional use approval.

1004.32 Vehicle Sales and Services, subject to:

- (1) Ingress, egress and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.

- (2) Such uses shall have direct access to a street defined as collector or arterial by this Ordinance.
- (3) All lighting shall be shielded away from the street and adjacent lots.
- (4) Uses involving the servicing or repair of motor vehicles shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.

1004.33 Veterinary Hospital, subject to:

- (1) All kennels shall be located within completely enclosed, air conditioned buildings.
- (2) If such use is located on a lot which adjoins residential property, a six (6) foot compact hedge or other evergreen screen shall be provided along all property lines adjoining residential use or zoning classification.

1004.34 Watchman's Facilities, subject to:

- (1) Such facilities may be equipped with cooking and sleeping facilities, but shall not be utilized as a permanent dwelling unit.
- (2) Such facilities shall be necessary to the security of the principal use.
- (3) Such facilities shall be located so as to provide access to public safety and emergency vehicles.

1004.35 Oil and Gas Drilling, subject to:

- (1) A copy of the permit application submitted to the PA Department of Environmental Protection (PA DEP) shall be submitted with the application for conditional use approval.
- (2) A property survey shall be submitted demonstrating the following information:
 - (a) the proposed location of the well or wells
 - (b) the proposed means of access to the well or wells
 - (c) the proposed gathering or transmission lines
 - (d) the distance from any existing structures on the subject property or the immediately adjacent properties
 - (e) the location of local water supply wells or systems

- (3) The applicant shall provide logs or other documentation showing the estimated deepest fresh groundwater.
- (4) Information shall be provided regarding the estimated depths of the proposed wells and the expected surface pressure and measures to be taken to control the expected pressure.
- (5) The applicant shall indicate whether a pre-alteration or pre-drilling survey is to be conducted.
- (6) A site specific erosion and sedimentation control plan shall be submitted.
- (7) As part of the emergency response plan required by Subparagraph (8), below, the applicant shall provide the Borough with a copy of the control and disposal plan for any expected fluids or solids encountered during the drilling and production stages indicating the following:
 - (a) the size and location of a storage pit for any material emanating from the well during drilling and site restoration
 - (b) the size and location of any tankage designed for the site as well as dikes for spill containment of said tank during well production
 - (c) methods of oil separation and removal of all solid or liquid by-products, including oil, from the site during production, if applicable.
 - (d) All safety measures, including securing any open pits or other site features against potential hazards and ensuring that the containment pit is not left inactive for a period longer than twenty-four (24) hours.

Any information that is not available at the time of application shall be submitted as an addendum to the emergency response plan.

- (8) The applicant shall submit an emergency response plan to the Borough and the local fire companies, providing, at a minimum, the recommended first response by the fire companies to address the following:
 - (a) well leakage
 - (b) spill containment
 - (c) vandalism creating unknown conditions
 - (d) defective casing or cementing
 - (e) potential communication between the well and the public water supply
 - (f) control and disposal plan required by Subparagraph (7), above
- (9) The applicant shall provide certification that a bond is held by the PA DEP to ensure proper plugging when the well is classified as inactive by the PA DEP
- (10) The applicant shall provide a schedule indicating the following dates:
 - (a) Site preparation beginnings and endings
 - (b) Anticipated drilling activity beginnings and endings
 - (c) Anticipated completion (perforating) work to begin and end
 - (d) Anticipated stimulation (fracturing) work to begin and end
 - (e) Anticipated production work to begin and end
 - (f) Anticipated plugging date
- (11) Adequate security measures shall be proposed, if warranted by the character of surrounding development.
- (12) The access road to the well site shall be secured by a locked gate and means of access shall be provided to Borough Police and Fire Departments for emergency response.
- (13) The access road to the well site shall be improved with a dust-free, all weather surface in such a manner that no water, sediment or debris will be carried onto any public street.
- (14) An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
- (15) All piping for transportation from the well to the transmission lines shall be placed underground to a minimum depth of three (3) feet, except for fixtures and appurtenances.

- (16) Borough Council shall require a performance bond in the amount of \$5000 to guarantee installation of the access road, fencing, gate and any other features not otherwise bonded by the PA Department of Environmental Protection (PA DEP) required by the Borough Zoning Ordinance or as a condition of conditional use approval.

1004.36

Methadone Clinic, subject to:

- (1) The clinic shall not be located within five hundred (500) feet of any of the following uses that existed prior to the establishment of the clinic: school, public playground, public park, residential housing area, day care center or church or other place of regularly stated religious worship. The five hundred (500) feet shall be measured by the straight line distance between the nearest property line of the property on which the clinic is proposed and the nearest property line of the property on which the above listed use is located.
- (2) Borough Council, by majority vote, may reduce the five hundred (500) feet required by Subparagraph (1), above, provided notices are sent to every property owner located within five hundred (500) feet of the perimeter of the property proposed for the clinic at least thirty (30) days prior to the public hearing held pursuant to public notice on the conditional use application.
- (3) Overnight boarding of patients shall not be permitted.
- (4) Public transportation shall be available within reasonable walking distance of the proposed clinic.
- (5) Along all property lines that adjoin undeveloped, residential zoned land, a buffer area shall be provided which is at least twenty (20) feet in depth as measured from the property line and which shall be comprised of two (2) rows of plantings creating a high level and low level screen, consisting of a mix of at least sixty-five percent (65%) evergreen and thirty-five percent (35%) deciduous plant materials.

The low level screen shall be a minimum of three (3) feet in height at the time of planting and the high level screen shall be a minimum of six (6) feet in height at the time of planting. Plant materials shall be staggered in a manner so as to provide a minimum sixty percent (60%) opaque visual barrier.