

BOROUGH OF JEFFERSON HILLS

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AGENDA

Regular Meeting, December 30, 2019 at 7:00 p.m.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Borough Resident/Taxpayer Comments**
4. **Consider approval of minutes of the regular meeting November 18, 2019**
5. **Communications**
 - A. Resolution No. 49-2019, Council approval of a final subdivision known as S-10-2019, Hunters Preserve No. 2, approved on December 9, 2019.
6. **Pre-Application Advisory Presentations**

None
7. **Old Business**
 - A. SP-9-2018 6 UPMC South, located at Elliott Road and State Route 51, lot and blocks 660-S-40, 767-D-375, 767-G-200, 767-H-14 and 660-L-67, owned by AUUE, Inc. Property is zoned O-P, C-1 and R-1. Applicant is proposing a 63-bed hospital with ambulatory and inpatient care, including emergency care, surgical services and the latest diagnostic imaging technology. Loop drive, visitor parking lot, emergency department parking lot, staff parking lot & service parking lots. **(End of 90 Day Review Period is January 22, 2020)**
 - B. Consider a recommendation to Council for a preliminary land development plan known as SP-9-2019 6 Kurt Lesker Land Development, located at 1925 State Route 51, lot and block 880-K-225, owned by Kurt Lesker Company. Property is zoned I-1. Applicant wishes to add a 49x203 new manufacturing addition the existing manufacturing portion of the building. The addition is into the existing parking lot. Displaced parking is made up on adjacent empty paved lot used for truck parking and temporary material storage. **(90-day extension until February 24, 2020)**
 - C. Consider a recommendation to Council for a preliminary subdivision plan known as PS-2-2019 6 Blackwood Plan of Lots, located at the end of Arnoni Drive, Dale Street, Antler Drive and Arch Street, lot and blocks 662-S-32, 769-C-100 and 769-D-290, owned by Blackwood Acres Associates, LP and Community Bank. Property is zoned R-4. Applicant wishes to subdivide into

67 new lots, 2 parcels, and 6 transfer units. **(End of the 90-day review period is February 16, 2010)**

8. New Business

- A. Consider a recommendation to Council for a final land development plan known as SP-11-2019 ó Riverlift Office and Garage Land Development, located at 1000 Madison Avenue, lot and block 1273-D-288, owned by Clairton Slag Inc. DBA Riverlift Industries. Property is zoned I-2. Applicant wishes to replace existing office with new larger office/garage. New buildings will be serviced by existing electric, gas, and public sewer taps. Sewage tap and easements have been previously permitted through WESA. The existing building area will become new employee and visitor parking. **(End of 90-day review period is March 29, 2020)**
- B. Consider a recommendation to Council for a preliminary and final subdivision plan known as S-11-2019 ó Richard Plan of Lots Phase 3, located on Council Place, lot and block 881-A-250, owned by Steven A. & Andrea L. Richard. Property is zoned R-1. Applicant wishes to subdivide into two (2) lots. **(End of the 90-day review period is March 29, 2020)**

9. Reports

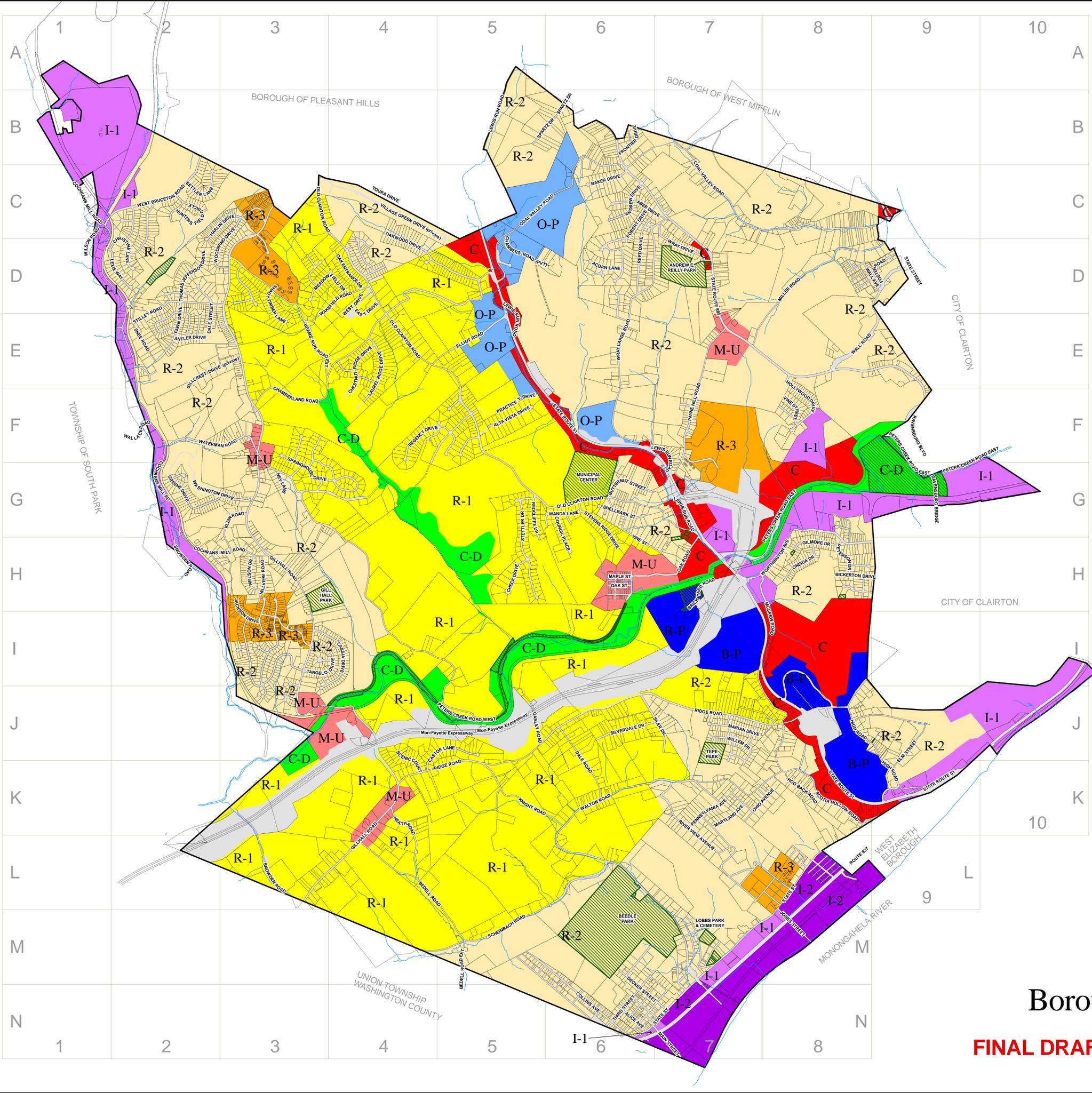
None

10. General Business

- A. Review of public comments on draft zoning ordinance

11. Reminder: Next Meeting to be Monday, January 27, 2020

12. Adjournment



Street Index

Table listing street names and their corresponding zoning codes. Columns include street names (e.g., ABER DRIVE, ACORN LANE) and zoning codes (e.g., C-6, C-7, D-1, D-2).

- Zoning Districts:
C-D Special Conservation District
O-P Office Park District
R-1 Low Density Residential District
R-2 Medium Density Residential District
R-3 High Density Residential District
C Highway Commercial District
M-U Mixed Use District
I-1 Planned Industrial District
I-2 Heavy Industrial District
B-P Business Park District
ROW Right-of-Way Area
Other Features:
Borough Property



Zoning Map of the Borough of Jefferson Hills



JEFFERSON HILLS BOROUGH ZONING ORDINANCE

November 18, 2019 DRAFT

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BOROUGH OF JEFFERSON HILLS ALLEGHENY COUNTY, PA

ORDINANCE NUMBER

This ordinance is adopted pursuant to the Municipalities Planning Code, as amended, of the General Assembly, Commonwealth of Pennsylvania, for the purpose of promoting and protecting the public health, safety, comfort, convenience, prosperity and other aspects of the general welfare of the Borough. These general goals include, among others, the specific purposes set forth in the statement of intent of the various regulations for the respective Districts.

ARTICLE 100. INTRODUCTION

The Borough of Jefferson Hills enacted this Zoning Ordinance as an important part of the Borough's overall Land Use Management Program that is implemented to protect the health, safety, welfare and character of the Borough residential and business community.

1. TITLE

A. LONG TITLE

An Ordinance to establish zoning regulations for the use of land and structures, area of lots, bulk of buildings and other structures, the density of population, the provision of off-street parking and loading spaces and similar accessory regulations for the Borough of Jefferson Hills, Allegheny County, Pennsylvania, and for such purposes to divide the Borough into zoning districts; and further to provide for administration, enforcement and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code and to repeal all prior ordinances or portions thereof, in conflict herewith.

B. SHORT TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Borough of Jefferson Hills, Allegheny County, Pennsylvania".

2. STATUTORY AUTHORITY

The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended), hereinafter MPC, provides that the Jefferson Hills Borough Council may enact and amend a Zoning Ordinance to implement the Jefferson Hills Comprehensive Plan, permit and regulate land uses within the Borough, and to accomplish any of the purposes of the MPC.

3. COMMUNITY DEVELOPMENT OBJECTIVES

The zoning regulations and districts set forth in this Ordinance are made in accordance with the Comprehensive Plan of the Borough of Jefferson Hills and the Community Development Objectives of that Plan or otherwise defined by the Borough, in addition to protecting the general health, safety, welfare of the Borough.

4. ESTABLISHMENT OF CONTROLS

- A. Minimum and Uniform Regulations. The regulations set by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

- B. New Uses and Structures. In all districts, after the effective date of this Ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each zoning district.
- C. Existing Uses and Structures. In all districts, after the effective date of this Ordinance, any existing use, building or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the regulations of this Ordinance pertaining to nonconforming uses.

5. INTERPRETATION

The interpretation of the regulations of this Ordinance is intended, to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, or ordinances of the Borough, as particularly refer to area and bulk regulations, and impose higher standards, the most restrictive requirement shall govern.

6. CONFLICT, VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance than the one so declared.

7. APPLICABILITY

The regulations of this Ordinance shall apply to all properties, structures, and land uses in the Borough of Jefferson Hills, Allegheny County, Pennsylvania.

8. SCHEDULE OF FEES

- A. The Borough Council establishes, by resolution that may be amended by Council from time to time, a schedule of fees, charges and expenses and a collection procedure for zoning permits and certificates, appeals and other matters pertaining to this Ordinance.
- B. Any application for amendment, variance, special exception, conditional use, permit or any other application or certificate within the scope of this Ordinance, shall be accompanied by the appropriate fee. Such fees shall be payable to the Borough, and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete and will not be processed for review, and no action shall be taken on the application. No application to the Borough pursuant to this Ordinance shall be considered filed with the Borough for the purpose of any applicable provisions of the MPC until the appropriate application fee is paid in full.

ARTICLE 200. WHAT LAND USES?

What land uses are being regulated? The Borough of Jefferson Hills Zoning Ordinance defines the land uses permitted within the Borough and certain associated terms used in conjunction with the regulation of those uses, throughout this Ordinance.

1. DEFINITIONS

A. GENERAL INTERPRETATION OF WORDS

As contained in this Ordinance, certain words shall have the meaning assigned to them, as follows:

- 1) Words used in the present tense include the future. The singular number includes the plural and the plural the singular.
- 2) The word “building” includes “structure” and any part thereof.
- 3) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for.”
- 4) The word “person” includes an individual, corporation, partnership, incorporated association or any other similar entity.
- 5) The word “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like, kind and character.

B. DEFINITIONS OF SPECIFIC TERMS

The following words and phrases shall have the meaning given in this Section, as follows:

ACCESSORY STRUCTURE - A detached, subordinate structure on the same lot with the existing principal structure, the use of which is clearly incidental to the principal structure or use of the lot, including accessory buildings.

ACCESSORY USE - A use conducted on the same lot as an existing principal use to which it is related; a use which is clearly incidental and subordinate to, and customarily found in connection with a particular existing principal use.

ADULT BUSINESS - An adult bookstore/video store, adult live theater, adult movie theater or movie house or adult nightclub, as defined herein, and any similar use.

ADULT BOOKSTORE/VIDEO STORE - Any commercial establishment in which more than five percent (5%) of the inventory offered for sale or rental to the public consists of books, publications, films or other media which depict nudity or sexual conduct, as defined herein.

ADULT LIVE THEATER - Any commercial establishment which features on a regular basis live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct as defined herein.

ADULT MOVIE THEATER OR MOVIE HOUSE - Any movie theater, including mini-theaters, which on a regular continuing basis shows films rated "X" by the Motion Picture Coding Association of America, or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct, as defined herein.

ADULT NIGHTCLUB - Any establishment which serves food and/or beverages, including private clubs, whether or not the consumption of alcoholic beverages is allowed on the premises, which offers entertainment, either live or recorded, which exhibits nudity or sexual conduct, as defined herein, or which provides service by wait persons who exhibit nudity or sexual conduct, as defined herein.

AGRICULTURE - Any use of land or structures for farming, dairying, pasturage, agronomy, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

ALTERATIONS - Alterations include but are not limited to the following: all incidental changes in or replacements to the nonstructural parts of a building or other structure, minor changes or replacements in the structural parts of a building or other structure.

AMBIENT NOISE LEVEL - The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

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

ANIMAL, EXOTIC - Members of the family Felidae, except those species commonly called "house cats," and members of the family Canidae, except those commonly called "dogs," and those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, except small animals and birds customarily kept as house pets.

ANIMAL DAY CARE - An establishment where domestic animals including more than four (4) dogs or more than six (6) cats who are six (6) months or older are kept at any one time, whether for profit or not, within a completely enclosed building, for periods of time less than 24 hours such that no animal is boarded overnight, for the purposes of providing observation and/or grooming of the animals during daytime hours when their owners are not able to do so.

ANIMAL SHELTER – A facility where stray, lost, abandoned or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

APARTMENT BUILDING - A residential building containing not less than four (4) dwelling units and no more than twenty-four (24) dwelling units and not exceeding three (3) stories in height, sometimes designed around courts or common open spaces, often having private balconies or patios.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development or zoning approval, including applicant’s heirs, successors and assigns.

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

ASSISTED LIVING FACILITY - A facility designed to provide individual dwelling units for elderly persons who are independently mobile and are not in need of the level of service provided by a personal care boarding home, where there is on-site supervision and assistance available to the residents on an occasional, “as needed” basis and where at least one (1) meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation service and similar supporting services for the convenience of the residents.

BANQUET FACILITY - A permanent structure specifically designed and constructed for an assemblage of persons and including catering facilities, for the purpose of hosting weddings, receptions, and other gatherings.

BAR/NIGHTCLUB - A place of assembly, other than a dwelling unit, including private clubs which may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also operate as a restaurant during all or part of its hours of operation.

BARN - A building, accessory to a farm, that is used for storing agricultural equipment, hay, grain, and other crops, and often for housing livestock.

BASEMENT (OR CELLAR) - An enclosed area partly or completely below grade which shall be considered a building story, if more than 1/3 of the walls are five (5) feet or more above exterior grades.

BED AND BREAKFAST - A dwelling that is the principal residence of the operator where no more than three sleeping rooms are offered to transient overnight guests for compensation, and where the only meal served and included with the overnight accommodations is breakfast. Such temporary lodging would normally be for a few nights only and does not exceed two weeks (14 nights) at one time.

BEDROOM - Any room or space designed to be used or intended to be used for sleeping purposes. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility room and similar uses are not considered "bedrooms."

BILLBOARD - A sign that conveys information regarding an establishment, an activity, a person, a product, or a service that is unrelated to or unavailable on the premises on which the sign is located.

BOARD - All references to the Board are to "The Zoning Hearing Board" created by this Ordinance.

BOROUGH – Borough of Jefferson Hills.

BUFFER YARD - A landscaped area of a certain depth specified by this Ordinance, which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or decorative fencing.

BUILDING - Any permanent structure having a roof supported by columns or by walls erected permanently and intended for the shelter, housing and/or enclosure of persons, animals or other property.

BULK - The size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines, including the size, height and floor area of building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

BUNK HOUSE - A housing facility designed and intended to be used for a temporary period of time to house oil and gas exploration related workers.

CASINO - A business establishment where the principal use is legal gambling activities and that may also include a restaurant or nightclub as an accessory use.

CELLAR - See BASEMENT.

CEMETERY - An area set apart for or containing graves, tombs, or funeral urns.

CODE OFFICIAL - The official who is charged with the administration and enforcement of provisions within this chapter, or any duly authorized representative.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within a development site which is designed and intended for the use and enjoyment of residents of a Planned Residential Development, not including streets, off-street parking areas, parcels containing storm water detention facilities or areas set aside for public facilities.

COMMUNICATIONS ANTENNA, ~~EXISTING~~EXISTING STRUCTURE - Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including, but not limited to, omni-directional or whip antennas, directional or panel antennas and satellite or microwave dish antennas which may be mounted on an existing building, an existing public service corporation storage or transmission structure or an existing communications tower, except for transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

COMMUNICATIONS EQUIPMENT BUILDING - A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of two hundred (200) square feet.

COMMUNICATIONS EQUIPMENT CABINET - An unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground of no more than two hundred (200) square feet.

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

COMMUNITY CENTER - A semi-public or privately maintained institution devoted exclusively to a variety of group activities, including civic, social, fraternal, recreational, educational and/or cultural, and maintaining the premises and facilities appropriate to such activities, provided, however, that the use of such premises shall not include living quarters for persons other than those engaged in the conduct and/or maintenance of the institution.

COMMUNITY SWIMMING POOL - See SWIMMING POOL, COMMUNITY.

COMPARABLE USE NOT SPECIFICALLY LISTED - A use which is not specifically listed in a particular Zoning District, but which is determined by the Zoning Hearing Board in accordance with the express standards and criteria set forth in this Ordinance to be similar in characteristics

and impacts to another use which is specifically listed in the same Zoning District as a permitted use, conditional use or use by special exception.

COMPLETION OF DRILLING, RE-DRILLING AND RE-WORKING - The date sixty (60) days after the end date of the drilling, re-drilling or re-working of the well site.

CONDITIONAL USE - An authorized use which may be granted only by Borough Council pursuant to express standards and criteria contained in this Ordinance after review and recommendation by the Planning Commission and after conducting a public hearing pursuant to public notice.

CONFERENCE CENTER- A facility used for corporate or professional meetings, seminars and/or employee training, and which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

CONTRACTOR'S OFFICE - The administrative offices of a business that provides landscaping, construction, remodeling, home improvement, excavation, paving, land development and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed building.

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

CONVENIENCE STORE - A retail establishment which offers a limited selection of grocery, household and personal items for quick purchase and which may include the dispensing of gasoline.

CORNER LOT - A lot bounded on at least two (2) sides by streets.

CORRECTIONAL INSTITUTION - Any Federal, State, County, local, quasi-public or private facility designed to confine, house or hold inmates accused or convicted of criminal activity who are assigned and/or committed by any Court and who are housed, held or confined in lawful custody, including, but not limited to, the detention, treatment, rehabilitation or execution of offenders through a program involving penal custody, parole and probation.

COUNCIL - All references to the Council are to the Borough Council of "The Borough of Jefferson Hills".

CREMATORIUM /CREMATORY - An establishment containing the equipment necessary for cremating human remains.

DAY CARE CENTER - A facility licensed by the Commonwealth located within a building which is not used as a dwelling unit for the care during part of a twenty-four (24) hour day of children under the age of sixteen (16) or handicapped or elderly persons.

DAY CARE HOME - A facility licensed by the Commonwealth located within a dwelling for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such use shall be secondary to the use of the dwelling for living purposes and persons who do not reside in the dwelling shall not be employed.

DECIBEL (db) - A unit for measuring the intensity of a sound/noise and is equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure which is 20 micro pascals.

DEVELOPMENT PLAN - The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities, including written and graphic materials.

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

DISTRIBUTED ANTENNA SYSTEMS - A network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DISTRIBUTION CENTER - An establishment engaged in the production, storage and distribution of goods, products, cargo and materials, including shipment by boat, rail, air or motor vehicle.

DRIVE-IN THEATER - A cinema structure consisting of a large outdoor movie screen, a projection booth, a concession stand and a large parking area for vehicles from which customers can view movies, and which may include other accessory uses.

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

DRY-CLEANING FACILITY - A business establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

DRY DOCK – A floating structure kept dry for use during the construction or repairing of boats and other watercraft.

DUPLEX – See DWELLING, TWO FAMILY.

DWELLING - A building or portion thereof, whose principal use is permanent residential occupancy, including single family dwellings, two family dwellings and multifamily dwellings, but not including hotels or lodging houses.

DWELLING, SINGLE FAMILY - A residential building containing one (1) dwelling unit and which is the only principal structure on the lot.

DWELLING, TWO FAMILY - A residential building containing two (2) independent dwelling units, separated from one another by continuous vertical walls, each having a separate entrance, and which is the only principal structure on the lot.

DWELLING, MULTIFAMILY - A residential building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT - One or more rooms, not part of a hotel/motel, designed for and occupied for residential living purposes and collectively containing cooking, living, sanitary and sleeping facilities. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

DWELLING UNIT DENSITY - The maximum number of dwelling units authorized per gross acre.

EDIBLE GOODS - Including, but are not limited to:

Prepackaged food, including, but not limited candy, beverages, and ice cream;

Off-site prepared food, including, but not limited to hot dogs, deserts, and pizza; and

On-site prepared food, including, but not limited to shaved ice, sandwiches, and tacos.

EMPLOYEE CAFETERIA OR DINING ROOM - An eating establishment located within a business establishment which is restricted to employees of the business establishment and their invited guests.

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

ENTERTAINMENT FACILITY, INDOOR - An establishment providing completely enclosed recreation activities, including theater, games, courts, video arcades, billiards, bowling, play equipment, batting cages, or similar entertainment facilities.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection,

communication, supply or disposal systems, excluding communications towers and communications antennas, as defined herein.

EXPLORATION - Temporary geologic or geophysical activities, drilling in context with the zoning definition in this Ordinance related to the search for natural gas or other subsurface hydrocarbons.

FARM - A tract of land containing not less than ten (10) acres upon which are maintained, grown and produced for sale or use on the property: domestic livestock, horses, farm grains, feeds or hay, fruits, nursery stock, vegetables, dairy products, poultry, eggs or other crops or produce typical of farm activity in Allegheny County.

FARM ~~ANIMALS-LIVESTOCK~~ - Animals (such as cows, horses, pigs, sheep, goats, llamas, and the like) typically kept or raised on a farm and for profit.

FARM, COMMERCIAL - Intensive agricultural uses involving farm animals that include but are not limited to: slaughter areas; processing of manure; concentrated animal feeding operations; production of animal goods for wholesale; or any use considered a confined livestock operation or concentrated animal feeding operation pursuant to federal regulations. The intensity of such uses may be described by the high concentration of farm animals, amount of animal waste produced or handled, amount of animal feed consumed, or other factors such that the use is distinguishable as a commercial farm from a typical farm or a typical farm in Jefferson Hills Borough. Such use does not include hobby farm or farm.

FARM, HOBBY - An agricultural land use, that includes the keeping of farm animals or the growing of crops for sale, with a minimum of five (5) acres where agricultural activities are conducted by the residents thereof, but where such activities are not the principal source of employment or income for the property owner.

FENCE - A natural or man-made barrier of any material, other than shrubbery or a retaining wall, designed and approved in accordance with the Borough Grading Ordinance, erected for the purpose of protection, screening, confinement, enclosure or privacy.

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

FINANCIAL INSTITUTION WITH DRIVE-THRU FACILITIES - Financial institution that includes drive-thru facilities that are integral to the operation of the financial institution.

FLOOR AREA OF BUILDING - The sum of the gross horizontal area of the several floors of the principal structure(s). All dimensions shall be measured between exterior faces of walls.

FORESTER, CONSULTING FORESTER or STATE FORESTER - A person employed as a forester by the Commonwealth of Pennsylvania's Department of Environmental Protection or a person

recognized by the Department as being a graduate of a forestry school accredited by the Society of American Foresters and employed full-time as a Private Forestry Consultant.

FORESTRY - The timbering, cutting or harvesting of live or dead, standing or fallen trees, when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, excluding the clearing of trees by the landowner for his own use, clearing for the development of building sites as part of an approved subdivision, land development or building permit, clearing for farming operations or selective removal of individual trees which are dead, damaged, diseased or constitute a danger to neighboring properties or the general public. Forestry does not include the production or processing of timber products in lumber mills or similar facilities, whether the trees are grown on site or off site.

FUNERAL HOME – A building used for the preparation and embalming of deceased human beings for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, RESIDENTIAL - An accessory structure used for the storage of any number of motor vehicles, which may include commercial vehicles (cars, trucks, vans) owned and used by the owners or tenant of the premises, and which has direct access to a driveway that provides connection to a public road.

GAS WELL - A well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth. The two types of gas wells regulated by this Ordinance are:

GAS WELL, CONVENTIONAL - A conventional drilling technique in which the drilling is entirely vertical, is of a shallower depth, less than 5,000 feet, and generally does not involve a fracturing process.

GAS WELL, UNCONVENTIONAL - A type of drilling using newer technology that drills to depths of 5,000 feet or more and includes horizontal drilling up to and in excess of 1½ miles from the deepest penetration of the drill site. Unconventional wells utilize a fracking process to extract the natural gas.

GASOLINE SERVICE STATION - A building, premises or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft.

GASOLINE SERVICE STATION WITH SMALL RETAIL AND/OR VEHICLE WASH - A building, premises or portions thereof which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft and may include the ancillary retail sales of goods other than gasoline and may include an ancillary vehicle wash facility or the ancillary retail sales of goods other than gasoline.

GOLF PRACTICE FACILITY - A recreational facility which is operated for profit and advertised to the general public, which includes as its principal use golf practice facilities such as putting greens, driving ranges and golf instruction and which may include miniature golf, a clubhouse/restaurant and related recreational facilities as accessory uses.

GOVERNMENT OFFICES – Office space used to conduct the business of federal, state, or local government entities.

GRADE - The mean elevation of the ground adjoining the building on all sides as referenced to the centerline of abutting streets at the midpoint of the street lot line(s).

GREENHOUSE OR NURSERY - A retail business which includes the growing and selling outdoors or inside a structure of flowers, plants, trees, shrubs and other natural flora and the products which aid in their growth and care, but not including on-site storage of landscaping materials in quantities used by a landscaping contractor.

GREENHOUSE, PRIVATE - Structures in excess of 200 square feet used for the growing of flowers, plants, shrubs, trees and other natural flora for the personal use and enjoyment of the owners not involving the sale of any product.

GROCERY STORE – A retail establishment that primarily sells food items.

GROSS DENSITY - The average number of dwelling units per acre of total site area. The total site area includes all lands used for residential purposes, open space, recreation, entrance drives, traversing streets and land used for any or all other purposes.

GROUP CARE FACILITY – A facility operated by a governmental agency, its licensed or certified agents or any other responsible nonprofit social services corporation that provides room and board and specialized social, health and rehabilitative services on a 24-hour basis to permanent residents who are not included in the “protected classes” covered by the Federal Fair Housing Act (42 U.S.C. 3601 et seq.), including 24-hour supervision by staff qualified by the licensing or sponsoring agent.

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

HEAVY EQUIPMENT SALES AND/OR SERVICE – The commercial sale or maintenance of vehicles specially designed for executing construction tasks (frequently tasks involving earthwork operations).

HEIGHT OF BUILDING - The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; provided that chimneys, spires, towers, fire escapes, mechanical

penthouses, tanks, and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest point of the highest roof.

HELIPAD - A designated permanent area for the landing of helicopters, which shall not include refueling or basing of helicopters, nor the maintenance and repair of helicopters, other than emergency repairs.

HOME OCCUPATION - An accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not, in any way, change the residential character of the dwelling or the surrounding neighborhood.

HOSPITAL - An establishment which has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy or other disability, but not including narcotics addiction or those found to be criminally insane.

HOTEL - A facility offering transient lodging accommodations to the general public that are accessed from doorway internal to the building and which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

HOUSE OF WORSHIP – A building designed or intended for worship where individuals or a group of people, such as a congregation, come to perform acts of devotion, veneration, or religious study; for example, temples, churches, synagogues and mosques. Accessory uses may include rectories, convents, schools, day-care facilities, cemeteries or any combination thereof.

INDEPENDENT LIVING FACILITY - A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

JUNK YARD/SALVAGE YARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, or other scrap or discarded goods or materials, with or without the dismantling, processing, salvaging, recycling, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junk yard.”

KENNEL - An establishment where more than four (4) dogs or more than six (6) cats who are six (6) months or older are kept, bred, trained or boarded overnight at any one time, whether for profit or not.

LAND DEVELOPMENT PLAN - A plan containing all of the written and graphic materials required by the Borough Subdivision and Land Development Ordinance which encompasses a proposed land development, as defined and regulated by the Borough Subdivision and Land Development Ordinance, which, in addition to a plat of subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities.

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

LANDSCAPE CONTRACTOR - A retail business which includes the growing and/or selling of flowers, plants, trees, shrubs and other natural flora and the products which aid their growth and care, and which may include one (1) or more of the following activities as accessory uses only: storage of small amounts of decorative landscaping materials such as landscaping ties, decorative rocks, marble chips, sandstone or limestone chips; and/or the storage of a small amount of red dog, slag, sand or gravel to be used in landscaping or preparation of driveways; and/or shredding or screening of topsoil; however, in no case shall any amount of asphalt or cold patch be permitted to be stored or prepared on the site.

LAUNDRY FACILITY - A business that provides home-type washing, drying or ironing machines for hire to be used by customers on the premises.

LIBRARY - A building or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow, or refer to, excluding adult businesses.

LIFE CARE FACILITY - Nursing Home and/or Personal Care Boarding Home which is part of a development containing an Assisted Living Facility and/or an Independent Living Facility.

LOCAL STREET OR ROAD - A Borough street or road, adopted by ordinance, serving abutting homogeneous land uses carrying a maximum of 2,000 AWDT and provides for no truck usage except for local deliveries. AWDT is defined as daily traffic count average over a one-week period. Local Street or Road may include Arterial Roads, Collector Roads, Connector Roads, Local Streets, Major Traffic Thoroughfare, and Street, and any roads or streets defined as such herein provided the road or street in question meets the requirements of a Local Street or Road.

LOT - Any tract or parcel of land described in a deed or other instrument recorded pursuant to the laws of the Commonwealth which is or may be occupied by a principal structure and its accessory uses or buildings, if any, together with the open space required by this Ordinance.

LOT AREA - The area of a lot measured on a horizontal plane bounded by the front, rear and side lot lines of the lot. No part of a lot which is also part of a public street, road or alley shall be included in determining the area of a lot.

LOT COVERAGE - That percentage of the lot covered by all buildings on the lot including sun parlors, foyers, porches, breezeways, projecting eaves, gutters, awnings, steps, and patios and any areas of paving, including compacted aggregate, bituminous, concrete, or like materials. Swimming pools shall not be included in the calculation of lot coverage.

LOT LINE, FRONT - The line contiguous with the street line.

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

LOT LINE, SIDE - Any lot line which is not a front lot line or a rear lot line.

LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot.

MANUFACTURED HOME - A structure, transportable in two (2) or more sections that require permanent assembly on-site and designed to be used as a dwelling with a permanent foundation and connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MANUFACTURING, HEAVY - The assembly, processing, production, forging or fabrication of products from raw materials, including any process using hazardous materials, as regulated by the PA Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (US EPA).

MANUFACTURING, LIGHT - The assembly, processing or production of finished products, not involving the use of any raw materials or any hazardous materials, as regulated by the PA Department of Environmental Protection (PA DEP) and/or the U.S. Environmental Protection Agency (US EPA), including, but not limited to, communications equipment and services; computer components and accessories; dolls, toys and sporting goods; electrical parts, accessories and equipment; electronic components, accessories and equipment; jewelry and musical instruments; laboratory apparatus; machinery, equipment and supplies; metal fabrication and machining; office machines and equipment; optical instruments and products; precision instruments; printing, publishing, shipping, packaging, mailing and distribution; and similar products and services.

MARINA – A specially designed harbor with moorings for pleasure craft and small boats.

MARINE REPAIR FACILITY – A facility used for the conduct of repair and maintenance activities for watercraft, including dry dock and marine ways.

MARINE WAY – A facility used to pull marine equipment out of the water for repair on land or used for the construction of boats on land.

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

MEDICAL CENTER - A development comprised of two (2) or more of the following uses: medical clinic, medical professional offices, medical research facility, nursing home or hospital.

MEDICAL CLINIC - Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment and counseling under the care of a group of licensed medical doctors and dentists and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

MEDICAL MARIJUANA - Marijuana for certified medical use as set forth in the Medical Marijuana Act, Act 16 of 2016, and any subsequent amendments thereto.

MEDICAL MARIJUANA DISPENSARY – The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense Medical Marijuana, or as otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

MEDICAL MARIJUANA GROWER/PROCESSOR – The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and process Medical Marijuana, or as otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

MEDICAL RESEARCH FACILITY - An establishment for carrying on investigation in the natural, physical and social sciences, which are directly related to the provision of health services to the general public, but not including any manufacturing or new product development.

METHADONE TREATMENT FACILITY - A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

MICRO-BREWERY/MICRO-DISTILLERY - A business establishment where beer, ale, spirits, etc. are brewed, typically in conjunction with a bar, tavern, or restaurant use. The maximum production capacity shall not exceed 20,000 gallons per year.

MOBILE - The capability of being active, but not necessarily in continuous movement.

MOBILE FOOD VENDOR - Any business or person which sells edible goods from a non-permanent location within the Borough of Jefferson Hills. This term includes, but is not limited to:

MOBILE FOOD TRUCK - A self-contained motorized unit selling items defined as edible goods and/or any motor vehicle used to sell items defined as edible goods.

CONCESSIONS CART - A mobile vending unit that must be moved by non-motorized means and/or any type of wagon, trailer, cart, sled or other equipment that must be moved by non-motorized means (pulled or pushed).

CONCESSION TRAILER - A vending unit which is pulled by either a motorized unit or any other device, animal, or human, and has no power to move on its own.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A structure transportable in one (1) or more sections, which is built on a permanent chassis, and is designed to be used as a dwelling unit with or without permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home is intended to be occupied as a dwelling complete, including major appliances, often furniture, and contains sleeping accommodations, a flush toilet, an enclosed tub or shower bath, kitchen facilities, and interior plumbing, heating and electrical systems meeting the requirements of the Borough, County and State regulations pertaining to building construction for human habitation.

MOBILE HOME LOT - A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more occupied mobile home lots for the placement thereon of mobile homes for residential occupancy, not for transient or recreational use.

MOTEL - A structure in which lodging is provided for the accommodation of guests, offered to the public for compensation, which contains an office supervised by a person in charge at all hours with a majority of all rooms having direct access to the outside.

MOVIE THEATER - A specialized theater for showing movies or motion pictures, excluding any adult business.

MUSEUM - A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

NATURE PRESERVE - An area protected by public ownership or private ownership restricted by conservation easements where the natural environment is protected from man-made changes and only low intensity activities are allowed, such as birdwatching, hiking, walking and passive enjoyment.

NATURE TRAIL OR HIKING/BIKING TRAIL - An easement right-of-way or linear parcel of land improved to provide a pathway for walking, hiking or biking in a natural environment protected from more intense development.

NET DENSITY - The average number of dwelling units per acre of land that is proposed or actually in use for residential purposes.

NIGHT CLUB - An establishment primarily for evening, late-night to early morning entertainment, that typically serves food and/or alcoholic beverages, and may provide either live or prerecorded music or video, comedy acts, floor shows, with or without the opportunity for dancing. A nightclub does not include any aspects of an adult business.

NITS - Units of measurement for brightness or luminance. (One nit equals one candela/square meter.)

NO-IMPACT HOME BASED BUSINESS - A business or commercial activity administered or conducted as an accessory use, which is 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 property and surrounding residential uses.
- B. The business shall employ no employees other than members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted. This does not preclude short-term parking of common carrier vehicles such as USPS, UPS, etc. in conjunction with delivery of supplies or shipment of product.

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

NON-REFRIGERATED - Edible goods that are not required to be kept at a temperature below forty-one (41°F) degrees Fahrenheit according to the Federal Food and Drug Administration and the Commonwealth of Pennsylvania's food establishment rules.

NONCONFORMING BUILDING OR STRUCTURE - A building or structure or part of a building or structure, manifestly not designed to comply with the applicable use provisions of this Zoning Ordinance or Amendment thereto, where such building or structure lawfully existed prior to the enactment of this Ordinance or Amendment thereto. Nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING LOT - Any lot which does not comply with the applicable area and bulk provisions of this Zoning Ordinance or Amendment thereto, where such lot was lawfully in existence prior to the enactment of this Ordinance or Amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMING USE - Any use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or Amendment thereto, where such use was lawfully in existence prior to the enactment of this Ordinance or Amendment thereto, or prior to the application of such ordinance or amendment to its location by reason of annexation; however, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking or loading conditions, or the existence of less than the required supplementary regulations, excluding signs.

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

NURSING HOME - An institution licensed by the Commonwealth for the care of human patients requiring either skilled nursing or intermediate nursing care or both levels of care for a period exceeding twenty-four (24) hours.

OCCUPANCY - The purpose for which a building or portion thereof is utilized or occupied.

OFFICE, BUSINESS - Any office of a corporation, partnership or sole proprietorship used primarily for the conduct of the business, including accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions and not including any manufacturing or processing or storage of machinery or heavy equipment.

OFFICE, PROFESSIONAL - Any office of recognized professions such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature.

OFFICE TRAILER – A mobile office unit intended for temporary occupancy for use by construction personnel during construction activities taking place on the site where the trailer is located.

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

OIL AND GAS - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth.

OIL AND GAS DEVELOPMENT - The well site preparation, well site construction, drilling, fracturing, and/or site restoration associated with an oil and gas well of any depth; water and other fluid storage, gas reservoir; impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines, not regulated by the Pennsylvania Public Utility Commission or United States Department of Transportation, Office of Pipeline Safety, and associated equipment and all other equipment and activities associated with the exploration for, production and transportation of oil and gas including Natural Gas Compressor Stations, Natural Gas Processing Plants, Gathering System Facilities, Production Facilities, structures defined as other support facilities or structures performing similar functions that operate as midstream facilities.

OIL AND GAS DEVELOPMENT FACILITY OR FACILITIES -

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances

from natural gas to allow the natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

GATHERING SYSTEM FACILITY - A facility associated with a gathering system or water collection line such as a drip station, vent station, pigging facility, chemical injection station, or transfer pump station.

PRODUCTION FACILITY - A facility related to the production of gas which utilizes motors and/or engines.

OIL AND GAS OPERATOR - The operator and, if a separate entity from the operator, the owner of the Oil and Gas Development or Facility which is the subject of the application.

OIL AND GAS PROTECTED STRUCTURE - An occupied structure, including residences, hospitals, daycare centers, nursing homes and schools, measured horizontally from Oil and Gas Well Development Sites and Natural Gas Compressor Plants and Natural Gas Processing Facility. The term shall not include any structure whose owner has signed a waiver relieving the Operator from implementation of the measures established in this Ordinance. In the waiver, the owner must acknowledge that the Operator is explicitly relieved from complying with the regulations applicable to a Protected Structure. The waiver must be notarized.

OIL AND GAS WELL RE-DRILL - Deepening or sidetrack/horizontal drilling of the existing well bore extending more than one hundred fifty (150) feet from said well bore.

OIL AND GAS WELL RE-WORK - Re-entry of existing well within the existing bore hole or by deepening or sidetrack/horizontal operations (which do not extend more than one hundred fifty (150) feet horizontally from the existing well bore) or replacement of well liners or casings.

OPEN SPACE - Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for public use or the private use or enjoyment of the owners or occupants adjoining such open space and their invited guests.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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

PARKING SPACE - An area within an enclosed garage or on the surface of the ground designated for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PARKING STRUCTURE - A building that provides space for parking of personal vehicles.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - Act 247 of 1968, 53 P.S. '10101 et seq., as amended.

PERSON IN CHARGE - A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner's Short-Term Rental unit.

PERSONAL CARE BOARDING HOME - A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3) permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding twenty-four (24) consecutive hours, but who are not in need of hospitalization or skilled or intermediate nursing care. Twenty-four (24) hour supervision shall be provided by staff qualified to meet the licensing requirements.

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

PLACE OF WORSHIP - A building, other than a dwelling, used as a place of worship on a regular basis by a recognized religious denomination, which may also include as accessory uses rooms for religious education, social and recreational activities and administrative offices, but not including camps, retreats, memorial sites, revival centers or other seasonal or occasional religious activities, whether or not they are conducted on the site of a church.

PLAN - A survey of a lot upon which is shown the location of existing and/or proposed structures, existing contours, proposed grading, location and dimensions of yards, feasibility of proposals for the disposition of stormwater and sanitary waste, indications of zoning compliance, name of the applicant and landowner, area location map, dates of preparation and revisions, and evidence of preparation by an architect, landscape architect or engineer.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land controlled by a single landowner and developed as a single entity for a number of dwellings or a combination of residential and nonresidential uses, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in this Ordinance.

PRINCIPAL STRUCTURE - The main structure or structures on a lot in which the principal use or uses are conducted.

PRIVATE - Of, or pertaining to, any procedure, establishment, or grounds limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE CLUB - Any establishment operated by a private organization for social, recreational, educational, fraternal or sororal purposes, which is open only to members and their invited guests and not to the general public.

PRIVATE OPEN SPACE - Any parcel or area of land or water which is essentially unimproved and set aside, dedicated or otherwise reserved for the private use or enjoyment of the owners or occupants of property adjoining, such open space and their invited guests.

PUBLIC BUILDING - Any building which is owned and/or operated by a Federal, State, County or local government.

PUBLIC GARAGE - Any garage, other than a private garage or storage garage, available to the general public which is used for storage, parking, or rental of motor vehicles, but which is not used for the repair or maintenance of motor vehicles.

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

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act", as amended.

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

PUBLIC RECREATION - Leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction except for rules and standards of conduct and use.

PUBLIC SERVICE CORPORATION FACILITIES - Any facility of a corporation or authority organized to provide public services, which are regulated by the Public Utility Commission (PUC), which does not meet the definition of "Essential Services," including, but not limited to, sewage treatment plants, water treatment plants, water storage towers, reservoirs, pumping stations, high tension electrical transmission towers, switching facilities, substations, administrative buildings, maintenance buildings and similar facilities, excluding communications towers and communications antennas, as defined herein.

QUADRUPLEX - A multifamily building, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units, which are placed at right angles to one another, rather than

in a row, and which units have no other units above or below which share common floors/ceilings.

RECREATIONAL FACILITY, INDOOR - An enterprise operated for profit in a completely enclosed building, which offers recreation, amusement or entertainment to the general public, including, but not limited to bowling alleys, indoor skating rinks, video or amusement arcades, billiard parlors, dance halls, indoor sports complexes and similar facilities, but not including any adult business.

RECREATIONAL FACILITY, OUTDOOR– An enterprise operated for profit that offers recreation, amusement or entertainment to the general public where some or all of the facility is not located within a completely enclosed building, including mini-golf, go-carts, swimming pools and similar facilities.

RECREATIONAL FACILITY, MUNICIPAL - An enterprise operated by the Borough, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to parks, playgrounds, playing fields, recreation centers, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.

RECREATION-RELATED COMMERCIAL USES - Those retail sales and service uses, which are directly related to the needs of persons utilizing the recreational facilities, located along the Montour Trail, including, and limited to, concession stands, ice cream stores, delicatessens, bicycle rental, bicycle repair, pro shops, sporting goods and similar uses related to use of the Trail and other recreational sites along the Trail.

RESEARCH AND DEVELOPMENT - Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing as an accessory use where concepts are tested prior to full-scale production.

RESIDENCE IN COMBINATION WITH BUSINESS - A dwelling unit located in the same building with a professional office, business office, retail store or other commercial use.

RESTAURANT - An establishment which offers food and beverages for sale either on the premise or on and off the premises as a principal use and which may serve alcoholic beverages for consumption on the premises as an accessory use.

RESTAURANT WITH DRIVE-THRU FACILITIES – Restaurant with associated drive-thru facilities that are integral to the operation of the restaurant.

RETAIL SALES - The selling of commodities and/or services on the premises directly to consumers, but not including any on-site manufacturing or processing of any products or any wholesale sales of products.

RETAIL SALES, SMALL – Retail sales up to 5,000 square feet of contiguous building area.

RETAIL SALES, LARGE – Retail sales occupying contiguous building area greater than 5,000 square feet.

SCHOOL - Any building or grounds or portion thereof used exclusively for education purposes or uses attendant to the education of children or adults.

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

SCHOOL, PUBLIC OR PRIVATE - A place of instruction, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocational or post-secondary education, but not including commercial schools.

SELF-STORAGE FACILITY - A building or group of buildings in a controlled access compound that contains various sizes of individual, compartmentalized and controlled access stalls and/or lockers leased by the general public for a specified period of time for the storage of personal property.

SETBACK - An established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent road right-of-way or property line; see also YARD.

SEXUAL CONDUCT - Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions of acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breasts.

SHED - An accessory structure used to store lawn and garden tools and equipment and other personal property of the residents of a dwelling on the same lot, but not including any motorized vehicles, with the exception of small lawn tractors for maintenance of the lot where the shed is located, which may be stored.

SHELTER FOR DOMESTIC PETS - An accessory structure or other accessory structure used to protect or confine domestic pets owned by the residents of the dwelling on the same lot, excluding fenced runs or kennels as defined by this Ordinance.

SHOPPING CENTER - A site under single ownership and control which is developed as a unit for two (2) or more retail establishments and/or restaurants in one (1) or more buildings and designed so that parking, loading and access facilities are shared.

SHORT-TERM RENTAL - Any dwelling unit owned or managed by a person which is rented or leased for a period of less than 30 days.

STR ANNUAL TERM - November 1 to October 31 of the following year.

STR LICENSE - The written grant of the right to operate a STR pursuant to the specific terms of the license granted to a specific owner.

SIGN - Any device, fixture, placard, painting, or structure that uses text, graphics, color, illumination or symbols to identify, communicate, or announce the purpose of a person or entity, or communicate information to the public.

SIGN, ABANDONED - A sign which has not been in use for a period of 180 days or more; the content of which no longer identifies or advertises an existing business, owner, service, product, activity, or event; the content of which pertains to a location, event, time or purpose which no longer exists or applies, or occurred in the past.

SIGN, ANIMATED - A sign whose content utilizes electrical or mechanical means to depict changes in action, motion, or lighting.

SIGN, AREA - The entire area of a sign, enclosing the limits of text and graphics, together with any from or other materials or color forming an integral part of the display. Where a sign has two (2) or more faces on the same side, the area of all faces shall be included in the area of the sign, except where signs are back-to-back or V-type signs.

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

SIGN, BANNER - A sign made from plastic, cloth, or another fabric that is suspended with or without support from a structure, staff, pole, rope, wire, or framing and anchored on two or more edges. (Banners are temporary in nature and do not include flags.)

SIGN, CHANGEABLE COPY - A sign or portion thereof on which the text or graphics can be changed or rearranged through electronic means or manually, without altering the face or surface of the sign.

SIGN CLEARANCE - The distance between the walkway, or other specified surface and the bottom edge of a sign.

SIGN, DIRECTIONAL - An informational sign intended to provide direction to pedestrian and/or vehicular traffic into, out of, or within the lot or site. (i.e. "No Parking," "Entrance," "Exit," "One Way," or "Loading Only")

SIGN, ELECTRONIC - Any sign, video display, projected image, or similar device with graphics generated by solid state electronic components. (Including, but not limited to light-emitting diodes (LED), plasma displays, fiber optics, or other technology with high-resolution graphics and texts.

SIGN, GOVERNMENT/REGULATORY - Any sign that is erected by the order of a public officer, employee, or agent thereof, in the discharge of official duty the purpose of which is for traffic control or identification.

SIGN, GROUND - A sign that is affixed to the ground at its base or supported by upright structural members anchored into the ground, not mounted to a pole or attached to a building.

SIGN HEIGHT - The vertical distance from the mean level of the ground surrounding the sign to the highest point of the sign.

SIGN, INFLATABLE - Any sign that is equipped with a portable blower motor that provides a constant flow of air, which may vary in shape, made of fabric and set on the ground or a structure.

SIGN LUMINANCE - A measurement of perceived brightness, emitted by an illuminated sign, measured in candelas per square meters or nits.

SIGN, MARQUEE - A type of permanent sign, attached to, supported by, and projecting from a building; and designed to provide protection from the weather. Marquee signs typically provide an area for manual or electronic changeable copy.

SIGN, MONUMENT - A sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure.

SIGN, NONCONFORMING - A lawfully existing sign erected and maintained prior to the effective date of this Chapter or subsequent amendment hereto, which does not currently comply with applicable sign regulations in the district in which it is located. (An illegal sign is not a nonconforming sign.)

SIGN, PERMANENT - A sign which is attached or affixed to a building, structure, window or the ground whose intended use appears to be indefinite.

SIGN, POLE - A sign that is affixed in a location by a structure of one (1) or more poles, posts, or braces from the ground, but not supported by a building or base structure.

SIGN, PORTABLE - Any sign that is not permanently affixed to a building, structure, or the ground, and designed to be transported or moved. Such signs include, but are not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, sandwich board signs, balloons used as signs, signs attached to or painted on vehicles parked

and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

SIGN, SPECIAL EVENT - A temporary sign, either portable or fixed, displayed for a limited time, the content of which provides information about a special event or activity (i.e. auction, flea market, festival, carnival, and charitable or educational event) of interest to the general public.

SIGN, PROJECTING - A double-sided sign mounted perpendicular to a building façade, not including a canopy, awning, or marquee.

SIGN, RESIDENTIAL IDENTIFICATION - An on-site, noncommercial sign located in a residential zoning district, the content of which identifies the name of the resident and/or the street number or apartment number of the dwelling unit.

SIGN, ROOF - A sign constructed and erected on and over the roof of a building, supported by the roof structure.

SIGN, STREAMER - A display made of lightweight, flexible materials consisting of long, narrow stripes suspended individually or in a series, used to draw attention to a business. Typically intended to move in the wind.

SIGN, TEMPORARY - A non-permanent sign, the content of which identifies advertising or non-advertising information, which can be displayed for no more than thirty (30) consecutive days at a time.

SIGN, TEMPORARY POLITICAL - A sign, placard, or sticker which announces a political candidate seeking office, political parties, and/or political and public issues.

SIGN, VEHICULAR - A sign displayed on a parked vehicle for the purpose of advertising a product, service, business, or direct people to a business or activity. A vehicular sign includes those which may be placed on a vehicle that has one or more flat or missing tires, no valid license plate or registration, or is parked in the same location for forty-eight consecutive hours. A vehicular sign does not include business logos, identification, or advertising on vehicles used for daily business operations.

SIGN, WALL - A sign that is attached to, painted on, or mounted against the exterior wall of a building parallel to the wall surface.

SIGN, WINDOW - A sign that is painted on, applied, or affixed to a window or placed inside a window, so as to be visible from the exterior of the window.

SLOPE - The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise or descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SOLAR ENERGY FACILITY - An electric generating facility, with the purpose of electricity supply, consisting of one (1) or more solar panels and other ancillary associated buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

SPECIAL EVENT BARN, ACCESSORY USE - A permanent structure that is currently being used as a barn on a farm and which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, business engagements, where such commercial use of the barn is secondary to the farming activity on the property.

SPECIAL EVENT BARN, PRINCIPAL USE - A permanent existing structure that was previously used as a barn and is fully or partially repurposed as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, business engagements.

SPECIAL EVENT VENUE - A permanent structure that used as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings, or a permanent structure which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, business engagements.

SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria.

STADIUM OR ARENA - An open-air sports or entertainment venue with tiers of seats for spectators.

STATIONARY LOCATION - The position of the mobile food vendor when not in motion and addressing the public for the purpose of sales.

STORAGE GARAGE - A building, other than a private garage or parking garage, used for the storage of motor vehicles.

STORAGE CONTAINER - Any transportable structure, which is enclosed and not intended for human occupancy, and which is used without permanent foundation as an accessory structure for the storage of goods and materials directly related to the principal use(s) of the lot.

STORAGE TRAILER - Any vehicle or transportable structure, which is enclosed and mounted on wheels, and is used as a conveyance on streets drawn by its own or other motive power intended to carry materials, equipment or other vehicles, but which is not intended for human

occupancy, and which is used without permanent foundation as an accessory structure for the storage of goods and materials directly related to the principal use(s) of the lot.

STORY - That portion of a building, other than the basement (as defined), included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET - Any way, whether public or private, used or intended to be used by vehicular traffic and pedestrians, including avenue, boulevard, road, highway, freeway, parkway, lane, alley, thoroughfare or viaduct.

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

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

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or exterior walls, enlargement of floor area or height of building, or change in the means of ingress and egress.

STUDIO, ART, PHOTOGRAPHY OR MUSIC - Establishments engaged in the display and sale of music, art or photography products and supplies and which may include training of individuals or groups of students for a fee.

SUPPORTING COMMERCIAL USES - Retail sales or personal services or business services for the convenience of the employees and visitors to an office park, including, but not limited to, a newsstand, travel agency, florist shop, card and gift shop, restaurant or delicatessen or coffee shop, sale of office supplies, copy service and similar facilities, where such uses are located wholly within and occupy no more than 20% of the gross floor area of a building otherwise occupied by an office, business professional, or research use.

SURFACE MINING - Any extraction of any mineral for sale or other commercial purposes which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

SWIMMING POOL - A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, inground or above ground, used as a recreational facility for swimming, bathing or wading and having a depth at any point of more than eighteen

(18) inches or a surface area of more than one hundred (100) square feet, including the equipment necessary to maintain the swimming pool and the healthful condition of the water.

SWIMMING POOL, COMMUNITY OR CLUB - A swimming pool owned and operated by a homeowner's association or similar non-profit community or resident's association or corporation the use of which is restricted to the owners or residents of the dwelling units represented in the homeowner's association or similar non-profit association or corporation.

TEMPORARY STRUCTURE - Any structure which is erected to be in place for not more than twelve (12) months, including, but not limited to, tents, air-supported structures, storage containers, bleachers, portable bandstands, reviewing stands, mobile office units, construction trailers, sales offices for lots or dwelling units or other structures approved for construction.

TENANT - For purposes of this chapter, the term "tenant" shall refer to the primary individual (transient tenant) who signed an agreement with the owner or owner's agent for the temporary use of a STR for 30 consecutive calendar days or less. Such individual must be at least 21 years of age.

THEATER - A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis, but not including a drive-in theater or adult movie theater.

TOWNHOUSE - A residential building consisting of at least three (3) and no more than ten (10) attached dwelling units, separated from one another by continuous vertical walls, without openings from basement to roof and having diverse architectural facades or treatment of material and with not more than three (3) adjoining units having the same front yard setback.

TRANSPARENT – A surface condition having the property of transmitting rays of light through its substance so that structures and/or objects situated beyond or behind can be distinctly seen.

TRUCK TERMINAL - A facility where the principal use is servicing, repair and storage of trucks and other motorized equipment and trailers and which may provide warehousing and transfer facilities as an accessory use.

USEABLE RECREATION SPACE – Space developed for recreational purposes within a Planned Residential Development that meets the following requirements.

Vehicular Access: Shall be easily and safely accessible from all areas of the development, have adequate ingress and egress, including meeting applicable site distance and other standard requirements, and have a minimum of 200 feet of frontage on a public or proposed public street.

Location: Shall be centrally located within a residential development site, on one parcel of land with no intervening land.

Size and Shape: Size and shape shall be suitable for development as a park, and no single side of the land shall amount to more than 35% of the perimeter.

Maximum Finished Slope and Land Disturbance: The finished grade shall have a slope of 4% or less.

Pedestrian Access: Shall be accessible to each dwelling unit in the development via pedestrian easement or dedicated right-of-way within which sidewalks shall be built by developer.

Utilities and Vegetation: Shall be in reasonable proximity to utilities, including water, sanitary sewer, electric, and shall have established vegetation thereon.

Use Limitations: Shall be free from encumbrances or liens which would prevent, limit or restrict its use for recreation purposes in any way.

Wetlands: Shall not include areas defined as wetlands by either the Army Corps of Engineers or the Pennsylvania Department of Environmental Protection.

Floodplains: Shall not include any areas defined as floodplains by the Federal Emergency Management Agency.

Utility Easements: Not more than 15% can be encumbered by utility easements other than those servicing the parcel.

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

USES NOT LISTED – A land use not included in the chart of authorized land uses as determined by the Borough Zoning Officer.

USES NOT LISTED, COMPARABLE - A land use not specifically included in the Table of Authorized Land Uses but comparable to other uses permitted in a zoning district, as determined by the Borough Zoning Officer.

VARIANCE - Relief from the literal terms of this Ordinance granted only by the Zoning Hearing Board in accordance with criteria established by the Pennsylvania Municipalities Planning Code.

VEHICLE SALES AND SERVICE - A facility for the sales, rental, and service of vehicles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, recreational vehicles, and other vehicles, but not including heavy equipment; including a paved open area on a lot used for the display and sale of new or used motor vehicles, including a building or buildings which may contain offices, showrooms and a vehicle servicing area within a completely enclosed building.

VEHICLE SERVICE STATION - An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services such as lubrication and handwashing of motor vehicles and the sale, installation or minor repair of tires, batteries or other vehicle accessories, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires.

VEHICLE SERVICE/REPAIR - A building, or part thereof, used for the servicing and repairing of motor vehicles, including engine overhaul, body work and recapping/retreading of tires and where all storage of parts and dismantled vehicles and all repair work are conducted entirely inside an enclosed building.

VEHICLE WASH - A structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of vehicle vehicles, but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a vehicle laundry under this definition.

VETERINARY HOSPITAL - An establishment where animals are examined and treated by veterinarians and which may include kennels for temporary boarding of animals during treatment.

VETERINARY OFFICE - The office of a veterinarian where animals are given medical or surgical treatment. Use as a kennel is prohibited, except that animals undergoing medical or surgical treatment may be housed if kept inside; use of the facility for boarding is prohibited.

WAREHOUSE - The storage and handling of freight or merchandise, but not including the maintenance or fueling of commercial vehicles, including wholesaling.

WATCHMAN'S FACILITY - An accessory use located in either a principal structure or an accessory structure on property in an industrial zoning district to provide security for the principal use of the property.

OIL AND GAS WELL SITE - The well site shall consist of the area occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

WHOLESALE - A business primarily engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

WIND ENERGY FACILITY - An electric generating facility, with the purpose of electricity supply, consisting of one (1) or more wind turbines and other ancillary associated buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIRELESS COMMUNICATION (NON-TOWER BASED) – All non-tower wireless communications facilities, including, but not limited to, antenna and accessory equipment. Non-tower bases wireless communication shall not include support structures for antennae or any accessory equipment that is mounted to the ground or at ground-level.

YARD - An open space at grade between a setback line and the adjoining lot lines or road right of way, unoccupied and unobstructed by any portion of a structure from the ground upward.

YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward.

YARD, REAR - The area of any property between the rear line of the property and the rear setback line parallel to it.

YARD, SIDE - The area of any property bounded by the required front and rear yards and the side property line and parallel side setback line.

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

ARTICLE 300. WHERE ARE THE LAND USES PERMITTED?

Where are each of the defined land uses permitted in the Borough? The Borough of Jefferson Hills Zoning Ordinance establishes zoning districts, each with a clear purpose, within which certain land uses are permitted. Those districts are established and defined in this section.

1. ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Zoning Ordinance, the entire Borough of Jefferson Hills is hereby divided into the following districts:

- R1** Low Density Residential District
- R2** Medium Density Residential District
- R3** High Density Residential District
- C** Commercial District
- I1** Light Industrial District
- I2** Heavy Industrial District
- BP** Business Park District
- OP** Office Park District
- CD** Special Conservation District
- MU** Mixed Use District
- OGC** Oil and Gas Development Overlay District – Conventional Wells
- OGU** [Oil and Gas Development – Unconventional Wells](#)

2. PURPOSE OF ZONING DISTRICTS

A. RESIDENTIAL DISTRICTS

- 1) In addition to the Borough's Community Development Objectives, the zoning districts established in this Article are intended to achieve the following:
 - a) To provide sufficient space, appropriately located for residential development to meet the housing needs of the present and expected future population of the Borough within the range of housing types and densities anticipated.

- b) To assure light, air and privacy, as far as possible, by controlling the spacing and height of buildings and other structures.
- c) To protect residential areas against hazards of fire, offensive noise, vibration, smoke, odors, glare or other objectionable influences.
- d) To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings, and by providing for sufficient off-street parking.
- e) To protect residential neighborhoods, as far as possible, from heavy or through traffic.
- f) To make possible provisions of those public and private education, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.
- g) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Borough tax revenues.
- h) To encourage connected neighborhoods by providing safe options for nonvehicular transportation such as biking and walking.

2) Low Density Residential District (R1)

It is the purpose of this Zoning District to blend agricultural land uses with low density single family residential land development and planned residential developments (PRD's); and to encourage conservation by preserving natural features, such as watersheds, forests and water courses, while perpetuating the Borough's suburban character of green spaces and scenic landscapes.

3) Medium Density Residential District (R2)

It is the purpose of this Zoning District to accommodate a variety of medium-density residential land uses including single family homes, apartments, townhouses and

quadplexes. This district also provides a suitable area for new residential neighborhood design innovations, allowing for planned residential development.

4) High Density Residential District (R3)

It is the purpose of this Zoning District to provide for all residential land use types on smaller lots and at the highest density of residential land use in the Borough.

B. COMMERCIAL DISTRICT (C)

1) In addition to the Borough's Community Development Objectives, the C Commercial Zoning District is intended to achieve the following:

- a) To provide commercial uses, including vehicle or highway-oriented facilities, neighborhood type facilities and general convenience needs.
- b) To provide sufficient space in appropriate locations for the types of commercial and service establishments anticipated in the Comprehensive Plan.
- c) To provide appropriate space for the requirements of present-day merchandising, including the provisions of off-street parking spaces, safe circulation of pedestrian and motor traffic in the zoning district and in nearby areas.
- d) To promote the most desirable use of land and a pattern of building development in accordance with a well-considered plan, to promote stable commercial development, to strengthen and diversify the economic base of the Borough, to protect the character of the commercial areas and nearby districts and to conserve the value of land and buildings.

C. INDUSTRIAL DISTRICTS

1) In addition to the Borough's Community Development Objectives, the zoning districts established in these regulations are intended to achieve the following:

- a) To provide sufficient space, in appropriate locations, to meet the anticipated future needs for industrial activity with due allowance for the needs for a range in choice of sites.
- b) To ensure that the land most suitable for industrial and related activities will be available by prohibiting the use of such land for new residential

development, and at the same time, to protect residences by separating them from such activities.

- c) To protect industry against congestion by limiting the bulk of buildings in relation to the land around them and to one another, and by providing sufficient off-street parking and loading facilities for such developments.
- d) To promote the most desirable use of land and direction of building development in accordance with a well-considered plan, to promote stable industry, to strengthen the economic base, to protect the character of industrial areas and their peculiar suitability to uses, to conserve the value of land and buildings, and to protect local tax revenue.

2) Light Industrial District [\(11\)](#)

It is the purpose of this Zoning District to encourage industrial development that is free from offensive noise, vibration, smoke, odors, glare, hazards of fire, large truck volumes, or other objectionable effects. Industries which can meet the standards imposed in this District shall be permitted to locate in districts adjacent to commercial and residential adjoining districts, provided that adequate landscaping and screening are provided. Residential uses are not permitted in industrial zone areas. Emphasis will be placed upon meeting the required performance standards.

3) Heavy Industrial District [\(12\)](#)

It is the purpose of this Zoning District to provide industrial locations for plants which require a large area for their operations along the Monongahela River and which may create land use conflicts when adjacent to residential and commercial areas.

D. BUSINESS AND OFFICE PARKS DISTRICTS

- 1) In addition to the Borough's Community Development Objectives, the zoning districts established in these regulations are intended to achieve the following:
 - a) To provide sufficient space, in appropriate locations, to meet anticipated future needs for office development in planned business parks.
 - b) To provide adequate standards to regulate large-scale office development in the Borough to ensure compatibility, suitability and economic viability of such projects.

- c) To strengthen the local and regional economic base, to conserve the value of land and buildings and to protect adjacent residential properties.

2) Business Park District (BP)

It is the purpose of this Zoning District to promote opportunities for integrated development of compatible warehousing, light manufacturing and office uses and related supporting facilities and activities in an appropriate location within the Borough. It is the further purpose of this District to protect adjoining zoning district classifications and to provide minimum standards which will encourage compatible development and minimize impacts on adjacent properties and the regional highway system.

3) Office Park District (OP)

- a) To encourage development of medical ~~related offices, medical clinics and diagnostic centers hospital uses~~;
- b) To encourage business and professional offices and supporting services in a campus style setting with protections for adjoining residentially zoned properties; and
- c) To provide a compatible zoning classification to serve as a transition between residential properties and commercial properties in locations accessible to the regional highway network.

E. OTHER DISTRICTS

1) Special Conservation District (CD)

In addition to the Borough's Community Development Objectives, the zoning districts established in these regulations are intended to achieve the following:

- a) To protect and preserve the special environmental features in the Peters Creek watershed, particularly flood plains, riparian buffers, and wetlands;
- b) To promote the development of land uses which are complimentary to the natural features of the area and the proposed Montour Trail traversing the watershed; and
- c) To buffer this environmentally sensitive area from more intensive adjacent zoning classifications.

2) Mixed Use District (MU)

The purpose of this District is to provide neighborhood centers that provide a mix of higher density residential, office, and small retail uses while recognizing the need for a sense of community within the Borough.

3) Oil and Gas Development Overlay District – Conventional Wells (OGC)

The areas of the map designated as Oil and Gas Development Overlay District – Conventional Wells (OG-C) provide an opportunity for property owners to use their lands to extract oil and natural gas through operations that involve conventional wells, as defined herein. The intent of the creation of this overlay district is to provide for reasonable locations for the extraction of these natural resources, as required by the Pennsylvania MPC. Areas included within this overlay district have been determined to be consistent with the adopted Borough Comprehensive Plan and include all areas of the Borough except those located within the Special Conservation District.

3. ZONING MAP

A. ZONING MAP TITLE

- 1) The map showing the division of the Borough into the designated zoning districts shall be known as the Borough of Jefferson Hills Zoning Map. Said map shall be an integral part of this Ordinance.
- 2) Adoption of Zoning Map
 - a) The Borough of Jefferson Hills Official Zoning Map shall be kept on file with the Borough Planning Commission Secretary in hard copy and PDF format, and with the Borough Engineer in GIS format. Any reproduction of the Zoning Map other than by the Borough is not the Official Zoning Map and all Zoning District and District Boundary interpretations shall be made using the Official Zoning Map

B. APPLICATION AND INTERPRETATION OF ZONING DISTRICT BOUNDARY LINES

- 1) District Boundary Lines
 - a) The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets, the limits of the Borough, or as dimensioned on the Zoning Map. In case of

doubt concerning the exact location of the boundary line, the determination shall be made by the Borough Zoning Officer.

- b) Where a district boundary line divides a lot held in single ownership at the effective date of this Ordinance, the District Boundary line applies, and the regulations of each Zoning District apply to the land area of the lot that sits within each Zoning District.

4. AUTHORIZED USES

A. TABLE OF AUTHORIZED PRINCIPAL LAND USES

For the following identified uses and districts, the table below indicates whether identified principal uses are Permitted by Right (R), Conditional Use (C) or Special Exception (S) in each Zoning District. Only one principal use, as identified in the use chart below, is permitted on a lot or parcel.

R = Use by Right

C = Conditional Use

S = Special Exception

-- = Not Permitted

PRD = Planned Residential Development

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Residential Uses										
Apartment Building, 2-story	--	--	R	R	R	--	--	--	R	--
Apartment Building, 3-story	--	--	--	R	R	--	--	--	R	--
Apartment Building, 4-story	--	--	--	R	--	--	--	--	R	--
Mobile Homes, within a Mobile Home Park only	--	--	R	--	--	--	--	--	--	--
Planned Residential Development	PRD	PRD	PRD	--	PRD	--	--	--	--	--
Single Family Dwelling	R	R	R	--	C	--	--	--	--	--

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Townhouses	--	R	R	--	R	--	--	--	--	--
Two Family Dwelling / Duplex	--	R	R	--	R	--	--	--	--	--
Quadruplex	--	R	R	--	--	--	--	--	--	--
Non-Residential Uses										
Adult Businesses	--	--	--	--	--	--	--	S	--	--
Agriculture	R	R	--	--	--	--	--	--	--	--
Animal Day Care	--	--	--	R	--	--	--	--	--	--
Animal Shelter	--	--	--	C	--	--	R	--	--	--
Assisted Living Facility	--	--	C	--	--	--	--	--	--	--
Banquet Facility	--	--	--	C	--	--	--	--	C	--
Bar / Nightclub	--	--	--	C	C	--	--	--	--	--
Bed and Breakfast	C	C	C	--	--	C	--	--	--	--
Billboard	--	--	--	C	--	--	C	C	--	--
Casino	--	--	--	C	--	--	--	--	--	--
Cemetery	--	--	--	--	--	--	R	--	--	--
Communications Antenna, existing structure	C	C	--	R	R	--	R	R	R	--
Communications Tower	C	--	--	C	C	--	C	C	C	C
Conference Center	--	--	--	--	--	--	--	--	R	R
Contractor's Office/Yard	--	--	--	--	--	--	R	R	--	--
Correctional Institution	--	--	--	--	--	--	C	--	--	--
Crematorium	--	--	--	--	--	--	C	C	--	--
Day Care Center	--	--	--	C	C	--	--	--	--	--
Dry-Cleaning Facility	--	--	--	--	--	--	R	R	--	--
Distributed Antenna System	--	--	--	C	C	--	C	C	C	C
Distribution Center	--	--	--	--	--	--	R	R	R	--
Drive-In Theater	--	--	--	C	--	--	--	--	--	--
Entertainment Facility, Indoor	--	--	--	R	C	--	--	--	--	--
Essential Services	S	S	S	R	--	--	R	--	--	--
Farm	R	R	--	--	--	--	--	--	--	--
Farm, Commercial	--	--	--	--	--	--	C	C	--	--
Farm, Hobby	R	R	--	--	--	--	--	--	--	--
Financial Institution	--	--	--	R	R	--	--	--	R	R

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Financial Institution, with Drive-Thru Facilities	--	--	--	C	C	--	--	--	R	C
Forestry	R	R	R	R	R	R	R	R	R	R
Funeral Home	--	--	--	R	--	--	R	--	--	--
Gasoline Service Station	--	--	--	C	C	--	R	R	C	--
Gasoline Service Station with Small Retail and/or Auto Wash	--	--	--	C	--	--	C	C	C	--
Greenhouse/Nursery	--	--	--	R	--	--	--	--	--	--
Government Offices	--	--	R	R	R	R	R	R	R	R
Grocery Store	--	--	--	R	C	--	--	--	--	--
Group Care Facility	--	--	--	C	C	--	--	--	--	--
Helipad	--	--	--	--	--	--	C	C	C	C
Hospitals	--	--	--	C	--	--	--	--	--	R
Hotel	--	--	--	R	C	--	C	--	C	C
House of Worship	C	C	C	R	R	--	R	--	R	R
Independent Living Facility	--	--	R	--	R	--	--	--	--	--
Junk Yard/Salvage Yard	--	--	--	--	--	--	S	--	--	--
Kennel	--	--	--	--	--	--	C	--	--	--
Landscape Contractor	--	--	--	--	--	--	R	R	--	--
Laundry Facility	--	--	--	R	--	--	R	R	--	--
Library	--	--	--	R	--	--	--	--	--	--
Manufacturing Facility, Heavy	--	--	--	--	--	--	--	C	--	--
Manufacturing Facility, Light	--	--	--	--	--	--	C	C	--	--
Marina	--	--	--	--	--	--	C	C	--	--
Marine Repair Facility	--	--	--	--	--	--	C	C	--	--
Medical Marijuana Dispensary	--	--	--	C	--	--	--	--	--	--
Medical Marijuana Grower/Processor	--	--	--	--	--	--	--	C	--	--
Medical Clinic	--	--	--	--	--	--	--	--	R	R
Methadone Treatment Facility	--	--	--	--	--	--	C	--	--	--
Micro-Brewery/Micro-Distillery	--	--	--	R	C	--	--	--	--	--
Mobile Food Vendor	--	--	--	R	R	--	--	--	C	C
Motel	--	--	--	C	--	--	--	--	--	--
Movie Theater	--	--	--	R	C*	--	--	--	--	--

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Museum	--	--	--	R	--	--	--	--	--	--
Natural Gas Compressor Station	--	--	--	--	--	--	--	C	--	--
Natural Gas Processing Plant	--	--	--	--	--	--	--	C	--	--
Nursing Home	--	--	C	C	--	--	--	--	--	--
Office, Business, Professional, or Research	--	--	--	R	R	--	--	--	R	R
<u>Oil and Gas Well, Deep and Horizontal</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>C</u>	<u>C</u>	<u>--</u>	<u>--</u>
Personal Care Boarding Homes	--	--	C	--	C	--	--	--	--	--
Parking Structure	--	--	--	C	C*	--	C	C	C	C
Personal Services	--	--	--	R	<u>RC</u>	--	--	--	<u>R-</u>	--
Private Club	--	--	--	C	--	--	--	--	--	--
Public Service Corporation Facilities	S	S	S	S	S	S	S	S	S	S
Recreation <u>Facility</u> , Indoor	--	--	--	<u>CR</u>	C	--	<u>C-</u>	--	--	--
Recreation <u>Facility</u> , Outdoor	--	--	--	C	--	--	C	--	--	--
Recreation-related Commercial Uses	--	--	--	--	--	R	--	--	--	--
Residence in Combination with Business	--	--	--	--	R	--	--	--	--	--
Low-Impact Outdoor Recreation Facility	--	--	--	--	--	C	--	--	--	--
Recreation Facility, Municipal	R	R	R	R	R	R	R	R	R	R
Restaurant	--	--	--	R	C	--	R	--	R	--
Restaurant, with Drive-Thru Facilities	--	--	--	C	C	--	C	--	--	--
Retail Sales, Large	--	--	--	R	--	--	R	--	R	--
Retail Sales, Small	--	--	--	R	R	--	--	--	R	--
Schools, Public or Private	C	C	C	R	--	--	--	--	--	--
Schools, Commercial	C	C	C	R	--	--	R	--	--	--
Self-Storage Facilities	--	--	--	--	--	--	C	C	--	--
Shopping Centers	--	--	--	C	--	--	--	--	--	--
Short-term Rentals	R	R	R	--	R	--	--	--	--	--

	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Solar Energy Facility	C	-	-	-	-	-	C	C	-	-
Special Event Barn	C	-	-	-	-	-	-	-	-	-
Special Event Venue	-	-	-	R	R	-	-	-	-	-
Stadium or Arena	-	-	-	-	-	-	C	C	-	-
Storage Containers	-	-	-	-	-	-	S	S	-	-
Storage Garages	-	-	-	-	-	-	R	-	-	-
Studio, Art, Music, Photo	-	-	-	R	R	-	-	-	-	-
Surface Mining	C	-	-	-	-	-	C	-	-	-
Swimming Pool, Community or Club	-	-	-	R	-	-	-	-	-	-
Theater	-	-	-	R	R*	-	-	-	-	-
Truck Terminal	-	-	-	-	-	-	R	R	-	-
Uses not Listed, Comparable	-	-	S	S	S	-	S	S	S	S
Uses Not Listed	-	-	-	-	-	-	S	S	-	-
Veterinary Office	-	-	-	R	R	-	R	-	-	-
Vehicle Sales	-	-	-	C	-	-	R	R	-	-
Vehicle Sales/Service	-	-	-	C	-	-	R	R	-	-
Vehicle Service/Repair	-	-	-	C	-	-	R	R	-	-
Vehicle Service Station	-	-	-	C	-	-	R	R	-	-
Vehicle Wash	-	-	-	C	-	-	-	-	-	-
Veterinary Hospital	-	-	-	C	-	-	-	-	-	-
Warehouse	-	-	-	-	-	-	C	C	C	-
<u>Wireless Communication (Non-Tower Based)</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

* (as part of mixed of a mixed-use development only)

B. AUTHORIZED USES IN OVERLAY DISTRICTS

For the following identified uses and districts, the table below indicates whether identified principal uses are Permitted by Right (R), Conditional Uses (C) or Special Exceptions (S) in each Zoning District Overlay. Only one principal use, as identified in the use chart below, is permitted on lot or parcel.

R = Use by Right
C = Conditional Use

S = Special Exception
 -- = Not Permitted
 PRD = Planned Residential Development

	OG-C Oil and Gas Overlay – Conventional Wells
Oil and Gas Drilling Well, Deep and Horizontal Shallow and Vertical Oil and Gas Development	C

C. TABLE OF AUTHORIZED ACCESSORY USES

The table below indicates whether identified accessory uses are permitted in each zoning district. Any accessory use specifically listed below that is also a principal use permitted as conditional use in any zoning district must also meet the conditional use requirements of this Ordinance for that use.

P=Permitted N = Not Permitted	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Commercial Uses, Accessory	N	N	N	P	P	P	P	P	P	P
Accessory Agricultural Uses	P	P	N	N	N	N	N	N	N	N
Accessory Residential Uses	P	P	P	N	N	N	N	N	N	N
Billboard	N	N	N	P	N	N	I	I	N	N
Drive Through Facilities	N	N	N	P	P	P	P	P	P	P
Home Occupation, including Day Care Home	P	P	P	N	N	N	N	N	N	N
<u>Keeping of Farm Animals on Residential Property</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Mobile Food Vendor	N	N	N	P	P	N	P	P	P	P
No-Impact Home Based Business	P	P	P	N	N	N	N	N	N	N
Office Trailer	P	P	P	P	P	P	P	P	P	P
Parking Lot	N	N	N	P	P	P	P	P	P	P

P=Permitted N = Not Permitted	R1 Low Density Residential	R2 Medium Density Residential	R3 High Density Residential	C Commercial	MU Mixed Use Neighborhood	CD Special Conservation	I1 Light Industrial	I2 Heavy Industrial	BP Business Park	OP Office Park
Restaurant, with Hotel or Conference Center	N	N	N	N	N	N	N	N	N	P
Shed	P	P	P	N	N	N	N	N	N	N
Shelter for Domestic Pets	P	P	P	N	N	N	N	N	N	N
Small-scale Alternative Energy Systems (wind, solar)	P	P	P	P	P	P	P	P	P	P
Special Events Barn	P	N	N	N	N	N	N	N	N	N
Storage Container/Trailer	N	N	N	N	N	N	P	P	N	N
Swimming Pool	P	P	P	N	N	N	N	N	N	N
Uses not listed and customarily incidental to the permitted principal uses in the District	P	P	P	P	P	P	P	P	P	P
Watchman's Facilities	N	N	N	N	N	N	P	P	N	N
Wireless Communications (non-tower based)	P	P	P	P	P	P	P	P	P	P

ARTICLE 400. HOW ARE THE LAND USES PERMITTED?

How are land uses permitted occupy land and structures within the Borough? Each zoning district within the Borough contains bulk and area regulations such as setbacks and height restrictions. Additionally, there are requirements that are specific to certain uses as defined by the ordinance (i.e. special exceptions and conditional uses) and there are requirements that apply to all uses in all zoning districts (e.g. signs and fences).

1. ZONING DISTRICT REGULATIONS

The following area and bulk regulations for principal and accessory structures shall be observed for all permitted uses by right, conditional use and uses by special exception.

A. LOW DENSITY RESIDENTIAL DISTRICT (R1)

For all uses in this District, the following regulations shall be observed.

- 1) Lot Size:
 - a) Single Family Dwelling: 10,500 sq. ft. minimum
 - b) All Other Principal Uses: 1 acre minimum, unless otherwise specified by definition in this Ordinance.
- 2) Lot Width: 70 feet
- 3) Minimum Front Yard: 35 feet
- 4) Minimum Side Yard: 10 feet
- 5) Minimum Rear Yard
 - a) Principal Structures: 40 ft. minimum
 - b) Accessory Structures: 10 ft. minimum
- 6) Permitted Projections into Required Yards:
 - a) Typical architectural features, including, but not limited to, bay windows, windowsills, cornices and eaves shall be permitted to project into required yards no more than two (2) feet.

- b) Patios, decks and unenclosed porches without enclosed foundation shall be permitted to project into required front and side yards no more than six (6) feet and into required rear yards no more than twenty (20) feet.
 - c) Steps and open fire escapes shall be permitted to project into required yards no more than six (6) feet.
- 7) Height of Building:
- a) Single Family Dwellings and Personal Care Boarding Homes: 30 ft. and two and a half (2.5) stories maximum
 - b) All Other Principal Structures: 35 ft. and three (3) stories maximum
 - c) All Accessory Structures: 15 ft. And one (1) story maximum
- 8) All structures intended for residential occupancy shall have a permanent, fixed building foundation that is integral to the residential structure in terms of construction and style.

B. MEDIUM DENSITY RESIDENTIAL DISTRICT (R2)

For all uses in this District, the following regulations shall be observed.

- 1) Lot Size:
- a) Single Family Dwelling: 9,000 sq. ft. minimum
 - b) Two Family Dwelling: 18,000 sq. ft. minimum
 - c) All Other Principal Uses: 1 acre minimum (43,560 sq. ft.), unless otherwise specified by definition in this Ordinance.
- 2) Lot Width:
- a) Single Family Dwelling: 60 ft. minimum
 - b) All Other Principal Uses: 100 ft. minimum
- 3) Minimum Front Yard: 35 feet
- 4) Minimum Side Yard
- a) Single Family Dwellings and Their Accessory Structures: 10 ft. minimum
 - b) Two Family Dwellings and Their Accessory Structures: 15 ft. minimum

- c) All Other Principal and Accessory Structures: 30 ft. minimum
- 5) Minimum Rear Yard
 - a) All Principal Structures: 40 ft. minimum
 - b) All Accessory Structures: 10 ft. minimum
- 6) Permitted Projections into Required Yards:
 - a) Typical architectural features, including, but not limited to, bay windows, windowsills, cornices and eaves shall be permitted to project into required yards no more than two (2) feet.
 - b) Patios, decks and unenclosed porches without enclosed foundation shall be permitted to project into required front and side yards no more than six (6) feet and into required rear yards no more than twenty (20) feet.
 - c) Steps and open fire escapes shall be permitted to project into required yards no more than six (6) feet.
- 7) Height of Building
 - a) Single Family Dwellings, Two Family Dwellings and Personal Care Boarding Homes: 30 ft. and two and a half (2.5) stories maximum
 - b) All Other Principal Structures: 35 ft. and three (3) stories maximum
 - c) All Accessory Structures: 15 ft. and one (1) story maximum
- 8) All structures intended for residential occupancy shall have a permanent, fixed building foundation that is integral to the residential structure in terms of construction and style.

C. HIGH DENSITY RESIDENTIAL DISTRICT (R3)

For all uses in this District, the following regulations shall be observed.

- 1) Lot Size:
 - a) Single Family Dwelling: 7,800 sq. ft. minimum
 - b) Two Family Dwelling: 16,000 sq. ft. minimum
 - c) All Other Principal Uses: 1 acre minimum, unless otherwise specified by definition in this Ordinance.

- 2) Lot Width:
 - a) Single Family Dwelling: 50 ft. minimum
 - b) All Other Principal Uses: 90 ft. minimum
- 3) Minimum Front Yard: 30 feet
- 4) Minimum Side Yard
 - a) Single Family Dwellings and Their Accessory Structures: five (5) feet on one side and 10 feet on the other side provided a minimum of 15 feet is maintained between two (2) adjacent buildings.
 - b) Two Family Dwellings and their Accessory Structures: 15 ft. minimum
 - c) All Other Principal Uses and Their Accessory Structures: 30 ft. minimum
- 5) Minimum Rear Yard:
 - a) All Principal Structures: 40 ft. minimum
 - b) All Accessory Structures: 15 ft. minimum
- 6) Permitted Projections into Required Yards:
 - a) Typical architectural features, including, but not limited to, bay windows, windowsills, cornices and eaves shall be permitted to project into required yards no more than two (2) feet.
 - b) Patios, decks and unenclosed porches without enclosed foundation shall be permitted to project into required front and side yards no more than six (6) feet and into required rear yards no more than 20 feet.
 - c) Steps and open fire escapes shall be permitted to project into required yards no more than six (6) feet.
- 7) Building Height:
 - a) Single Family & Two-Family Dwellings and Personal Care Boarding Homes: 30 ft. and 2.5 stories maximum
 - b) All Other Principal Structures: 35 ft. and three (3) stories maximum
 - c) All Accessory Structures: 15 ft. and one (1) story maximum

- 8) All structures intended for residential occupancy shall have a permanent, fixed building foundation that is integral to the residential structure in terms of construction and style, except mobile homes within a mobile home park.

D. COMMERCIAL DISTRICT (C)

For all uses in this District, the following regulations shall be observed.

- 1) Lot size: 21,780 square feet minimum
- 2) Lot width: 100 feet at building setback line
- 3) Lot coverage: 80% maximum
 - a) On lots one (1) acre or less in size: 90%.
- 4) Minimum Front Yard: 40 ft. minimum
- 5) Minimum Side yards: 10 ft. minimum per side
- 6) Minimum Rear yard: 25 ft. minimum
- 7) Height of Building:
 - a) Mid-rise Apartments: 80 feet maximum, but not to exceed seven (7) stories.
All Other Buildings: 35 ft. maximum, but not to exceed three (3) stories.
- 8) Maximum Dwelling Unit Density - 12 units per acre.

E. MIXED USE NEIGHBORHOOD DISTRICT (MU)

For all uses in this District, the following regulations shall be observed:

- 1) Minimum lot size: 15,000 square feet
- 2) Lot width at building setback line: 100 ft. minimum
- 3) Lot coverage: 75% maximum
- 4) Minimum Front Yard: 35 ft. minimum
- 5) Minimum Side Yards: 10 ft. minimum
- 6) Minimum Rear yard: 10 feet

- 7) Maximum Building Height: two (2) stories, but not to exceed 30 ft.
- 8) All occupiable structures shall have a permanent, fixed building foundation.

F. LIGHT INDUSTRIAL DISTRICT (I1)

The following regulations shall be observed for the development of individual industrial lots:

- 1) Lot size: 21,780 sq. ft. minimum
- 2) Lot width: 100 ft. minimum width
- 3) Lot coverage: 70% maximum
- 4) Minimum Front Yard: 35 ft. minimum
- 5) Minimum Side Yards: 10 ft. minimum
- 6) Minimum Rear Yard: 15 ft. minimum
- 7) Height of building: 40 ft. maximum

G. HEAVY INDUSTRIAL DISTRICT (I2)

For all uses in this District, the following regulations shall be observed:

- 1) Lot size: one (1) acre minimum
- 2) Lot width: 150 ft. minimum at right-of-way and building setback lines
- 3) Lot coverage: 80% maximum
- 4) Minimum Front Yard: 50 ft. minimum
- 5) Minimum Side yards: 25 ft. minimum
- 6) Minimum Rear yard: 25 ft. minimum
- 7) Height of building: 60 ft. maximum

H. BUSINESS PARK DISTRICT (BP)

For all uses in this District, the following regulations shall be observed:

- 1) Lot Size: one (1) acre minimum
- 2) Lot Width: 100 feet minimum
- 3) Lot Coverage: 80% maximum
- 4) Minimum Front Yard: 50 feet minimum
- 5) Minimum Side Yard
 - a) Adjoining Residential: 100 feet minimum
 - b) Interior Lots: 20 feet minimum except when buildings are built across lot lines, the minimum side yard shall be 0 feet, provided the lot line coincides with a common wall between buildings under different ownership.
 - c) All Others: 50 feet minimum
- 6) Minimum Rear Yard:
 - a) Interior Lots: 20 feet minimum
 - b) Adjoining residential: 100 feet minimum
 - c) All Others: 50 feet minimum
- 7) Distance Between Buildings: 20 feet minimum
- 8) Height of Building: 50 feet maximum
- 9) Distance Between Points of ingress/egress to a highway: 300 feet minimum

I. OFFICE PARK DISTRICT (OP)

For all uses in this District, the following regulations shall be observed:

- 1) Lot Size: One (1) acre minimum
- 2) Lot Width: 100 feet at building setback line
- 3) Lot Coverage: 65% maximum
- 4) Minimum Front Yard: 50 feet minimum
- 5) Minimum Side Yards

- a) Adjoining Residential: 75 feet minimum, each side
- b) All Others: 25 feet minimum, each side
- 6) Minimum Rear Yard
 - a) Adjoining Residential: 75 feet minimum
 - b) All Others: 40 feet
- 7) Height of Building: 50'
- 8) Vehicular Access: Vehicular access to the site from a street classified as arterial or collector by the Borough's Comprehensive Plan shall be required. Access to a local street located outside the development site shall not be permitted.

J. SPECIAL CONSERVATION DISTRICT (CD)

For all uses in this District, the following regulations shall be observed:

- 1) Lot Size: None Required
- 2) Lot Width: None Required
- 3) Lot Coverage: 25% maximum
- 4) Minimum Front Yard: 25 feet
- 5) Minimum Side Yards: 10 feet each side
- 6) Minimum Rear Yard: 20 feet
- 7) Open Space: Fifty percent (50%) of the site shall be maintained in open space which may be natural vegetation, mature wetlands, wildlife habitats, passive recreation areas, or landscaped areas.

K. OIL AND GAS DEVELOPMENT - CONVENTIONAL OVERLAY DISTRICT (OGC)

It is understood that Oil and Gas Well Drilling categorized as conventional wells, as defined herein, have less impacts than Oil and Gas Well drilling categorized as unconventional. Accordingly, the Applicant may request waivers and/or modifications from any of the provisions of ~~Section 1504~~ conditional use requirements applicable to Oil and Gas Development, and the Borough Council consistent with concerns over protecting public

health, safety and welfare of the residents of the Borough may grant such waivers and/or modifications, provided the following minimum standards for conventional wells are maintained. The following shall be considered minimum standards for oil and gas drilling operations that are classified as conventional wells:

- 1) A copy of the permit application submitted to the PADEP shall be submitted with the application for conditional use approval. In the event that the application seeks Borough approval prior to approval from the PADEP, the Borough may require submission of the permit application submitted to the Commonwealth as a condition of 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.
 - e) 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; and,
 - e) Potential communication between the well and the public water supply.
- 9) The applicant shall provide certification that a bond is held by the PADEP to ensure proper plugging when the well is classified as inactive by the PADEP. In the event that the application seeks Borough approval prior to approval from the PADEP, the Borough may require submission of the certification of bonding submitted to the Commonwealth as a condition of conditional use approval.
- 10) The applicant shall provide to the Borough 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; and,
 - f) Anticipated plugging date.

- 11) Adequate security measures shall be proposed, if warranted by the character of surrounding development.
- 12) A locked gate shall secure the access road to the well site and means of access shall be provided to Borough Police Department and local fire companies 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 \$50,000.00 to guarantee installation of the access road, fencing, gate and any other features not otherwise bonded by the PADEP required by the Borough Zoning Ordinance or as a condition of conditional use approval.

2. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

A. PRD STATEMENT OF PURPOSE AND INTENT

The purpose of the Jefferson Hills Borough PRD regulations is to create residential development that is creative in design and fosters a more efficient, aesthetic, and desirable use of undeveloped land than is generally not possible under conventional zoning district regulations and subdivision requirements. These regulations promote flexibility in building design and placement, neighborhood amenities, and community facilities of appropriate quality, all of which are oriented to the specific development site and influenced by special features of topography, shape, or size and at the same time preserve the natural scenic qualities, open spaces, mature wetlands, outdoor recreation, and integrity of residential neighborhoods within Jefferson Hills Borough.

B. PRD APPLICATION OF PROVISIONS

PRD development and the land uses within a PRD are permitted in the zoning districts indicated on the Table of Authorized Principal Land Uses of this Ordinance, subject to the

restrictions, qualifications, and requirements cited in this section. Provisions of this Ordinance concerning dwelling type, bulk, density, open space, and the like for each zoning district shall not be applicable to applications for PRD.

C. PRD LAND REQUIREMENTS

- 1) Minimum land area for a PRD shall be ten (10) acres.
- 2) The applicant shall evidence a full ownership interest in the land or executed binding sales agreement.
- 3) The property included in the PRD shall be in single, legal as well as equitable ownership prior to approval of the Final PRD.

D. PRD PERMITTED USES AND LOT SIZES

Zoning District	Permitted Uses	Minimum Single-Family Lot Size
R-1	Single-family residential	9,000 sf minimum lot size
R-2	Single-family residential	7,800 sf minimum lot size
R-3	Apartment Building, 2-story Apartment Building, 3-story Apartment Building, 4-story Townhouses	7,800 sf minimum lot size
MU	Apartment Building, 2-story Apartment Building, 3 story with one or more of the following commercial uses included on the first floor: small retail, restaurant, bank (no drive-thru), office. Minimum 15% of the square footage of the apartment building, but no more than the entire first floor of the building may be non-residential. Townhouses	7,800 sf minimum lot size

E. PRD APPLICATION CONTENT

Tentative PRD applications shall comply with the submittal requirements for Preliminary Land Development Applications to the Borough and Final PRD applications shall comply with

the submittal requirements for Final Land Development Applications to the Borough as required by the Borough Subdivision and Land Development Ordinance.

F. PRD PREAPPLICATION CONFERENCE

- 1) Before submission of an application for tentative approval, the applicant is strongly encouraged to have a meeting with the Planning Advisory Commission, the Zoning Officer, the Building Official, and such other personnel as may be necessary to determine the feasibility, suitability and timing of the application. The intent of this step is for the applicant to obtain information and guidance from the Borough personnel before entering into any commitments or incurring substantial expenses with regard to the site and the PRD site plan preparation.
- 2) Scheduling and preapplication conference submission guidelines shall be the same as found in ~~Chapter 22 – the Borough’s~~ Subdivision and Land Development Ordinance.

G. PRD APPROVAL AND ADMINISTRATION

- 1) Approval of any application for PRD approval shall be subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of open spaces, recreation areas, usable recreation space, stormwater management facilities, and any other communally owned facilities. No such instrument shall be acceptable until review by the Borough solicitor and approval ~~by~~ the Borough Council.
- 2) If a homeowners’ association is created, the developer shall file a Declaration of Covenants and Restrictions that will govern the association, to be submitted with the PRD approval and review by the Borough Solicitor and Borough Council.
- 3) All applications for PRD approval shall be reviewed and approved according to the process set forth in the Municipalities Planning Code.
- 4) Approval Procedures
 - a) Preapplication Conference

Before submission of an application for tentative approval of a planned residential development, the applicant shall have a meeting with the Planning Commission, the Zoning Officer and such other personnel as may be necessary to determine the feasibility, suitability and timing of the application. This step is intended so that the applicant may obtain information and guidance from the Borough personnel before entering into

any commitments or incurring substantial expenses with regard to application preparation.

b) Application for Tentative Approval

- i. Fifteen (15) copies of the application for tentative approval of a planned residential development shall be submitted to the Zoning Officer by the applicant no less than thirty (30) days prior to the regular monthly meeting of the Planning Commission.
- ii. The applicant must be the owner of the site, or, if there is more than one owner, all owners must act jointly.
- iii. The application shall be in the form of written and graphic materials which indicate the following information:
 - a. Reasons why the planned residential development is consistent with the Borough's Comprehensive Plan and is in the interest of the Borough.
 - b. Requested modifications to the Borough's land use regulations otherwise applicable to the site.
 - c. The location and size of the common open space and the form of organization proposed to own and maintain the common areas.
 - d. The nature of the applicant's interest in the site proposed for development.
 - e. Preliminary delineation of grading, showing existing and proposed contours at intervals not to exceed two (2) foot contour lines based on United States Geologic Survey datum.
 - f. The location, size and topography of the site.
 - g. The density of land use to be allocated to portions of the site to be developed.
 - h. The use and the approximate height, bulk and location of buildings and other structure.
 - i. The substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of the land,

buildings and structures, including proposed easements for public utilities.

- j. Provisions for vehicle parking and loading.
- k. Feasibility of proposals for the disposition of storm and sanitary sewage.
- l. Phasing schedule for construction of the proposed development, if applicable.
- m. All other information required by the Borough Subdivision and Land Development Ordinance for a Preliminary Plan.

iv. Recommendation of the Planning Commission

Within sixty (60) days of the filing of a proper application for tentative approval of a planned development, or in time for the recommendation to be available for Borough Council's public hearing, the Planning Commission shall make a written recommendation to Borough Council after review of the application at a regular or special meeting where the public can be heard. The Planning Commission shall set forth with particularity, the explicit reasons for its recommendation, either that the proposal be approved or denied.

v. Public Hearings

Borough Council shall hold public hearings on the application for tentative approval in accordance with Section 708 of the Pennsylvania Municipalities Planning Code.

vi. Findings

Borough Council shall make findings regarding the application for tentative approval in accordance with the Pennsylvania Municipalities Planning Code.

c) Application for Final Approval

- i. Fifteen (15) copies of the application for final approval of a planned residential development shall be submitted to the Zoning Officer no less than thirty (30) days before the regular monthly meeting of the Planning Commission, and within twelve (12) months of the date of tentative approval, unless Borough Council grants an extension

upon written request of the applicant which is submitted prior to the expiration of the twelve (12) months. Phased planned residential developments, however, shall have applications for final approval filed pursuant to the phasing schedule submitted with the application for tentative approval which also may be revised upon approval by Borough Council after timely submission of a written request for extension from the applicant.

- ii. The written application for final approval shall include the following items:
 - a. Final drawings for all structures and buildings, other than single family dwellings, prepared by a registered architect, including all proposed signs, exterior illumination and all outside storage structures.
 - b. Final drawings prepared by a registered engineer for all public and private improvements showing compliance with the design and construction standards of the Borough Subdivision and Land Development Ordinance.
 - c. Final landscaping plan prepared by a registered architect.
 - d. Final grading drawings prepared by a registered engineer or surveyor in accordance with the Borough Grading Ordinance.
 - e. An original line tracing of the final development plan containing the items approved in the application for tentative approval, as well as the following information:
 - i. Delineation of all public streets to be dedicated, including names of streets.
 - ii. Proposed lot lines, nonresidential uses and common areas.
 - iii. Vehicular and pedestrian circulation features; vehicular entrances and exits; parking areas; and existing public improvements.
 - iv. Watercourses, easements and public and private rights-of-way and all other physical features or encumbrances that relate to the development of the site.

- v. Space for proper execution by all municipalities and other entities necessary for recording and properly executed by the applicant.
 - vi. All other information required by the Borough Subdivision and Land Development Ordinance for a Final Plan.
- f. A development schedule showing:
- i. The order of construction of the proposed sections delineated in the final plan.
 - ii. The proposed date for beginning construction of said sections.
 - iii. The proposed date for completion of construction of said sections.
 - iv. The proposed schedule for the construction and improvement of the common areas.
- g. Deed restriction proposals to preserve the character of the common areas.
- h. The proposed bylaws of the association or certificate of incorporation and incorporated bylaws of the nonprofit corporation established to administer the common areas, if applicable. If the applicant elects the condominium method of ownership of the common areas, the proposed declaration of condominium bylaws and related documents shall be submitted.
- i. Instruments dedicating all public rights-of-way, easements or encumbrances shown on the final plan.
- j. A Completion Bond shall be posted to guarantee the proper installation of public improvements in the plan. The procedure for posting the Completion Bond and for releasing the Completion Bond shall be in accordance with the requirements of the Borough Subdivision and Land Development Ordinance governing Completion Bonds.
- k. A title insurance policy or an attorney's certificate of title showing the status of the title to the site encompassed by

the final plan and all liens, encumbrances and defects, if any.

- l. Tax receipts from all taxing bodies indicating taxes have been paid in full up to and including the current period.
- m. Evidence that a commitment from a responsible financial institution has been issued to the applicant for construction financing.

d) Action on Final Application

Within twenty (20) days of submission of a complete and properly filed application for final approval of a planned residential development, the Planning Commission shall forward a written report to Borough Council following a public meeting at which the Planning Commission shall determine whether the application meets the requirements of this Ordinance and complies with all conditions attached to the grant of tentative approval. Borough Council shall act on the application in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

e) Recording of Final Plan

A plan which has been granted final approval shall be so certified without delay by Borough Council and the applicant shall file the plan in the Office of the Recorder of Deeds forthwith prior to initiating construction of the plan.

f) Zoning Approval

Zoning approval shall not be issued until the final plan has been recorded. In the event that the applicant abandons the plan granted final approval, he shall notify Borough Council in writing. In the case of abandonment or when a developer fails to commence construction of the approved plan within twenty-four (24) months of the date of final approval, zoning approval shall expire and no further development shall occur on the property included in the approved plan unless an application for zoning approval is submitted for review and approval in accordance with the requirements of this Ordinance.

H. PRD PUBLIC UTILITIES AND STORMWATER

- 1) All residential units and buildings shall be connected to public sewer and water systems.

- 2) The PRD shall conform to all Borough stormwater regulations.

I. PRD VEHICULAR ACCESS

- 1) The applicant shall demonstrate that traffic circulation will not be adversely affected, that additional traffic hazards will not be created, and that public and private road systems are adequate in terms of traffic volume, capacity, and construction type to accommodate the projected traffic generated by development of the PRD.
- 2) The design and construction of all streets shall conform with the requirements of the Borough Subdivision and Land Development Ordinance, applicable access management regulations, and street specifications.

J. PRD DENSITY

- 1) The density for a PRD shall be calculated by multiplying the number of units permitted by the developable acreage of the property. The developable acreage shall be determined by subtracting the following from the total acreage of the property:
 - a) The acreage used for proposed road rights-of-way, stormwater detention facilities, floodplains, wetlands, slopes over 25% and floodways.
 - b) Slopes of 15% to 25% shall be 50% developable.
- 2) Density, bulk, and setback standards should observe the following:

	R-1	R-2	R-3
Max Density per Developable Acre	1	3	12
Min. Lot Width at Building Line	90'	80'	70'
Min. Setback from Street ROW	35'	30'	25'
Min. Rear Yard Setback	40'	30'	30'
Min. Side Yard Setback	10'	10'	10'
Max Building Height	40'	40'	60'

- 3) Development tracts with environmentally sensitive areas are subject to the following limitations:

Type of Land	Limitations
Floodway Area	No units permitted
Floodplain Area	No units permitted
Wetlands	No units permitted

Slopes over 25%	No units permitted – disturbance for utilities, stormwater, and service roads only
Slopes of 15% to 25%	Units permitted on only 50% of this total area

K. PRD DIMENSIONAL REQUIREMENTS

The PRD shall adhere to the frontage standards set forth in Chapter 22 – Subdivision and Land Development.

L. DESIGN STANDARDS

- 1) The PRD shall include 35% public open space. Open space shall not include streets and shall be as described below:
 - a) The PRD shall be designed around the common open space. The area shall be directly accessible to the largest practicable number of lots within the development. Safe and convenient pedestrian access to the open space shall be provided for all lots not adjoining the open space area.
 - b) Common open space containing existing attractive and/or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees and other areas of mature vegetation worthy of preservation may be left unimproved and in a natural state. The preservation of undeveloped green space in its natural condition is encouraged.
 - c) All open space must be owned by a land trust or homeowners’ association to ensure property maintenance and management in perpetuity. Open space shall be permanently dedicated as such to prevent its development.
 - d) Except for land dedicated to usable recreation open space, no tract of open space shall be less than five contiguous acres.
- 2) Sidewalks, constructed pursuant to the Borough standards, shall be installed on both sides of all streets within the PRD.
- 3) All utilities must be installed underground.
- 4) Two of the follow design elements shall be provided for each PRD:
 - a) Streetlights shall be installed every 250 feet, on both sides of all streets, alternating placement so that no two streetlights are directly across the street from each other. The streetlights shall be a maximum of 15 feet tall,

measured from the ground surface and shall also be installed at a minimum of two corners of all street intersections. Light fixtures and poles shall be decorative and pedestrian in scale. All lights shall provide shielding of light away from single family homes and intensity of the light provided shall be consistent with the character of a residential neighborhood.

- b) A looping trail system shall be constructed to provide a recreation amenity to the residents of the PRD. The trail shall be constructed of bituminous material a minimum of four (4) feet wide and provide at least two (2) connections to the public street network within the PRD constructed to Borough standards established by the Subdivision and Land Development Ordinance, §22-504.
- c) Useable recreation space (as defined herein), including active recreation facilities (e.g. sports fields), playgrounds, community center, and/or pool shall be constructed for use by the residents of the PRD. Such facilities shall be accessible by trail or sidewalk and be located within 1/4 mile of all residents of the PRD, except that a centrally located community center and/or pool complex may be located a greater distance provided that vehicular parking is provided. Useable recreation space shall be calculated as 500 square feet of usable space per residential unit, with minimum usable recreation space totally not less than ½ acre.
- d) Increased public open space, for a total of 45% or more of the gross acreage of the PRD.

3. ACCESSORY USES AND STRUCTURES

A. GENERAL REQUIREMENTS

- 1) All accessory structures must be located at least 10 feet from the principal structure.
- 2) All accessory structures shall be located to the side or rear of the principal structure.
- 3) The principal structure to which an accessory structure or use is associated must be constructed prior to or simultaneous with the construction of the accessory use or structure.
- 4) An accessory use or structure must be subordinate to and serve an existing primary use or structure on the same lot, be subordinate in the area, extent, and purpose to

the primary use or structure served, and contribute to the comfort, convenience, or necessity of occupants of the primary use or structure served.

B. DETACHED GARAGES AND ACCESSORY STORAGE SHEDS (RESIDENTIAL)

- 1) Detached garages and storage sheds accessory to single family dwellings in the “R” Residential Districts shall be located only within the side or rear yard of a lot and are subject to the height and yard requirements in the Zoning District in which they are located.
- 2) The maximum gross floor area of a detached garage shall be:
 - a) Seven hundred fifty (750) square feet for lots less than two (2) acres.
 - b) Nine hundred fifty (950) square feet for lots over two (2) acres but less than ten (10) acres.
 - c) One thousand one hundred fifty (1,150) square feet for lots over ten (10) acres.
- 3) The maximum gross floor area of an accessory storage shed shall be:
 - a) One hundred eighty (180) square feet for lots less than two (2) acres.
 - b) Three hundred sixty (360) square feet for lots over two (2) acres.
- 4) Only one (1) accessory storage shed shall be permitted on a lot.
- 5) Only one (1) detached garage shall be permitted on a lot.

C. ACCESSORY STRUCTURES (NON-RESIDENTIAL)

- 1) The maximum gross floor area shall be 950 square feet.
- 2) Only one accessory structure shall be permitted on a lot.

D. SMALL-SCALE ALTERNATIVE ENERGY SYSTEMS

Alternative energy systems are permitted as accessory uses in all districts provided that they are producing energy for on-site uses.

- 1) Standards Specific to Solar Energy Systems
 - a) Siting that directs glare on neighboring properties or public roadways is not permitted.
 - b) Ground-mounted solar systems shall not exceed twelve (12) feet in height.

- c) Roof-mounted solar systems shall not extend more than two (2) feet above the height of the roof to which it is attached, or the maximum height established for the Zoning District, whichever is lower.
- d) Ground-mounted solar systems shall be screened from public view to provide safety and limit trespassing, by natural or man-made fencing; such screening should adhere to the standards of this Ordinance for both installation and maintenance.
- e) Roof-mounted solar panels or solar hot water heaters shall be set back three (3) feet from the edge of the roof to allow access to firefighters and other emergency personnel.

2) Standards Specific to Wind Energy Systems

- a) Wind energy systems shall not produce sound that exceeds fifty-five (55) decibels.
- b) Wind energy systems (either freestanding or roof-mounted) shall conform to setbacks for accessory structures in the Zoning District.
- c) Siting that creates shadow-flickering on neighboring properties is not permitted.
- d) Disruption to radio, television, and other communications is not permitted.
- e) Safety fencing is required.

E. WATCHMAN'S FACILITIES

- 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.

F. TEMPORARY STORAGE CONTAINERS AND TRAILERS AND OFFICE TRAILERS

- 1) Must comply with all setbacks.
- 2) Shall not be located on a site in any location for a period longer than 12 consecutive months unless located on a site under continuous construction activity.

3) Except for active construction sites, a storage container/trailer cannot be located in any location on a site for more than 12 months in a 24-month period.

3)4) Must be located to the side or rear of the building and set back from the front façade 25% of the linear feet of the side of the building.

G. PRIVATE TENNIS AND OTHER SPORTS COURTS

Private tennis and other sports courts (such as basketball, handball, and roller hockey) are permitted as an accessory use to residential dwellings in every zone wherein a residential principal use is permitted subject to the following requirements:

- 1) Courts shall not be constructed or installed on any premises unless a residential building is also located on the premises.
- 2) Courts shall only be located in the side or rear yards of a lot.
- 3) The lot on which a court is located must comply with the maximum lot coverage requirements of the zoning district.

H. DRIVE-THRU FACILITIES

All Accessory Drive-Thru Facilities shall meet the requirements outlined in the Conditional Use provisions in Section 18 – Drive Thru Facilities.

4. CONDITIONAL USES AND USES BY SPECIAL EXCEPTION

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

A. GENERAL STANDARDS

In addition to the specific standards and criteria listed for each use 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:

- 1) 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.
- 2) The use shall comply with all applicable requirements of governing signs, parking and loading, screening, landscaping and storage.

- 3) 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.
- 4) Outdoor lighting, if proposed, shall be shielded and reflected away from residential properties and public streets.

B. STANDARDS FOR SPECIFIC USES

In addition to the general standards and criteria for all conditional uses and uses by special exception listed 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.

1. ADULT BUSINESSES

- A. Adult businesses shall not be located within 1,000 feet of any property which is zoned residential.
- B. The parcel on which the facility is located shall be at least five (5) acres in size and able to accommodate all facets of the event within the boundaries of the property.
- C. 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.
- D. No adult business shall be located within 500 feet of any other existing or proposed adult business.
- E. Adult businesses shall comply with the applicable parking requirements for retail sales and/or theaters specified in 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.
- F. Any adult business shall be subject to the following setback requirements:
 - 1) Residential Zoning District boundaries: 750 feet
 - 2) Existing Residential Structures: 1000 feet
- G. The conduct of the adult business including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.
- H. All operations must be conducted within an enclosed structure, and doors and windows shall remain closed during hours of normal operation.

- I. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created.
- J. All adult businesses shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.
- K. 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.
- L. 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 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.
- M. The owner/operator of the adult business shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy of the nightclub exceeds 100 persons.

2. ANIMAL SHELTER

- A. The operator or owner of any animal shelter must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- B. Minimum lot size: 5 acres.
- C. No animal shall be housed in an outdoor area after 11 p.m. or before 6 a.m.
- D. Any exterior fenced area wherein animals exercise or are otherwise kept or permitted to remain must be located a minimum of 150 feet from any principal structure on adjacent lots, measured from any point of the perimeter of the exterior exercise area.
- E. The perimeter of the exterior exercise area must be fenced with weatherproof material, a minimum of five (5) feet in height, and the area must be accessible only through a self-latching gate.
- F. Indoor exercise runs shall be required.
- G. Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile, and all housing structures for animals shall be located indoors.

3. ASSISTED LIVING FACILITY

- A. The assisted living residence shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
- B. The facility shall have direct access to a state or county highway.
- C. The assisted living residence shall be the sole occupant of the lot.
- D. A minimum lot size of two acres shall be required.
- E. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- F. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- G. Buildings shall be set back from one another, and residential occupancy shall be in conformance with this chapter.

3.4. BANQUET FACILITY

- A. The parcel on which the facility is located shall be at least five (5) acres in size and able to accommodate all facets of the event within the boundaries of the property.
- B. Banquet facilities, including all fixtures, tents and parking, shall be set back at least fifty (50) feet from all property lines.
- C. Any Banquet Facility shall be subject to the following setback requirements:
 - 1) Residential Zoning District boundaries: 750 feet
 - 2) Existing Residential Structures: 1000 feet
- D. The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.
- E. Parking shall be on the property on which the banquet facility is located. Under no circumstances may parking be on State or Borough roads, on other public property, or on private property other than that on which the banquet facility is located.
- F. The required building setback areas may not be used for parking.
- G. No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.

- H. All entertainment must end by 10:00 p.m.
- I. All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the special event venue.
- J. No pyrotechnics or open fires may be used.

4-5. BAR/NIGHTCLUB

- A. Nightclubs shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.
- B. Outdoor seating areas shall be fully enclosed, connected to and accessible only from the interior of the principal structure, and shall cease operation at 11 p.m.
- C. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- D. All operations shall be conducted within a completely enclosed building and doors and windows shall remain closed during hours when entertainment is presented.
- E. The owner/operator of the nightclub shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy of the nightclub exceeds 100 persons.
- F. Any nightclub which proposes a maximum permitted occupancy of 200 or more persons shall be located at least 500 feet from any property line which adjoins any Residential Zoning District classification.

6. BED AND BREAKFAST

- A. The operator shall be a full-time resident of the dwelling in which the bed-and-breakfast is located.
- B. No more than four guest rooms shall be offered to transient overnight guests.
- C. No meals, other than breakfast, shall be served on the premises. Food may be prepared on the premises for consumption off the premises by overnight guests. Food shall not be served to any customers who are not overnight guests.
- D. In addition to the parking required for the dwelling, one parking space shall be provided for each guest room offered to overnight guests.

- E. All garbage shall be kept in fully enclosed residential-style containers and picked up weekly.
- F. Off-street parking shall not be located in any front or side yard. Parking shall be located in the rear yard, shall be of a design consistent with the residential character of the neighborhood, and shall be screened from adjoining properties by a continuous row of evergreen trees.

7. BILLBOARDS

- A. Billboards are a principal use, permitted only as a conditional use in the zoning districts as indicated on the use chart.
- B. Shall be located on a parcel that is a minimum of .25 acres in size with frontage along an arterial or collector roadway.
- C. Only one billboard is permitted per property and no additional signs are permitted on a property occupied by a billboard.
- D. Billboards shall be set back a minimum of 250 feet from an existing residential structure, such that no part of the billboard or support structure is within 250 feet of an existing residential structure.
- E. Billboards shall be set back a minimum of 1,000 feet from any existing billboard or the location of a billboard for which a sign permit is approved or pending.
- F. All billboards shall be maintained in good repair, even when there is no occupied sign area within or on the billboard structure.
- G. The sign area of all billboards shall be a maximum of 250 square feet per sign face.
- H. Billboards shall have no more than two (2) sign faces and the sign faces shall be mounted to the sign structure such that the faces are completely parallel with each other.
- I. The maximum height of the structure and sign face of any billboard shall be twenty (20) feet.
- J. No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements under the Borough's Building Code.
- K. The illumination of any billboard shall be from exterior light fixtures; internal illumination of the sign area or any portion of the billboard is not permitted, except where the billboard is

an LED sign. The billboard lighting shall be directed only to the sign face of the billboard and shall be provided by sharp cut-off, shielded light fixtures to minimize illumination spillover beyond the sign face.

- L. All billboards shall be considered abandoned after a period of twelve months during which there is no occupied sign area within or on the billboard structure, excluding announcement that the billboard is available for rental. Abandoned billboards are prohibited.
- M. All billboards that are LED signs shall meet the applicable requirements of this Ordinance pertaining to LED signs.
- N. Billboards shall not be mounted on the roof, wall, or other part of a building or any other structure.
- O. Billboards found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Borough.

8. CASINO

- A. The site shall have frontage on and direct vehicular access to a major highway.
- B. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- C. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- D. All property lines which adjoin residential uses or residential zoning districts shall be screened by Bufferyard C.
- E. No direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site shall be permitted to shine into any property in a residential zoning district and associated open spaces of adjacent residential properties.
- F. Access for the development site shall be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- G. Location of buildings and structures, traffic circulation and parking lots shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.

9. COMMUNICATIONS ANTENNAS

- A. Building mounted antennas shall not be permitted on any single family or two-family dwellings.

- B. The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA).
- C. Building mounted antennas shall be permitted to exceed the height limitations of the District by no more than twenty (20) feet. Antennas mounted on an existing public service corporation facility storage or transmission tower shall not project more than twenty (20) feet above the height of the tower.
- D. Satellite and microwave dish antennas mounted on the roof of a building or on a self-supported communications tower shall not exceed six (6) feet in diameter.
- E. Satellite and microwave dish antennas mounted on a monopole communications tower or existing public service corporation facility storage or transmission structure shall not exceed two (2) feet in diameter.
- F. The applicant proposing a building mounted antenna shall submit evidence from a structural engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna's location.
- G. Evidence of lease agreements and easements necessary to provide access to the building or structure for installation and maintenance of the antennas and placement of the equipment cabinet or equipment building shall be provided to the Borough.
- H. The placement of the equipment cabinet or equipment building shall not obstruct the free flow of traffic on the site, shall not reduce any parking required or available for other uses on the site and shall not obstruct any right-of-way or easement without the permission of the owner or grantor of the right-of-way or easement.
- I. Unless located within a secured building, the equipment cabinet or equipment building shall be fenced by a ten (10) foot high chain link security fence with locking gate. If the equipment cabinet or equipment building is visible from any public street or adjoining residential property, the equipment cabinet or equipment building shall be screened by a minimum six (6) foot high compact evergreen hedge.
- J. If vehicular access to the equipment cabinet or equipment building is not provided from a public street or paved driveway or parking area, an easement or right-of-way shall be provided which has a minimum width of twenty (20) feet and which shall be improved with a dust-free all-weather surface for its entire length.

10. COMMUNICATIONS TOWERS

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.
- B. The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with safety standards now or hereafter established by the Federal Communications Commission (FCC).
- C. The applicant for the communications tower shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) and any applicable Airport Zoning regulations.
- D. Visual Impact Requirements. Towers and antennas shall meet the following requirements:
- 1) Minimum Height. The applicant shall request the minimum tower and/or antenna height above ground level required to fulfill its technological function.
 - 2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - 1)3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in all applicable Jefferson Hills Borough ordinances, including building and property maintenance, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Borough concludes that a tower (1) fails to comply with such codes and standards and (2) constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna, at the owner's expense.
- G. Signs. No portion of any tower or related structure shall be used for a sign or other advertising purpose including, but not limited to, company name, phone number, banners, streamers, etc.

H. Visual Impact Assessments. The applicant shall be required to undertake a visual impact assessment of any proposed new tower or any proposed modification to an existing tower to include:

- 1) A "zone of visibility map," provided in order to determine locations where the proposed tower or antenna may be seen.
- 2) Pictorial representations of "before and after" views from key viewpoints, both inside and outside of the Township, where the proposed tower or antenna may be seen.
- 3) Assessment of alternative tower designs and color schemes.
- 4) Assessment of the visual impact of the tower base, accessory buildings, and overhead utility lines from abutting properties and streets.

C-I. Any applicant proposing a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, an existing public service corporation facility storage or transmission structure or an existing communications tower.

D-J. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower shall be contacted and that one (1) or more of the following reasons for not selecting an alternative existing building, existing public service corporation facility storage or transmission structure or existing communications tower apply:

- 1) The proposed equipment would exceed the structural capacity of the existing building, existing public service corporation facility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.
- 2) The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public service corporation facility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.
- 3) Existing buildings, existing public service corporation facility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.
- 4) Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emission standards.

- a) In the R-1 District, the only type of communications tower permitted to be constructed shall be a monopole tower and the maximum height of that communications tower shall be seventy-five (75) feet.
- b) In the C and I-1 Districts, the maximum height of a communications tower shall be one hundred (100) feet.
- c) In the B-P and I-2 Districts, the maximum height of a communications tower shall be two hundred (200) feet.
- d) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.
- e) In the R-1 District, all parts of the communications tower, including guy wires, if any, shall be set back from any adjoining residentially zoned property at least one hundred fifty (150) feet. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.
- f) The setback required from property lines which adjoin property other than residentially zoned property shall be fifty (50) feet, except for guyed towers which shall be setback a distance equal to the height of the tower.
- g) In the B-P, C, I-1 and I-2 District, all parts of the communications tower, including guy wires, if any, shall be set back from the property line at least fifty (50) feet, except for guyed towers which shall be setback a distance equal to the height of the tower. If the tower is located on property which adjoins a residential Zoning District, the setback shall be at least twice the height of the communications tower. Where the communications tower is located on a leased parcel within a larger tract, the setback shall be measured from the property line which separates the adjoining residentially zoned property from the larger tract controlled by the lessor, rather than from the boundaries of the leased parcel, provided the larger tract is either vacant or developed for a use other than single family dwellings.

- h) The tower and all appurtenances, including guy wires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.
- i) The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the Borough Building Code and accepted engineering practice.
- j) The tower shall be equipped with anticlimbing devices as approved by the manufacturer for the type of installation proposed.
- k) At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.
- l) Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
- m) Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right-of-way to a public street. The right-of-way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- n) Recording of a plat of subdivision shall not be required for the lease parcel on which the tower is proposed to be constructed, provided the equipment building is proposed to be unmanned and the required easement agreement for access is submitted for approval by the Borough.
- o) Approval of a land development plan, prepared in accordance with the requirements of the Borough Subdivision and Land Development Ordinance, shall be required for all towers in excess of fifty (50) feet in height.
- p) The exterior finish of the tower shall be compatible with the immediate surroundings. The tower, the equipment cabinet or equipment building, and the immediate surroundings shall be properly maintained.
- q) The owner of any communications tower which exceeds fifty (50) feet in height shall submit to the Borough proof of an annual inspection conducted

by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Borough by a structural engineer at the owner's expense.

- r) The owner of the communications tower shall notify the Borough immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Borough to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, then, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be subject to the enforcement provisions of this Ordinance.
- s) The owner of the communications tower shall be responsible for maintaining the parcel on which the tower is located, as well as the means of access to the tower, including clearing and cutting of vegetation, snow removal and maintenance of the access driveway surface.
- t) There shall be no lighting, signs or other advertising on the tower, other than that required by the FCC or FAA.
- u) Landscaping may be required by Borough Council, upon recommendation by the Planning Commission, which is suitable to the proposed location of the tower in order to provide screening of the base of the tower from adjoining streets or residential properties.
- v) All standards for construction of the communications tower and supporting facilities shall conform to current engineering practice and the edition of the BOCA Building Code currently in effect in the Borough.
- w) In January of each year, the owner of the communications tower shall submit written verification to the Borough Zoning Officer that there have been no changes in the operating characteristics of the communications tower as approved by the Borough, including, at a minimum:
 - i. Copy of the current FCC license;
 - ii. Name, address and emergency telephone number for the operator of the communications tower;

- iii. Copy of Certificate of Insurance at a level of coverage acceptable to the Borough Solicitor, naming the Borough as an additional insured on the policy.
 - iv. Copy of the Annual Inspection Report and updated maintenance program.
- x) At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Borough Zoning Officer.

11. COMMUNITY OR CLUB SWIMMING POOLS

- A. The pool shall be limited to use by the residents or members and their invited guests.
- B. 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, see the fences section of this ordinance. The area immediately outside the enclosure shall be suitably landscaped with grass, hardy shrubs and trees and shall be maintained in good condition.
- C. All pools shall have permanent access to a public street.
- D. 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.

12. COMPARABLE USES NOT SPECIFICALLY LISTED

- D. 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.
- E. 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:
 - 1) The number of employees;
 - 2) The floor area of the building or gross area of the lot devoted to the proposed use;

- 3) The type of products, materials or equipment and/or processes involved in the proposed use;
- 4) The magnitude of walk-in trade, if any;
- 5) The traffic and environmental impacts and the ability of the proposed use to comply with the Performance Standards of this Ordinance;
- 6) The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located;
- 7) 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;
- 8) 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.

13. CORRECTIONAL INSTITUTIONS

- A. 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.
- B. 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.
- C. 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.
- D. 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.

- E. 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.
- F. All outdoor activity areas shall be located inside the required perimeter security, as defined in Subparagraph (4), above.
- G. 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.
- H. Off-street parking for correctional institutions which do not house any inmates with a Level of Custody of three (3) or greater may be located within the institutional buffer. Off-street parking for Levels of Custody three (3) through five (5) shall be located outside the institutional buffer.
- I. 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.
 - 1) The parking ratio for offices and other administrative facilities, including court rooms, shall be determined by the ratios required by this Ordinance 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.

- J. 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.

- K. 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.
 - 1) 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.

- L. 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.

- M. 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.

- N. 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.

- O. 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.

- 1) 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 this Ordinance.
- P. 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.
- Q. 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.

14. CREMATORIUM

- A. All garages, equipment shelters, offices and similar structures shall be screened from adjacent streets and residentially zoned properties by Bufferyard C.
- B. All equipment shall be properly stored within a structure when not in use.
- C. Any and all odors and smoke generated as part of a crematorium operation shall be in conformance with the performance standards of this chapter.
- D. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.
- E. No outdoor storage shall be permitted on a lot associated with a crematorium.
- F. No crematorium shall be within 200 feet of any lot line.

15. DAY CARE CENTERS

- A. The use shall comply with an applicable county, state and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare registration certificate or license, if required.
- B. Safe access and areas for discharging and picking up children shall be provided.
- C. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate. The swimming pool and bathing area shall be completely enclosed by a wall or fence with self-latching gate not less than six (6) feet and not more than eight (8) feet in height.

- D. Outdoor play areas which adjoin residential lots shall be screened.
- E. The day-care center shall be supervised by responsible nonclient adults whose number shall be determined and certified by the appropriate supervisory agency(ies).
- F. The general safety of the site proposed for a day care center shall be evaluated as it relates to the needs of small children.

16. DISTRIBUTED ANTENNA SYSTEM

A. Co-location, Location and Siting.

- 1) Commercial communications antennae in the-ROW shall be co-located on existing poles, such as existing utility poles that already act as standard antenna support structures or light poles. If co-location is not technologically feasible, the Applicant shall locate its commercial communications antennae on existing poles that do not already act as standard antenna support structures.
- 2) Commercial communications antennae in the ROW are permitted in all zoning districts es-subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Borough.
- 3) Commercial communications antennae shall not be located on any building in the ROW, single family detached residences, single family attached residences, or any residential accessory structure. No commercial communications antenna may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or has been designated by the Borough to be of historical significance.

B. Design Regulations.

- 1) Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
- 2) Antennae and all supporting equipment shall be treated to match the supporting structure. Facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the supporting structure upon which they are mounted.
- 3) Commercial communications antennae and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic,

or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough. In addition:

- a) Ground-mounted equipment and electrical meter cabinets shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - b) Any proposed underground vault related to commercial communications antennae shall be reviewed and approved by the Borough.
- C. The applicant shall submit proof that the proposed antenna will not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- D. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such similar period in the case of an Emergency, an owner of any antenna in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any antenna when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- 1) The construction, repair, maintenance or installation of any Borough or other public improvement in the ROW.
 - 2) The operations of the Borough or other governmental entity in the ROW.
 - 3) Vacation of a street or road; or the release of a utility easement
 - 4) An Emergency as determined by the Borough.
- E. Prior to receipt of a zoning permit for the construction or placement of a commercial communications antenna, the applicant shall provide to the Borough financial security sufficient to guarantee the removal of the proposed antenna. Said financial security shall remain in place until the antenna is removed.
- F. Any commercial communications antenna shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All antennae shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and

construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

- G. Any commercial communications antennae shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
- H. The commercial communications antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- I. No commercial communications antenna may, by itself or in conjunction with other antennae, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- J. In the event that use of a commercial communications antenna is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned antennae shall be removed as follows:
 - 1) All abandoned or unused antennae and accessory facilities shall be removed within two (2) months of the cessation of operations at the site, unless a time extension is approved by the Borough.
 - 2) If the antenna is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the antenna and any related equipment may be removed by the Borough and the cost of removal assessed against the owner of the antenna.
- K. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all commercial communications antennae in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- L. Each person that owns or operates a commercial communications antenna shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the

minimum amount of \$1,000,000 per occurrence covering the commercial communications antenna.

- M. Each person that owns or operates a commercial communications antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the commercial communications antenna. Each Person that owns or operates a commercial communications antenna shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a commercial communications antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- N. Co-locations and modifications that fall within the provisions of the Pennsylvania Wireless Broadband Collocation Act.
 - 1) Section 4 (a-d) shall not apply to facilities which are governed by the Pennsylvania Wireless Broadband Collocation Act. To the extent permitted by law, the remaining provisions in Section 4 (e-1) shall apply to co-location applicants desiring to place new antennae on existing wireless communications facilities, as well as those applicants desiring to modify existing facilities. Any applicant proposing the colocation or modification of a commercial communications antenna shall submit a building permit to the Borough Zoning Office.
 - 2) Within thirty (30) calendar days of the date that an application for a Commercial communications antenna is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's ninety (90) day review period.

17. DRIVE-IN THEATER

- A. The lot shall have direct access to a State highway.

- B. The location of entrances shall be clear and well-marked, and circulation within the parking area shall be obvious.
- C. Maximum unobstructed sight distances shall be available for motorists entering, as well as leaving the premises.
- D. All theater screens shall be oriented away from the highway, and the ticket building shall be located so that at least two (2) rows of 10 cars each may line up on the premises approaching the building.

18. DRIVE-THROUGH FACILITIES

All businesses which propose drive-through facilities as accessory uses or principal uses shall meet the following requirements:

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. The drive-through facility shall be located on or to the side or rear of the principal structure.
- C. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets or berms.
- D. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- E. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- F. A pass-by lane shall be provided to allow for vehicles to exit the drive-through area without passing by the drive-through window.

19. ENTERTAINMENT FACILITY, INDOOR

- A. No storage of equipment or material shall be permitted outside a structure.
- B. All lights shall be shielded and reflected away from adjoining properties.

- C. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

20. ESSENTIAL SERVICES

- A. No storage of movable equipment or material shall be permitted outside a structure.
- B. 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.
- C. 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.
- D. 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.

21. FARMING, COMMERCIAL

- A. The minimum lot size is 20 acres.
- B. Buildings housing animals shall be a minimum of one hundred (100) feet from any road right of way and two hundred (200) feet to any side or rear property line.
- C. All property lines adjoining residential use or zoning district classification shall be screened by a buffer area as defined by this Ordinance which is at least twenty-five (25) feet in depth measured from the property line for a sufficient length along the property line as determined by the Planning Commission and Borough Council to adequately protect any adjacent dwelling.

22. FINANCIAL INSTITUTIONS WITH DRIVE-THRU FACILITIES – SEE #18 DRIVE-THROUGH FACILITIES

23. GASOLINE SERVICE STATIONS

- A. Such use shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.
- B. All lighting shall be shielded away from adjacent lots.
- C. Gasoline pumps shall be located no closer than twenty-five (25) feet to any property line.
- D. No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.

- E. Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.
- F. There shall be no storage of wrecked or dismantled vehicles outside of a building, nor shall there be parking permitted on the lot of vehicles or trailers in excess of one (1) vehicle per employee and employer, plus three (3) customers' vehicles per repair bay.
- G. Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazard or great delay.

24. GAS SERVICE STATION WITH SMALL RETAIL AND AUTO WASH

- A. Such use shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.
- B. All lighting shall be shielded away from adjacent lots.
- C. Gasoline pumps shall be located no closer than twenty-five (25) feet to any property line.
- D. No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.
- E. Such operations as car washing, waxing and greasing shall be conducted within an enclosed building.
- F. All car washing areas shall discharge into public storm sewers in compliance with state and federal laws.
- G. 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) vehicle per employee and employer, plus three (3) customers' vehicles per repair bay.
- H. The perimeter of the property shall be screened accordance with Bufferyard C of this Ordinance.
- I. Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazard or great delay.
- J. The lot shall have frontage on and direct access to a collector or arterial street.

25. GROCERY STORE

- A. The minimum site shall be five (5) acres.**

- B. The site shall have frontage on and direct vehicular access to an arterial or collector road, as defined by this Ordinance.
- C. 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.
- D. Landscaping and screening shall be completed in adherence of the requirements of Bufferyard C of this Ordinance.
- E. Ingress, egress and internal traffic circulation shall be designed to minimize congestion and ensure safety and provide access for emergency and fire vehicles.
- F. All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- G. There shall be no storage of materials or equipment outside a completely enclosed building. All sales shall be conducted within a completely enclosed building.
- H. All uses shall be located at least fifty (50) feet from any property line which adjoins a residential use.
- I. All parking areas shall be located at least twenty (20) feet from any property line which adjoins a residential use.

26. GROUP CARE FACILITY

- A. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- B. 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.
- C. No group care facility shall be located within 3,500 feet of another group care facility.
- D. 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.
- E. A group care facility shall have direct access to a street defined as arterial or collector by this Ordinance.

27. HELIPADS

- A. Helipads shall be located at least one hundred (100) feet from any property line or public street.
- B. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation, Bureau of Aviation shall be permitted.
- C. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.
- D. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- E. 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.
- F. Maintenance of aircraft shall be prohibited, except for maintenance of an emergency nature.
- G. There shall be no storage of fuel at the helipad.
- H. There shall be no basing of aircraft at the helipad.
- I. The helipad shall be fenced and secured at all times to preclude access by the general public.
- J. 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.
- K. Lighting shall be shielded away from adjacent properties.

28. HOSPITALS, MEDICAL CLINICS OR NURSING HOMES

- A. Nursing homes shall have a capacity of not less than twenty (20) nor more than two hundred (200) beds.
- B. 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.

- C. Adequate open space shall be provided for outdoor activity consistent with the needs of the patients or residents of each of the facilities.
- D. Outdoor lighting shall be shielded away from adjacent lots.
- E. The facility shall be licensed by the Commonwealth.
- F. Adequate security shall be provided for the facility.
- G. 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.
- H. The lot shall be landscaped, and the perimeter of the lot shall be planted with Bufferyard C.
- I. Ingress, egress and internal traffic circulation shall be designed to ensure safety, minimize congestion and provide access by emergency vehicles.

29. HOTEL OR MOTEL

- A. The minimum floor area per sleeping unit shall be 240 square feet.
- B. A landscaping screen (Bufferyard C), as defined by this Ordinance, 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.
- C. 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.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles and minimize congestion.
- E. Vehicular access shall be provided from the site to a street defined as collector or arterial by the Borough without traversing local streets beyond the frontage that the site may have on a local street.
- F. Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.
- G. Swimming pools proposed as accessory to a motel/hotel shall be subject to the fencing requirements of this ordinance and any other ordinance of the Borough regulating swimming pools.

30. HOUSE OF WORSHIP

- A. No Storage of equipment or material shall be permitted outside a structure.
- B. All lights shall be shielded and reflected away from adjoining properties.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

31. JUNK YARD/SALVAGE YARD

- A. The minimum site size shall be ten (10) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage, organic waste, petroleum products or hazardous waste shall be stored, buried or disposed of on the premises.
- D. 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 firefighting and prevent the accumulation of stagnant water.
- E. Junk yards shall comply with the Performance Standards of this Ordinance.
- F. 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.
- G. The premises shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with self-latching gate.
- H. The fence shall be supplemented with screening material which creates a visual barrier that is at least 80% opaque.
- I. All property lines adjoining residential use or zoning district classification shall provide landscaped screening in accordance with Bufferyard C of this Ordinance.
- J. 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.

32. KENNEL

- A. Minimum lot area of five (5) acres.

B. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.

~~B.C.~~ Outdoor kennels, outdoor runs or other outdoor shelter facilities shall be located at least 300 feet from any occupied dwelling on an adjacent lot and at least 200 feet from any property line adjoining property in the R-1, R-2, and R-3 zoning districts.

~~C.D.~~ Any exterior fenced area wherein animals exercise or are otherwise kept or permitted to remain must be located a minimum of 150 feet from any principal structure on adjacent lots, measured from any point of the perimeter of the exterior exercise area. Outdoor runs, outdoor shelter facilities and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a minimum six-foot-high fence with self-latching gate and shall be screened by Bufferyard C as described in this chapter.

E. The perimeter of the exterior exercise area must be fenced with weatherproof material, a minimum of five feet in height, and the area must be accessible only through a self-latching gate.

~~D.F.~~ The operator shall submit an animal waste management and disposal plan to the Borough.

33. MANUFACTURING FACILITY, HEAVY

- A. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited.
- B. No loudspeakers shall be permitted outside any enclosed structures.
- C. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
- D. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.
- E. All materials and equipment shall be stored within a completely enclosed building.
- F. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- G. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Borough to determine the appropriateness of the proposed activity in the location proposed.

- H. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
- I. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- J. The Borough may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- K. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- L. All property lines adjoining residential use or zoning district classification shall provide landscaped screening in accordance with Bufferyard C of this Ordinance.

34. MANUFACTURING FACILITY LIGHT

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
- C. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Borough to determine the appropriateness of the proposed activity in the location proposed.
- D. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
- E. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- F. The Borough may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- G. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- H. All property lines adjoining residential use or zoning district classification shall provide landscaped screening in accordance with Bufferyard C of this Ordinance.

35. MARINA

- A. No house boats shall be permitted.
- B. Marina structures shall only be used for the storage, maintenance, and/or fueling of watercraft.
- C. Outdoor storage of materials associated with maintenance shall not be permitted.
- D. The plan for the use shall be prepared and sealed by an architect, engineer or landscape architect showing the overall use of the site, structures and facilities, decks, ramps, etc. The plan shall conform to all safety requirements of the United States Army Corps of Engineers.

36. MARINE REPAIR FACILITY

- A. Structures shall not exceed the height of 50 feet.
- B. Outdoor storage of materials associated with maintenance shall not be permitted.

37. MEDICAL MARIJUANA DISPENSARY

- A. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health. A medical marijuana dispensary must comply with all applicable state and county laws, rules and regulations.
- B. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- C. A medical marijuana dispensary may not be located on the same property where a facility for growing or processing medical marijuana is located.
- D. The dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- E. A Medical Marijuana Dispensary shall not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which the protected use is located.
- F. A medical marijuana dispensary shall not include a drive through service, outdoor seating, or outdoor vending machines.

- G. Direct or home delivery service shall not be offered.
- H. Consumption of medical marijuana on the premises shall not be permitted.
- I. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- J. A Medical Marijuana Dispensary shall not be located within 1,000 feet of the property line of a church or religious place of worship. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which the protected use is located.
- K. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with Pennsylvania Department of Health requirements and shall not be placed within any unsecure exterior refuse containers.

38. MEDICAL MARIJUANA GROWER/PROCESSOR

- A. The minimum lot area shall be 10,000 square feet.
- B. Loading areas/docks shall be screened.
- C. No outdoor storage shall be permitted.
- D. Medical marijuana may only be grown in an indoor, enclosed and secure building. The growing facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- E. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
- F. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with Pennsylvania Department of Health requirements and shall not be placed within any unsecure exterior refuse containers.
- G. Grower/Processors shall not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which the protected use is located.

- H. All external lighting shall be shielded in such a manner to not allow light to exceed one foot-candle at the property line.
- I. Loading and off-loading areas must be provided within the structure.
- J. Grower/Processors shall not be located within 1,000 feet of the property line of a church or religious place of worship. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which the protected use is located.
- K. The dispensary shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

39. METHADONE TREATMENT FACILITY

- A. 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.
- B. Overnight boarding of patients shall not be permitted.
- C. Landscape Bufferyard B shall be installed on any property lines that adjoin property in a residential zoning district.

40. MICRO-BREWERIES AND MICRO-DISTILLERIES

- A. Operations shall cease between the hours of 2:00 a.m. and 11:00 a.m. prevailing time, and the establishment may not be open to the public during those hours.
- B. Shall not be located closer than 600 feet to another similar existing use.
- C. Operations shall be regulated so that nuisances such as excessive noise levels shall not be created. The Borough may attach such reasonable conditions as it deems necessary to ensure the operation complies with this requirement.

41. MOBILE FOOD VENDOR – See Article 600, Section 6

42. SELF-STORAGE FACILITIES

- A. The minimum site required shall be five (5) acres.
- B. 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.
- C. 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.
- D. All one-way driveways shall have a minimum of one 10-foot parking lane plus one 15-foot travel lane.
- E. 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.
- F. All interior driveways shall be paved with an impervious surface.
- G. Parking shall be provided in accordance with the requirements of this Ordinance.
- H. The perimeter of the site shall be fenced with a minimum eight (8) foot fence with self-latching gate.
- I. Maximum building height shall be twenty (20) feet.
- J. 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.
- K. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
- L. The maximum length of any storage building shall be two hundred (200) feet.
- M. 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.
- N. Maximum lot coverage by all buildings shall be forty percent (40%).

- O. Office space may be provided which shall not exceed five percent (5%) of the total floor area devoted to storage.
- P. No storage shall take place outside of an enclosed building.
- Q. Storage units shall not be equipped with water or sanitary sewer service.
- R. No business activity other than rental of storage units shall be conducted on the premises.
- S. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris and dust shall not be created.
- T. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- U. The design of the storage buildings shall be sealed by a Pennsylvania registered architect.
- V. No signs shall be placed on the buildings or on their rooftops.
- W. 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.
- X. 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.
- Y. The facility shall comply with all local Fire Codes.

43. MOTEL OR HOTEL

- A. 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.
- B. The minimum floor area per sleeping unit shall be 240 square feet.
- C. A landscaping screen (Bufferyard C), as defined by this Ordinance, 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.

- D. 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.
- E. Ingress, egress and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles and minimize congestion.
- F. Vehicular access shall be provided from the site to a street defined as collector or arterial by the Borough without traversing local streets beyond the frontage that the site may have on a local street.
- G. Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.
- H. Swimming pools proposed as accessory to a motel/hotel shall be subject to the parking and fencing requirements of this ordinance and any other ordinance of the Borough regulating swimming pools.

44. MOVIE THEATRE

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding uses, properties, and within the subject property.
- B. The use shall have one direct point of vehicular access from an arterial or collector street. The point of vehicular access shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. For parking demands greater than 300 vehicles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- D. Vehicular and pedestrian access to the proposed development shall be designed and provided to maximize pedestrian and vehicle safety.
- E. The vehicular and pedestrian circulation systems shall be designed to minimize conflicts between vehicular and pedestrian circulation.

45. NATURAL GAS COMPRESSOR STATION

Natural Gas Compressor Stations which employ the use of compressors, motors or engines, as part of the operations and/or produce air contaminant emissions or offensive odors, Gathering System Facilities and Production Facilities, shall be permitted only in the Heavy Industrial (I-2)

zoning district as a principal use upon conditional use approval, subject to this ordinance, all applicable chapters of the Borough of Jefferson Hills Code of Ordinances and the following:

- A. All Oil and Gas Development Conditional Use application requirements and conditions and standards apply to Natural Gas Compressor Stations.
- B. All noise generating equipment and processes shall be contained within a completely enclosed building and windows and doors shall remain closed during operations.
- C. Adequate public utilities shall be available to meet the demands of the facility.
- D. The front, rear and side yard requirements shall be a minimum of two hundred (200) feet.
- E. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent streets and properties.
- F. Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with traffic to and from the site.
- G. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection (PADEP) and the Borough of Jefferson Hills Code of Ordinances.
- H. Secondary containment shall be provided at sites utilizing liquid separators.
- I. Compressors and other power-driven equipment shall use spark-less electrical motors when practicable as an alternative to internal combustion motors.
 - 1. If an internal combustion engine is used, it shall not be discharged into the open air unless it is equipped with an exhaust muffler, mufflers, or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot. All such equipment shall be maintained in good operating condition according to manufacturer's specifications.
 - 2. A security fence as specified in Section 1504(H), Fencing, Screening and Buffering, of this ordinance shall be set back at least ten (10) feet from the property line and twenty (20) feet from a public right-of-way.

46. NATURAL GAS PROCESSING PLANT

Natural Gas Processing Plants shall be permitted only in the Heavy Industrial (I-2) Zoning District as a principal use upon conditional use approval, all applicable chapters of the Borough of Jefferson Hills Code of Ordinances and the following:

- A. All Oil and Gas Development Conditional Use application requirements and conditions and standards apply to Natural Gas Processing Plants.
- B. All noise generating equipment and processes shall be contained within a completely enclosed building and windows and doors shall remain closed during operations.
- C. Adequate public utilities shall be available to meet the demands of the facility.
- D. The front, rear and side yard requirements shall be a minimum of two hundred (200) feet.
- E. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent streets and properties.
- F. Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with traffic to and from the site. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection and the Borough of Jefferson Hills Code of Ordinances.
- G. Power driven equipment shall use spark-less electrical motors when practicable as an alternative to internal combustion motors.
- H. If an internal combustion engine is used, it shall not be discharged into the open air unless it is equipped with an exhaust muffler, mufflers, or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot. All such equipment shall be maintained in good operating condition according to manufacturer's specifications.
- I. A security fence as specified in Section 1504(H), Fencing, Screening and Buffering, of this ordinance shall be set back at least ten (10) feet from the property line and twenty (20) feet from a public right-of-way.

47. NURSING HOME

- A. The institution shall be accredited by the commonwealth.
- B. The institution shall be the sole occupant of the lot.
- C. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- D. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

E. Buildings shall be set back from one another and residential occupancy shall be in conformance with this chapter.

48. OIL AND GAS DEVELOPMENT

~~A. It is understood that Oil and Gas Well Drilling categorized as conventional wells, as defined herein, have less impacts than Oil and Gas Well drilling categorized as unconventional. Accordingly, the Applicant may request waivers and/or modifications from any of the provisions of Section 1504, and the Borough Council consistent with concerns over protecting public health, safety and welfare of the residents of the Borough may grant such waivers and/or modifications, provided the following minimum standards for conventional wells are maintained. The following shall be considered minimum standards for oil and gas drilling operations that are classified as conventional wells:~~

- ~~1) A copy of the permit application submitted to the PADEP shall be submitted with the application for conditional use approval. In the event that the application seeks Borough approval prior to approval from the PADEP, the Borough may require submission of the permit application submitted to the Commonwealth as a condition of 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.~~
 - ~~e. 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; and,~~
 - ~~e. Potential communication between the well and the public water supply.~~
- ~~9) The applicant shall provide certification that a bond is held by the PADEP to ensure proper plugging when the well is classified as inactive by the PADEP. In the event that the application seeks Borough approval prior to approval from the PADEP, the Borough may require submission of the certification of bonding submitted to the Commonwealth as a condition of conditional use approval.~~
- ~~10) The applicant shall provide to the Borough 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; and,~~
- ~~f. Anticipated plugging date.~~

~~11) Adequate security measures shall be proposed, if warranted by the character of surrounding development.~~

~~12) A locked gate shall secure the access road to the well site and means of access shall be provided to Borough Police Department and local fire companies 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 \$5,000.00 to guarantee installation of the access road, fencing, gate and any other features not otherwise bonded by the PADEP required by the Borough Zoning Ordinance or as a condition of conditional use approval.~~

BA. Application Requirements.

- 1) A conditional use application must be in accordance with Borough of Jefferson Hills Code of Ordinances. The application will include a survey of the proposed well site showing all permanent structures and facilities (including locations and distances) within 1,000 feet of the site.
- 2) The applicant desiring approval of a conditional use application pursuant to this ordinance shall submit a written application. The application shall not be considered complete and properly filed unless and until all items required by this section, including the application fee, have been received. Such application shall include the following information and plans:

- a) Payment of an application fee in an amount as determined by Resolution of Borough Council. The applicant shall also provide to the Borough an amount as determined by Resolution of Borough Council to be deposited into an escrow account from which the Borough may draw from/be reimbursed for administrative expenses and engineering costs and fees for review and inspections to ensure compliance with this ordinance. The Borough may adjust the escrow amount from time to time as may reasonably be required to cover administrative and engineering expenses. The Borough shall be reimbursed for any costs over and above the escrow amount along with a ten percent administrative and overhead charge within thirty (30) days of invoicing by the Borough.
- b) Twenty (20) paper copies and one electronic copy of the completed application form supplied by the Borough along with supporting documentation as identified in this section.
- c) Copies of any and all permits and applications submitted to the various local, county, state and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania Department of Environmental Protection well application and permit, ESCGP-1 or other erosion and sedimentation permits and all air, water and waste management permits. If permit applications to or permits received from these agencies are submitted/received after the conditional use process contained herein, copies of said applications/permits, the Borough may require submission of the application/permits as a condition of conditional use approval.
- d) Written authorization from the property owner(s) who has legal or equitable title in and to the surface of the proposed Oil and Gas Development or Facility.
- e) A site plan prepared by a licensed engineer shall be provided to establish compliance with all applicable regulations.
- f) Traffic Impact Study - The applicant shall provide a traffic impact study as defined in the Borough's Subdivision and Land Development Ordinance and shall include particular emphasis on the following:
 - i. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the sitting, drilling, stimulating, completion, alteration and operation of the Oil and Gas Development or Facility. Such description shall include a map showing the planned vehicular access route to the Oil and Gas

Development site, indicating all state, county, and local roads, and transportation infrastructure that may be used and the type, weight, number of trucks and delivery schedule necessary to support each phase of the Oil and Gas Development.

- ii. An inventory, analysis, and evaluation of existing road conditions on Borough roads along the proposed transportation route identified by the applicant, including photography, video and core boring as determined to be necessary by the Borough Engineer.
- g) The applicant shall provide a plan for the transmission of gas from the Oil and Gas Development. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the Borough and extending eight hundred (800) feet beyond the Borough boundary.
- h) The applicant shall provide the GIS location and 911 address of the well site.
- i) Noise Management Plan – The applicant shall provide a Noise Management Plan. The Noise Management Plan shall detail how the equipment used in connection with the Oil and Gas Development or Facility, including but not limited to the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels as defined by the applicable codes. The Noise Management Plan must:
 - i. Identify the sound power level of all major equipment and/or processes including the identification of maximum sound power levels at all points designated by the Borough.
 - ii. Provide documentation establishing the Ambient Noise Level, as defined by this ordinance.
 - iii. Provide documentation including computer modeling in form and substance satisfactory to the Borough and performed by a qualified person approved by the Borough, establishing compliance with this section during the construction and operation of the applicable Oil and Gas Development or Facility.
 - iv. Detail how noise impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
 - 1. Nature and proximity of adjacent residential, commercial, industrial or other development, location, and type;

2. Seasonal and prevailing weather patterns, including wind directions;
3. Vegetative cover on or adjacent to the site; and
4. Topography

BC. Conditions and Standards.

Unless modified as permitted by this section, the following standards shall be applicable to Oil and Gas Development and Facilities.

1) General.

- a) Best management practices shall be encouraged.
- b) All operations shall be in accordance with all applicable federal and state laws and regulations; including, but not limited to, the Pennsylvania Oil and Gas Act (58 P.S. 601.101 et seq.), as amended and pursuant to all other applicable rules, regulations and procedures adopted thereto.
- c) Changes in the site plan including, but not limited to, any expansion of the ground surface area used and/or devoted towards drilling operations requires further conditional use approval pursuant to the terms and conditions of this Ordinance.
- d) At least thirty (30) days prior to any development activity at the Oil and Gas Development or Facility, the Operator shall provide the following information to each property owner within three thousand (3,000) feet for unconventional wells and one thousand (1,000) feet for conventional wells of the planned surface location of the Oil and Gas Development or Facility:
 - i. A copy of the site plan approved or conditionally approved by the Borough;
 - ii. A duly authorized representative of the Borough, trained by the operator or his agents, shall have the authority in relation to the enforcement of this ordinance to enter upon the property of an Oil and Gas Development or Facility for the purpose of inspecting the site, equipment and all other aspects of the site necessary to ensure compliance with this ordinance.
 - iii. Only essential safety and emergency personnel shall be permitted to occupy any trailer at the site overnight. Trailers or temporary

living quarters shall be subject to Section 1504(J) Bunk Houses, of this ordinance.

2) Traffic Impact.

- a) The proposed routes must be designed to minimize the impact on Local Streets and Roads within the Borough. The Borough reserves the right to designate alternate routes in the event the applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by the Borough Engineer. Vehicles are to operate on State and County routes and may only use local streets and roads when the use of state routes are not feasible.
- b) Prior to the commencement of any activity at the Oil and Gas Development or Facility, the applicant shall enter into a Borough Roadway Maintenance and Repair Agreement with the Borough, in a form acceptable to the Borough, regarding maintenance, repair and bonding of local streets and roads that are to be used by vehicles for Oil and Gas Development activities. The Borough Roadway Maintenance and Repair Agreement will identify the responsibilities of the applicant to prepare, maintain, and repair Local streets and roads before, during and immediately after drilling operations associated with the Oil and Gas Development or Facility. The applicant shall take all necessary corrective action and measures as directed by the Borough pursuant to the Agreement to ensure the roadways are repaired and maintained during and at the conclusion of all Oil and Gas Development activities.
- c) The applicant shall take the necessary safeguards to ensure that streets and roads utilized remain free of dirt, mud and debris resulting from Oil and Gas Development activities and/or shall ensure such streets and roads are promptly swept and cleaned if dirt, mud and debris occur.
- d) The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the Oil and Gas Development or Facility, Operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- e) There will be no staging of trucks or equipment on local streets and roads.

- f) A traffic control plan in conformance with PennDOT standards shall be provided.

3) Lighting.

- a) The illumination projected from the Oil and Gas Development or Facility to a property used for residential purposes shall at no time exceed one tenth (0.1) of a foot-candle, measured line-of-sight from any point on the receiving property. The illumination projected from the Oil and Gas Development or Facility to a nonresidential use at no time shall exceed one (1.0) foot-candle, measured line of sight from any point on the receiving property.
- b) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light or glare onto a neighboring use or property.
- c) The lighting system shall be designed with cutoff luminaries that have a cutoff angle of sixty degrees (60°) or less.
- d) The Applicant may request a modification to these requirements to be approved by the Borough, subject to meeting the following standards:
 - i. All general performance standards as noted above, including maximum foot-candles at property lines, shall be maintained.
 - ii. Proper cutoff angles shall be maintained in an effort to eliminate or minimize glare.
 - iii. The Applicant shall demonstrate a need to vary from the prescribed standards based upon safety and security issues, the general design of the site and other factors that may shield the proposed lighting and minimize glare, or the ability to meet or exceed the general performance standards outlined above.
 - iv. The Applicant shall submit a photometric plan, construction details, and a narrative that demonstrate achievement of the above criteria.

4) Noise.

After review of the submitted Noise Management Plan, the Borough Council may require operation and site noise management measures, which may include, but not be limited to any of the following measures to assist in the mitigation of noise generated within the site of the drilling site or facility:

- a) Use of critical grade mufflers on generators and motors; equipment or process substitution with a lower sound power level; use of structural noise curtains, walls, or enclosures; and best management practices by utilizing best available control technology to limit or eliminate noisier operations, such as tripping, deliveries of pipe, casing and heavy loads, use of horns for communication, and operation of vehicle audible back-up alarms at night.
- b) Erection of sound barriers; and
- c) Altering the direction, size, proximity, duration and extent of the operations associated with the applicable Oil and Gas Development or Facility.

5) Hazards.

Upon request of the Borough Emergency Management Coordinator, the applicant shall, prior to drilling its first gas well in the Borough, make available with at least thirty (30) days' notice, at the applicant's sole cost and expense, one (1) appropriate group training program for emergency responders and Borough code enforcement personnel. Such training shall be made available at least annually during any year that drilling activities take place at the Oil and Gas Development or Facility. Training should cover each phase of the Oil and Gas Development from site work to well completion. If additional wells are drilled at the site, the applicant and Emergency Management Coordinator will determine if additional training is required.

6) Access.

- a) Beginning with its intersection with a public street, any ingress or egress point for the Oil and Gas Development or Facility shall be paved for the first fifty (50) feet and improved with limestone or other material for the next one hundred (100) feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt or other debris is carried on to public or private rights-of-way from the well site, the Operator shall immediately clean the roads and implement a remedial plan as directed by the Borough to keep the streets continuously clean. The first fifty (50) feet from the existing edge of pavement extending into the site shall consist of the following material:
 - i. Compacted sub grade
 - ii. Pennsylvania Department of Transportation ("PennDOT") Class 4 Geotextile Fabric
 - iii. 8" AASHTO #1 Crushed Aggregate Base Course

- iv. 2" PennDOT 2A Aggregate
 - v. 6" Superpave 25mm Binder Course
- b) The remainder of the driveway to the well pad shall be constructed with the following material:
- i. 8" AASHTO #1 Crushed Aggregate Base Course
 - ii. 2" PennDOT 2A Aggregate
- c) Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:
- i. Meet Pennsylvania Code 67 Chapter 441 "Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
 - ii. Ensure adequate capacity for existing and projected traffic volume.
 - iii. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
 - iv. Minimize hazards to highway users and adjacent property and human activity.
- d) All applicable permits or approvals must be obtained, including without limitation:
- i. Access or driveway permits to state or county roads.
 - ii. Overweight or oversize loads.
- e) All weather access roads, suitable to handle emergency equipment, shall be provided to within fifty (50) feet of any structure, improvement, or activity area.

7) Storage of Equipment.

- a) No equipment including drilling, re-drilling, re-working or other portable equipment shall be stored on the Oil and Gas Development or Facility that is not essential to the everyday operation of the well located thereon. This includes the removal of idle equipment unnecessary for the operation of such wells.

- b) Lumber, pipes, tubing and casing shall not be left on the Oil and Gas Development or Facility except when drilling or well servicing operations are being conducted on the site.
- c) It shall be illegal to park or store any vehicle or item of machinery on any street, right-of-way or in any driveway, alley or on the Oil and Gas Development or Facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for the maintenance of the Oil and Gas Development or Facility or for gathering or transportation of hydrocarbon substances from the site.

8) Fencing, Screening and Buffering.

- a) Galvanized chain link security fencing shall not be required at the well site, with the exception of freshwater ponds and open pits, during the initial drilling, or re-drilling operations, as long as manned twenty-four (24) hours with on-site supervision and security provided. Fresh water ponds and open pits shall be fenced in accordance with Section 1504(H)(3) of this ordinance.
- b) Upon completion of drilling or re-drilling, security fencing consisting of a permanent galvanized chain link fence shall be promptly installed at all well sites to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the well site.
- c) Security fencing shall be at least eight (8) feet and not more than ten (10) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide. Gates shall be kept locked except when being used for access to the site. Additional lockable gates used to access the well site, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
- d) The Borough's first responders shall be given means to access the well site in case of an emergency. It is recommended a lock box be installed. Applicant must provide the Allegheny County 911 Communications Center with necessary information to access the Oil and Gas Development or Facility in case of an emergency.
- e) Warning signs shall be placed on the fencing surrounding the Oil and Gas Development or Facility providing notice of the potential dangers and the

contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the well site.

- f) In construction of the Oil and Gas Development or Facility the natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.

9) Structure Height.

Permanent Structures of the Oil and Gas Developments and Facilities (both principal and accessory) shall comply with the height regulations of the applicable zoning district.

10) Bunk Houses.

Bunk houses shall not be permitted on the drilling site.

D. Applicability of Standards Contained in this Section to Conventional Wells.

- 1) It is understood that Oil and Gas Well drilling categorized as conventional wells, as defined herein, have less impacts than Oil and Gas Well drilling categorized as unconventional. Accordingly, the applicant may request waivers and/or modifications from any of the provisions of Section 1504, and the Borough Council consistent with concerns over protecting public health, safety and welfare of the residents of the Borough may grant such waivers and/or modifications, provided the following minimum standards for conventional wells are maintained. The following shall be considered minimum standards for oil and gas drilling operations that are classified as conventional wells:

- a) A copy of the permit application submitted to the PADEP shall be submitted with the application for conditional use approval. In the event that the application seeks Borough approval prior to approval from the PADEP, the Borough may require submission of the permit application submitted to the Commonwealth as a condition of conditional use approval.

- b) A property survey shall be submitted demonstrating the following information:

- i. The proposed location of the well or wells
- ii. The proposed means of access to the well or wells
- iii. The proposed gathering or transmission lines

- iv. The distance from any existing structures on the subject property or the immediately adjacent properties.
 - v. The location of local water supply wells or systems
- c) The Applicant shall provide logs or other documentation showing the estimated deepest fresh groundwater.
- d) 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.
- e) The Applicant shall indicate whether a pre-alteration or pre-drilling survey is to be conducted.
- f) A site-specific erosion and sedimentation control plan shall be submitted.
- g) As part of the emergency response plan required by this section, 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:
- i. The size and location of a storage pit for any material emanating from the well during drilling and site restoration.
 - ii. The size and location of any tankage designed for the site as well as dikes for spill containment of said tank during well production.
 - iii. Methods of oil separation and removal of all solid or liquid by-products, including oil, from the site during production, if applicable.
 - iv. 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.
 - v. Any information that is not available at the time of application shall be submitted as an addendum to the emergency response plan.
- h) 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:
- i. Well leakage;

- ii. Spill containment;
 - iii. Vandalism creating unknown conditions;
 - iv. Defective casing or cementing; and,
 - v. Potential communication between the well and the public water supply.
- i) The applicant shall provide certification that a bond is held by the PADEP to ensure proper plugging when the well is classified as inactive by the PADEP. In the event that the application seeks Borough approval prior to approval from the PADEP, the Borough may require submission of the certification of bonding submitted to the Commonwealth as a condition of conditional use approval.
- j) The applicant shall provide to the Borough a schedule indicating the following dates:
- i. Site preparation beginnings and endings;
 - ii. Anticipated drilling activity beginnings and endings;
 - iii. Anticipated completion (perforating) work to begin and end;
 - iv. Anticipated stimulation (fracturing) work to begin and end;
 - v. Anticipated production work to begin and end; and,
 - vi. Anticipated plugging date.
- k) Adequate security measures shall be proposed, if warranted by the character of surrounding development.
- l) A locked gate shall secure the access road to the well site and means of access shall be provided to the Borough Police Department and local fire companies for emergency response.
- m) 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.
- n) 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.
- o) 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.

- p) Borough Council shall require a performance bond in the amount of \$5,000.00 to guarantee installation of the access road, fencing, gate and any other features not otherwise bonded by the PADEP required by the Borough Zoning Ordinance or as a condition of conditional use approval.

49. PARKING STRUCTURE

- A. Such uses shall not be located any closer than 200 feet to any residential lot, school, church, playground or public building.
- B. All lighting shall be shielded away from the street and adjacent lots.
- C. Ingress, egress and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazards or delay.
- D. No permanent stand, rack or other apparatus shall be placed so as to project beyond any building line.

50. PERSONAL CARE BOARDING HOMES AND TRANSITIONAL DWELLINGS

- A. 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.
- B. 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).
- C. 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).
- D. 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.
- E. Twenty-four (24) hour supervision shall be provided by staff qualified by the licensing or sponsoring agency.
- F. Adequate provisions shall be made for access by emergency medical and fire-fighting vehicles.
- G. 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.

- H. 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.

-51. PRIVATE CLUBS

- A. Minimum lot area of one (1) acre.
- B. Located at least fifty (50) feet from any property line adjoining a residential dwelling.
- C. Where clubhouses are located within three hundred (300) feet of a residential dwelling, operations shall be discontinued between the hours of 12:00 a.m. and 6:00 a.m.
- D. Swimming pool accessory uses shall be subject to the provisions of this Ordinance governing Community or Club Swimming Pools.

52. RECREATION, INDOOR

- A. Coverage, including structures, parking lots, and buildings, shall not exceed 50% of the lot.
- B. The facility area and lot boundaries shall be landscaped as required by Bufferyard C to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- C. All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
- D. All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.
- E. All facilities shall abut a public road and have a permanent access thereto.
- F. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and jukeboxes shall be prohibited on the premises.
- G. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- H. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.

- I. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.
- J. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.
- K. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

53. RECREATION OUTDOOR

- A. Coverage, including structures, parking lots, and buildings, shall not exceed 50% of the lot.
- B. The facility area and lot boundaries shall be landscaped as required by Bufferyard C to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- C. All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
- D. All facilities shall have a paved parking area in accordance with this chapter; and it shall not be closer than 25 feet to any residential lot line.
- E. All facilities shall abut a public road and have a permanent access thereto.
- F. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and jukeboxes shall be prohibited on the premises.
- G. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- H. All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- I. Tennis courts shall be protected by a permanent fence 10 feet in height behind each base line extending 10 feet beyond the playing area in each direction.
- J. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.

K. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.

L. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

M. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

54. RECREATION-RELATED COMMERCIAL USES (IN THE SPECIAL CONSERVATION DISTRICT)

- A. 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.
- B. 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.
- C. Lighting or other features which encourage use of the area after dusk shall not be permitted.
- D. 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.
- E. The maximum floor area of any recreational or commercial building shall be 5,000 square feet.
- F. In addition to the required parking spaces for vehicles required by this Ordinance for the proposed uses, parking areas for bicycles shall be provided.
- G. No storage of equipment or materials shall be permitted outside a completely enclosed structure.
- H. 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.

55. LOW IMPACT OUTDOOR RECREATIONAL FACILITY

- A. Lighting or other features which encourage use of the area after dusk shall not be permitted.
- B. The design of the proposed recreational facilities and any proposed recreational structures shall comply with all applicable requirements governing flood plains and wetlands.
- C. In addition to the required parking spaces for vehicles required by this Ordinance for the proposed uses, parking areas for bicycles shall be provided.
- D. No storage of equipment or materials shall be permitted outside a completely enclosed structure.
- E. 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.

56. RESTAURANT

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- C. Outdoor storage of materials shall not be permitted.

57. RESTAURANT WITH DRIVE-THROUGH FACILITIES

Any business that proposes drive-through facilities as accessory uses or principal uses shall meet the following requirements

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. In addition to the parking spaces required for the principal use, a minimum of five (5) standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles

shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets or berms.

- C. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- D. Parking area and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.

58. SCHOOLS, PUBLIC OR PRIVATE OR COMMERCIAL

- A. No storage of equipment or material shall be permitted outside a structure.
- B. 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.
- C. All lights shall be shielded away from adjacent properties.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

59. PUBLIC SERVICE CORPORATION FACILITIES

- A. No storage of equipment or material shall be permitted outside a structure.
- B. 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.
- C. All lights shall be shielded and reflected away from adjoining properties.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

60. SHOPPING CENTERS

- A. The minimum site shall be five (5) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial or collector road, as defined by this Ordinance.
- C. 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.

- D. Landscaping and screening shall be completed in adherence of the requirements of Bufferyard C of this Ordinance.
- E. Ingress, egress and internal traffic circulation shall be designed to minimize congestion and ensure safety and provide access for emergency and fire vehicles.
- F. All outdoor lighting shall be shielded and reflected away from adjacent streets and residential properties.
- G. There shall be no storage of materials or equipment outside a completely enclosed building. All sales shall be conducted within a completely enclosed building.
- H. All uses shall be located at least fifty (50) feet from any property line which adjoins a residential use.
- I. All parking areas shall be located at least twenty (20) feet from any property line which adjoins a residential use.

61. SOLAR ENERGY FACILITY

- A. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- B. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- C. Noise from any solar-energy facility shall not exceed 15 decibels at the lot line, unless all affected adjacent property owners shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Butler County. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989, titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier."
- D. Construction of any solar-energy facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration. Documentation of compliance shall be provided to the Township.

- E. To the extent applicable, all solar-energy facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of solar-energy facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- G. Solar-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- H. Solar-energy facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- I. Transmission and power lines shall be placed underground or out of sight.
- J. Where installed on the roof of a building, no solar-energy facility shall be installed such that more than 50% of each roof area is covered by the facility.
- K. No solar-energy facility or facilities may exceed in total 30% of the total lot or site area.
- L. Solar-energy facilities shall meet the accessory structure setbacks that may apply in the zoning district within which the facility is constructed, and where no such setback is specified, the facility shall be no closer than 10 feet to any property line.
- M. No facility shall be attached to a tree or any other natural object or structure not intended to support such a facility, except that facilities may be appropriately attached to buildings capable of accommodating them.
- N. No facility shall be installed immediately adjacent to a swimming pool or other open body of water.

62. SPECIAL EVENT VENUE

- A. The parcel on which the Special Event Venue is located shall be at least five (5) acres in size and able to accommodate all facets of the event within the boundaries of the property.
- B. Special Event Venues, including all fixtures, tents and parking, shall be set back at least fifty (50) feet from all property lines.
- C. Any Special Event Venue as a principal use shall be subject to the following setback requirements:

- 1) Residential Zoning District Boundaries: 750 feet
- 2) Existing Residential Structures: 1000 feet

- D. The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.
- E. Parking shall be on the property on which the Special Event Venue is located. Under no circumstances may parking be on State or Borough roads, on other public property, or on private property other than that on which the Special Event Venue is located.
- F. The parking area shall be accessible by means of a paved driveway and parking area must be paved with asphalt or concrete. No gravel parking is permitted.
- G. The driveway accessing the parking area shall be wide enough to accommodate two-way traffic or there shall be separate entrances and exits to the parking area(s).
- H. The size of the parking area shall be adequate to accommodate all vehicles at any event such that every vehicle is parked within a parking stall and necessary accessible parking stalls are provided.
- I. The required building setback areas may not be used for parking.
- J. No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.
- K. All entertainment must end by 10:00 p.m.
- L. All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Event Venue. Outdoor recreation activities conducted by the attendees shall not be considered entertainment for the purposes of interpreting this section.
- M. No pyrotechnics may be used.

63. SPECIAL EVENT BARN

- A. The parcel on which the special event barn is located shall be at least ten (10) acres in size and able to accommodate all facets of the event within the boundaries of the property.
- B. Special event barns, fixtures, tents and parking, shall be set back at least fifty (50) feet from all property lines.

- C. Any special event barn shall be subject to the following setback requirements:
- 1) Residential Zoning District Boundaries: 750 feet
 - 2) Existing Occupied Residential Structures: 1000 feet
- D. Any additions or changes to the barn to accommodate the use a special event barn shall be secondary and shall not drastically alter the visual or material character of the barn except as necessary to provide for safe use by patrons, and all additions or changes shall comply with applicable building codes.
- E. The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.
- F. Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on State or Borough roads, on other public property, or on private property other than that on which the Special Event Barn is located.
- G. The parking area shall be accessible by means of a driveway that shall be covered by gravel or paved surface and is at least forty (40) feet in length. The driveway accessing the parking area shall be wide enough to accommodate two-way traffic or there shall be separate entrances and exits to the parking area(s).
- H. Parking shall be in areas covered by gravel. Grass, dirt or mud parking is prohibited. The size of the parking area shall be adequate to accommodate all vehicles at the event.
- I. The required building setback areas may not be used for parking.
- J. No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.
- K. All entertainment must end at 10:00 p.m.
- L. All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Event Barn. Outdoor recreation activities conducted by the attendees shall not be considered entertainment for the purposes of interpreting this section.
- M. If the barn does not include sufficient restroom facilities to meet building code requirements then portable restroom trailers, approved by the Allegheny County Sewage

Enforcement Officer, are required. The restroom trailer(s) must be placed in a location to reduce visibility from public roads and nearby adjacent residential structures.

- N. The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.
- O. No sale of food or beverages, including but not limited to, cash bars, concession stands, or other similar sales, is allowed at any event associated with the use of the Special Event Barn.
- P. Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.
- Q. Signs shall be erected only in accordance with the sign provisions of the provisions of this ordinance.
- R. Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Borough's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code, where applicable.
- S. No pyrotechnics may be used in conjunction with activities associated with the Special Event Barn.
- T. Special events may be held only on Fridays, Saturdays, and Sundays.
- U. Trash shall be removed within 48 hours following the end of every special event.
- V. All trash must be stored within a commercial dumpster and dumpster area must be fenced on all sides with wood or vinyl fencing six (6) feet tall.
- W. Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before if the restructuring is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

64. STADIUM OR ARENA

- A. The site shall have frontage on and direct vehicular access to a major highway.
- B. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.

- C. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.
- D. Where parking is arranged perpendicular to aisle ways collecting traffic, a planting or landscaped island shall be required at the intersection of interior collector aisle ways. Such island shall begin parallel with the last parking space or spaces at the end of a row of parking spaces and not occupy space assigned to the aisle way itself.
- E. All property lines which adjoin residential uses or residential zoning districts shall be screened by a landscaped strip at least 50 feet in depth which shall be comprised of a combination of high-level and low-level plantings and earthen moundings; such screening shall be a minimum of six (6) feet in height at the time of planting and in accordance with the requirements of Bufferyard C of this Ordinance.
- F. The private living areas and associated open spaces of all adjacent residential properties shall be effectively screened from parking lots and service areas, as well as from any other portion of the development site which is actively used.
- G. No direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.
- H. Access for the development site shall be provided from nonresidential streets and shall not require the use of any residential collector or residential local streets.
- I. Outdoor speakers shall be permitted for emergency announcements and crowd control only. Events may not be broadcast to the exterior of the arena.
- J. Location of buildings and structures, traffic circulation and parking lots shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- K. The storage of equipment or materials in close proximity to the principal use shall be permitted in a roofed structure with either opaque vertical walls or heavy vegetative planting around the perimeter which provides an effective screen from adjacent properties.

65. STORAGE TRAILERS AND CONTAINERS

- A. Storage trailers shall not be located in the required front yard.
- B. 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 this Ordinance.
- C. 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.

- D. No display or sale of merchandise shall be permitted from the storage trailer.
- E. No office or other administrative use of the storage trailer shall be permitted.
- F. Storage trailers shall be included in the computation of maximum permitted lot coverage for the principal use.
- G. 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.
- H. 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.

66. SURFACE MINING

- A. Surface mining operations shall be subject to all applicable area and bulk regulations of this District for nonresidential uses.
- B. Conditional use approval shall be subject to submission of all application materials required by this Ordinance.
- C. 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.
- D. 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).
- E. 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.

- F. 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.
- G. 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.
- H. 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.
- I. No surface mining operations shall be conducted within one hundred (100) feet of a cemetery.
- J. 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.
- K. The applicant shall demonstrate that the proposed surface mining operation will not adversely affect any lawful existing or permitted uses of adjacent properties.
- L. The applicant shall demonstrate that the proposed surface mining operation shall not pollute or diminish any public or private water supply source.
- M. The applicant shall demonstrate that the proposed surface mining operation shall not adversely affect any flood-prone or landslide-prone areas within the Borough.
- N. 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.
- O. 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.
- P. 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.

- Q. 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.
- R. 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.
- S. 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.
- T. 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.
- U. 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.
- V. 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.

W. In addition to the requirements above, applications for conditional use approval of surface mining shall include the following information:

- 1) The name and address of the applicant and the source of the applicant's right to remove the mineral deposit and whether the applicant is an owner, lessee, licensee or permittee. In all cases where an applicant is not the owner, the written consent of the owner in a form acceptable to the Borough Solicitor must be attached.
- 2) The purpose of the proposed mineral removal.
- 3) The amount of mineral proposed to be removed and the area of land to be affected by the removal and the type of equipment proposed to be used on the site.
- 4) A legal description of the area from which the mineral is proposed to be removed.
- 5) The anticipated depth of excavations.
- 6) The depth of any existing water table.
- 7) A statement from a registered professional engineer regarding the probable effect of the proposed mining on the following environmental features:
 - a) Existing water table.
 - b) Established water quality of surface and underground waters.
 - c) Landslide-prone or flood-prone areas.
- 8) The nature and content of the overburden to be removed during the mining and the underlying strata in which the minerals to be mined are located.
- 9) Qualified evidence regarding the probable effect of excavation methods on existing uses in the area surrounding the proposed mining site.
- 10) It is presumed that the applicant does not intend to blast, however, if blasting is proposed, the applicant shall show:
 - a) Evidence of approval of the required State permit.
 - b) Qualified evidence regarding the probable effect of blasting on existing properties, uses and structures in the area surrounding the proposed mining site.

- c) Evidence of adequate indemnity insurance to save the Borough harmless from any claims.
- 11) Proposed hours of operation, frequency of blasting, if any, and number of on-site employees.
 - 12) The duration of the surface mining operation, including removal of overburden, removal of the mineral and restoration of the site.
 - 13) The Borough, County and State roads to be utilized in the transportation of the mineral and equipment and the weight restrictions on those roads; the approximate number of truckloads per day, whether by operator or contract hauler, and the size of the average load in tons.
 - 14) The amount and type of performance bond to be posted by the operator for maintenance of Borough roads, which may be required by the transportation of said mineral and the amount and type of performance bond to be posted in accordance with the requirements for the Federal and State permits pertaining to environmental protection and reclamation of the site.
 - 15) Previous experience by the applicant in surface mining, including activities under any other company or corporate names, stating the number of operations, location and present status of those operations and explanation of reasons for forfeiture of performance bonds, if any.
 - 16) Map or maps of the proposed site to be mined at a scale no greater than 1" = 100' showing:
 - a) A perimeter survey of the entire property.
 - b) The dimensions of the area proposed to be mined.
 - c) Topography at 5' contour intervals.
 - d) The location of the proposed mining operation with respect to all dwellings, public, semi-public and commercial uses, historic structures, cemeteries, streams, flood-plains, landslide-prone areas, protected watersheds and public roads in the immediate vicinity of the site.
 - e) The location of all access and haulage roads and their intersection with all existing public roads.
 - f) The names and addresses of all property owners within 500 feet of the entire perimeter of the site. (Exception: applications for restricted surface

mining operations limited to the right-of-way of roads and buildable area of lots in approved subdivisions or planned residential developments.

67. USES NOT LISTED

- A. The Zoning Hearing Board shall consider a proposed use not listed in the Table of Authorized Uses only if the proposed use is not comparable to other authorized uses listed in the Table of Authorized Uses.
- B. If a use not specifically listed is found by the Zoning Officer to be comparable to a use listed in the Table of Authorized uses, it shall not be eligible for consideration as a “use not listed”.
- C. In considering a proposed use not listed, the Zoning Hearing Board may attach reasonable conditions to the application for special exception to advance the goals and objectives of the Borough Comprehensive Plan and this Zoning Ordinance. The conditions may also include those requirements applicable to uses permitted in the I-1 and I-2 Zoning Districts, as well as conditions to fulfill the performance standards of this Ordinance.

68. VEHICLE SALES

- A. Ingress, egress and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.
- B. Such uses shall have direct access to a collector or arterial street.
- C. All site lighting shall be provided by sharp cut-off fixtures and shall be shielded away from the street and adjacent lots.
- D. All areas of the lot occupied by the use shall be paved with asphalt or concrete.
- E. All areas of the lot not occupied by the use shall be landscaped.

69. VEHICLE SALES AND SERVICE

- A. Ingress, egress and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.
- B. Such uses shall have direct access to a collector or arterial street.
- C. All site lighting shall be provided by sharp cut-off fixtures and shall be shielded away from the street and adjacent lots.
- D. 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.

- E. All areas of the lot occupied by the use shall be paved with asphalt or concrete.
- F. All areas of the lot not occupied by the use shall be landscaped.

70. VEHICLE SERVICE/REPAIR

- A. Ingress, egress and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.
- B. Such uses shall have direct access to a collector or arterial street.
- C. All site lighting shall be provided by sharp cut-off fixtures and shall be shielded away from the street and adjacent lots.
- D. 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.
- E. Each service bay shall provide a minimum vehicle stacking area to accommodate two (2) vehicles and in no instance shall vehicle stacking take place on public roads.
- F. All areas of the lot occupied by the use shall be paved with asphalt or concrete.
- G. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- H. All car washing areas shall discharge into public storm sewers in compliance with state and federal laws.
- I. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- J. All vehicles awaiting repair shall be stored on the lot in an approved storage area, and in no case shall said vehicles be stored on or obstruct access to a public right-of-way.
- K. All fuel, oil and similar substances shall be stored at least 15 feet from any property line, whether above ground or below ground, except as may be mandated by any applicable state or federal law or regulation.
- L. The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PADEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PADEP permits shall be a violation of this section and shall be subject to the enforcement provisions of this chapter.

71. VEHICLE SERVICE STATION

- A. Ingress, egress and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.
- B. Such uses shall have direct access to a collector or arterial street.
- C. All site lighting shall be provided by sharp cut-off fixtures and shall be shielded away from the street and adjacent lots.
- D. 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.
- E. Each service bay shall provide a minimum vehicle stacking area to accommodate two (2) vehicles and in no instance shall vehicle stacking take place on public roads.
- F. All areas of the lot occupied by the use shall be paved with asphalt or concrete.
- G. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- H. All car washing areas shall discharge into public storm sewers in compliance with state and federal laws.
- I. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- J. All vehicles awaiting repair shall be stored on the lot in an approved storage area, and in no case shall said vehicles be stored on or obstruct access to a public right-of-way.
- K. All fuel, oil and similar substances shall be stored at least 15 feet from any property line, whether above ground or below ground, except as may be mandated by any applicable state or federal law or regulation.
- L. The handling and disposal of motor oil, battery acid and any other substance regulated by federal statute and the Pennsylvania Department of Environmental Protection (PaDEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PaDEP permits shall be a violation of this section and shall be subject to the enforcement provisions of this chapter.

72. VEHICLE WASH

- A. Ingress, egress and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.
- B. Each wash bay shall provide a minimum vehicle stacking area to accommodate two (2) vehicles and in no instance shall vehicle stacking take place on public roads.

- C. Such uses shall have direct access to a collector or arterial street.
- D. All site lighting shall be provided by sharp cut-off fixtures and shall be shielded away from the street and adjacent lots.
- E. All areas of the lot occupied by the use shall be paved with asphalt or concrete.
- F. All car washing areas shall discharge into public storm sewers in compliance with state and federal laws.
- F.G. All areas of the lot not occupied by the use shall be landscaped

73. ALL AREAS OF THE LOT NOT OCCUPIED BY THE USE SHALL BE LANDSCAPED. VETERINARY HOSPITAL

- A. All kennels shall be located within completely enclosed, air-conditioned buildings.
- B. 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.

74. WAREHOUSE

- A. Every portion of the property used for warehouse uses shall be located not closer than 200 feet from any abutting property that is in a different zoning district.
- B. All vehicular maneuvering shall be located on site.
- C. Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.
- D. The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities.
- E. Loading areas shall not be visible from a public right-of-way or an adjacent residence. Landscape Bufferyard C shall be provided adjacent to all existing residences.
- F. Outdoor storage of foods and/or materials shall not be permitted.

- G. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

75. WIRELESS COMMUNICATION (NON-TOWER BASED)

A. Intent

The intent of these provisions is to:

- 1) Promote the health, safety and welfare of Borough residents and businesses with respect to Non-Tower Based Wireless Communication (NTBWC).
 - 2) Provide for the managed development of NTBWC in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations.
 - 3) Address new wireless technologies including, but not limited to, distributed antenna systems, data collection unit cable, Wi-Fi and other NTBWC.
 - 4) Encourage the collocation of wireless facilities.
 - 5) Protect Borough residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.
 - 6) Comply with all provisions and requirements of the Pennsylvania Wireless Broadband Collocation Act, as amended, and any other applicable State and/or Federal regulations.
- B. Non-Commercial Usage Exemption. Residents utilizing satellite dishes and Antennae for the purpose of maintaining television phone and/or internet connections at their respective residences shall be exempt from this section.
- C. Antennae and all support and accessory equipment shall be context sensitive to the supporting structure. Equipment shall be painted or otherwise coated to be visually compatible with the support structure upon which they are mounted.
- D. Located outside of the right-of-way
- 1) Maximum height shall be thirty-five (35) feet.

- 2) Accessory equipment and buildings:
 - a) Shall comply with all required setbacks for principal structures established for the Zoning District.
 - b) Ground-mounted accessory equipment and structures shall not exceed fifteen (15) feet in height.

E. Located in the right-of-way

- 1) Installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall be compatible in height, scale, and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visually intrusive feasible.
- 2) Any proposed underground vault related to the equipment shall be reviewed and approved by the Borough.

1. ANTENNAS

In all Zoning Districts, antennas and aerials customarily incidental to and located on the principal structure shall be permitted to exceed the maximum permitted building height for the principal structure by no more than ten (10) feet subject to the additional requirements specified below.

- A. In any Zoning District, freestanding antennas shall be permitted to exceed the height limitations for an accessory structure, subject to the following additional requirements:
 - 1) Parabolic or satellite dish antennas shall be permitted as accessory structures in any Zoning District, subject to:
 - a) No such antenna shall be located in any front yard.
 - b) No more than one (1) satellite or parabolic dish antenna shall be located on any one (1) lot.
- B. In Residential Zoning Districts, no such antenna exceeding four (4) feet in height, diameter or depth shall be installed on any roof or above any building.
- C. In C, Commercial, I, Industrial, O-P, Office Park and B-P, Business Park, Zoning Districts, no such antenna exceeding twelve (12) feet in height, diameter or depth shall be installed on any roof or above any building.
- D. When roof-mounted, the satellite or parabolic dish antenna shall be located on a portion of the roof which slopes away from the front of the lot and no part of the antenna shall project above the ridgeline of the roof.
- E. The diameter of any satellite or parabolic dish antenna, other than those installed on a roof or above a building, shall not exceed twelve (12) feet.
- F. No part of any freestanding antenna structure shall be located any closer than fifteen (15) feet to any property line.
- G. The maximum height of any freestanding satellite or parabolic dish antenna shall be fifteen (15) feet.
- H. A building permit shall be required for the installation of any parabolic or satellite dish antenna. The permit shall be subject to payment of the required fee as established by Resolution of Borough Council.

- I. Other radio and TV antennas for transmitters licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens, shall be permitted subject to the following:
 - 1) The antenna shall be located at least fifteen (15) feet from any principal structure on the lot. This required distance shall be increased by one (1) foot for every one (1) foot of antenna height which is in excess of the maximum permitted height for principal structures.
 - 2) The antenna shall be located at least fifteen (15) feet from any property line. This required distance shall be increased by one (1) foot for every one (1) foot of antenna height which is in excess of fifteen (15) feet.
- J. Antennas shall not be permitted in any front yard.
- K. The antenna shall be securely anchored in a fixed location on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other such natural forces.
- L. The antenna and its associated supports such as guy wires or the yard area containing the structure shall be protected and secured to guarantee the safety of the general public.
- M. The applicant shall present qualified evidence that the signals transmitted by the proposed antenna shall not interfere with electrical equipment routinely operated on adjacent properties.
- N. A building permit shall be required for the installation of all such antennas. The permit shall be subject to payment of the required fee as established by Resolution of Borough Council.

2. EXCEPTION TO HEIGHT LIMITATIONS

Except for essential services, public corporation facilities and communications towers which are subject to specified height requirements in this Ordinance, and except for structures which are subject to the requirements of the Allegheny County Airport Zoning Regulations, the height limitations of this Ordinance shall not apply to church spires, belfries, domes, monuments, observation towers, windmills, chimneys, smoke stacks, flagpoles, masts, barns, silos, elevators, tanks and other projections, which are not intended for human occupancy.

3. FENCES

- A. Fences Enclosing Community, Club or Commercial Swimming Pools

- 1) The swimming pool and bathing area shall be completely enclosed by a wall or fence with self-latching gate not less than six (6) feet and not more than eight (8) feet in height

B. Fences Enclosing Swimming Pools Accessory to Private Residences

- 1) All swimming pools, except above ground swimming pools, shall be enclosed by a wall or fence with self-latching gate not less than four (4) feet in height and not more than six (6) feet in height. No chain link fencing shall be permitted no construction with horizontal members shall be permitted.
- 2) Above ground swimming pools, the top of which is at least four (4) feet above the adjacent ground level on the entire perimeter and which have removable or retractable steps, shall not be required to be fenced, if the steps are removed or retracted when the pool is not in use.

C. Decorative walls or fences (such as split rail fences) which are not intended to enclose or secure property and which are not in excess of four (4) feet in height shall be permitted in any front yard.

D. Fences which are at least fifty percent (50%) transparent and which are not in excess of five (5) feet in height may be constructed in the rear and side yards.

E. Privacy fences (less than fifty percent (50%) transparent which are not in excess of six (6) feet in height may be constructed in the rear yard, only if they are attached to the principal structure.

E.F. Fences shall be set back at least twelve (12) inches from property line.

F.G. Fences in Multifamily Developments

- 1) Fences, which are at least fifty percent (50%) see-through and which are not in excess of six (6) feet in height, may be constructed in the rear and side yards.
- 2) Privacy fences (less than fifty percent (50%) see-through), which are not in excess of six (6) feet in height, may be constructed in the rear and side yards.

G.H. Fences in Commercial and Industrial Districts

- 1) Security fences, which are at least fifty percent (50%) see-through and which are not less than eight (8) feet in height and not more than ten (10) feet in height, may be constructed in front, rear and side yards, provided they are located at least ten (10) feet from the front lot line or public street right-of-way, if the front lot line is not the edge of the public street right-of-way.

- 2) Gates or other appropriate entries at least twelve (12) feet in width shall be provided, where necessary, to provide vehicular access for trucks.
- 3) Screening fences which are solid (less than ten percent (10%) see-through) and which are not less than six (6) feet in height and not more than eight (8) feet in height shall be provided to completely enclose all outside storage areas and to provide a visual screen for dumpsters, air-conditioning units and other mechanical equipment so that they cannot be seen from the public street or adjoining properties by a person standing on ground level.

4. LANDSCAPING AND BUFFERYARDS

A. General Provisions Applicable to All Landscaping and Bufferyards

- 1) All required landscaping shall be maintained. Dead and dying plants shall be replaced no later than the subsequent planting season.
- 2) All deciduous trees required by this chapter shall be a minimum of two-and-one-half-inch caliper in size (measured at six inches above ground level), unless specified otherwise.
- 3) All evergreen trees required by this chapter shall be a minimum of six feet in planted height, measured from finished grade, unless specified otherwise.
- 4) All shrubs required by this chapter shall be a minimum of 24 inches in height at installation
- 5) All required plants shall be a species selected from the plant list included in this section.

B. Financial Security for Landscaping and Bufferyards

- 1) **Performance Security.** The landowner and/or developer shall provide the Borough with performance security, as required by the Subdivision and Land Development Ordinance, during development of the site to guarantee proper installation of the landscaping and bufferyard materials required by this Chapter and as shown on the Borough-approved landscape plan.
- 2) **Maintenance Security.** The landowner and/or developer shall provide the Borough with maintenance security to guarantee the maintenance and survival of the landscaping and bufferyard materials installed on the subject property in accordance with this Chapter and the Borough-approved landscape plan. The maintenance security shall be in the amount of 15% of the replacement cost of the required landscaping and bufferyard materials and shall guarantee the maintenance

and survival of the landscaping and bufferyard materials for a period of 18 months after initial planting and certification by the Borough Engineer.

- 3) Form. All such performance security and maintenance security shall be approved by the Borough solicitor and release of the performance security and maintenance security shall be handled consistent with the requirements of the Subdivision and Land Development Ordinance.

C. Parking Lot Landscaping

- 1) Planting Island. One planting island shall be provided for each 15 parking spaces, at a minimum, and at the end of each parking row, unless an end cap island is required.
 - a) The pervious surface area of each island shall be 17 feet long and a minimum of 12 feet wide.
 - b) Where two (2) or more islands are required in a parking row, they shall be placed so that in no instance are the islands separated by more than 15 spaces.
 - c) All planting islands shall contain, at a minimum, one deciduous street tree per planting island. The tree shall have a clear trunk at least six feet above the finished grade to allow vehicular circulation and visibility beneath the canopy.
- 2) For parking lots that include 100 parking spaces or more, a planting median shall be placed between every second or third parking bay of adjacent parking bays, at a minimum, to prevent traffic movement across parking isles.
 - a) The planting median shall be a minimum of 15 feet wide and may include a sidewalk, where necessary for pedestrian circulation.
 - b) The planting median shall contain the following vegetation, at a minimum:
 - i. One (1) deciduous tree, planted 35 feet on center, in a continuous or staggered row.
 - ii. Ten shrubs for every tree required, planted in rows or clustered groups.
 - iii. The planting median shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The breaks

shall allow for handicap accessibility from one side of the planting median to the other and onto the sidewalk within the planting median, if a sidewalk is located within the median.

D. Front Setback Landscaping (Non-Residential)

- 1) Trees: Along the front property line of every land development, within the front setback area, a deciduous tree shall be planted every 35' on center, with a minimum of two (2) trees planted within the front setback area.
- 2) Shrubs: Along the front property line of every land development, within the front setback area, five (5) shrubs shall be planted for every 35 linear feet of frontage.

E. Bufferyards

Screening and bufferyards shall be applied in all Zoning Districts in the Borough and shall meet the following requirements:

- 1) Bufferyard A: The buffer shall be twenty-five feet deep (measured from the property line) and planted with the following plants for every 100 linear feet of lot line to be buffered. The plantings shall be planted in staggered rows to provide an effective visual screen:
 - a) Ten evergreen trees.
 - b) Twenty shrubs.
- 2) Bufferyard B: The buffer shall be twenty-five feet deep (measured from the property line) and planted with the following plants for every 100 linear feet of lot line to be buffered. The plantings shall be planted in staggered rows to provide an effective visual screen:
 - a) Eight (8) evergreen trees.
 - b) Four (4) deciduous trees.
 - c) Ten shrubs.
 - d) Opaque, solid decorative fencing, tan or other neutral color, six (6) feet in height (measured from finished grade).
- 3) Bufferyard C: The buffer shall be fifty feet deep (measured from the property line) and planted with the following plants for every 100 linear feet of lot line to be

buffered. The plantings shall be planted in staggered rows to provide an effective visual screen:

- a) Fifteen evergreen trees.
- b) Eight (8) deciduous trees.
- c) Twenty shrubs.

F. Nonresidential Bufferyard

- 1) All development in nonresidential and mixed-use zoning districts that is contiguous, abutting, or adjacent to any residential zoned property shall maintain a buffer along the lot line abutting any residential zoning district.
- 2) The nonresidential buffer shall meet the requirements of Bufferyard C. The buffer area shall visually screen the proposed nonresidential use from off-site view.
- 3) The nonresidential buffer, when required, supersede the site perimeter buffer requirements of this chapter.

G. Existing Vegetation

- 1) 50% Reduction: The number of plants required by any bufferyard may be reduced by 50%, if there is existing mature woody vegetation in the bufferyard area that provides an existing visual screening effect.
 - a) Photographic evidence must be supplied at the time of application for land development or use approval to illustrate the existing vegetation and a site plan must be provided to show the general location of the existing vegetation.
- 2) 100% Reduction: The number of plants required by any bufferyard may be reduced by 100%, if there is existing mature woody vegetation in the bufferyard area that provides an existing visual screening effect, if the following conditions are met:
 - a) The Planning Commission members, or their designated representative, are provided an opportunity to conduct a field survey of the site to examine the existing vegetation.
 - b) Photographic evidence of the existing vegetation is provided to illustrate its screening effect.
 - c) A land survey is provided that provides the location and species of the existing vegetation.

d) A written justification for the 100% reduction is provided.

5. CONSTRUCTION WITHIN A PUBLIC OR PRIVATE UTILITY OR STORMWATER EASEMENT

- A. No Borough permit shall be issued for use of on construction on land or property within a public or private easement or right-of-way without the express written consent of all affected easement or right-of-way holders.
- B. No construction shall take place within five (5) feet of an easement or right-of-way.
- C. No construction or excavation shall take place below existing grade without knowledge of owner of the easement.

6. OUTSIDE STORAGE

- A. Storage of materials or equipment outside of a completely enclosed structure shall not be permitted in Residential Zoning Districts.
- B. Storage of materials and equipment outside a completely enclosed structure shall be permitted in Commercial and Industrial Zoning Districts only subject to the requirements of the Design Standards for Commercial and Industrial Districts.

7. PARKING OF COMMERCIAL VEHICLES

- A. Commercial equipment, including trucks in excess of one (1) ton capacity, tandems, tractor-trailers, tractors or other vehicles bearing commercial advertisement or construction or cargo-moving vehicles or equipment shall not, under any conditions, be stored outside an enclosed building or garage or be parked overnight on any lot in any recorded plan of subdivision in any R-1, R-2, or R-3, or , Residential Zoning District. This regulation shall not apply to any commercial vehicles parked temporarily in residential areas for the purpose of loading, unloading or rendering service to any residential property.
- B. Recreational vehicles may be parked on private property of the owner of such vehicle only under the following conditions:
 - 1) A recreational vehicle may be parked for a continuous period not exceeding 72 hours consistent with the definition of recreational vehicle parking.
 - 2) A recreational vehicle must be parked on the owner's property and behind the property line. It must be parked in such a manner so as not to restrict visibility of traffic using any adjacent public street. A recreational vehicle's wheels must at all

times be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.

- 3) Any recreational vehicle stored for periods exceeding 72 continuous hours shall be parked in a garage or behind the building line. If the recreational vehicle is stored in a rear or side yard, it shall never be closer than 30 feet to a front property line nor closer than 7-1/2 feet a side or rear property line. Where the property on which the vehicle is stored is a corner lot, the distance of all parts of the vehicle from both streets shall be 30 feet or the distance between the street and the building line, whichever distance is greater.
- 4) Recreational vehicle parking is limited by the following regulations:
 - a) Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing federal, state or local laws.
 - b) No recreational vehicle shall be used for purposes of habitation while parked or stored on an owner's property within the Borough.
 - c) Not more than one recreational vehicle may be parked or stored on a private lot in the Borough unless that vehicle is parked in a garage.

8. STRIPPING OF TOPSOIL, EXCAVATION OF CLAY, SAND, GRAVEL OR ROCK

Except for surface mining operations permitted by this Ordinance, removal of clay, sand, gravel or rock shall be permitted only under the following conditions:

~~A.~~ A. As part of the construction or alteration of a building or the grading incidental to such building.

~~A.B.~~ A.B. As a part of the construction of approved land development.

~~B.C.~~ B.C. In connection with normal lawn preparation and maintenance.

~~C.D.~~ C.D. In connection with the construction or alteration of a street or utility improvement; or

~~D.E.~~ D.E. In farming operations where such use is permitted, provided sound soil conservation practices are observed.

~~E.F.~~ E.F. Removal of topsoil and/or sod shall be permitted subject to the provisions of the Borough Grading Ordinance (Chapter 9 of the Code), the Borough Flood Plain Regulations (Chapter 8 of the Code) and filing of an Erosion and Sedimentation Control Plan which is approved by the Soil Conservation Service.

9. CORNER LOTS

For corner lots, the regulations for front yard setbacks shall apply to the yards facing public or private streets. All other lot lines shall be subject to a side yard setback except the rear lot line, if any, which shall be subject to the applicable rear yard setback requirements.

10. VISIBILITY AT INTERSECTIONS

On any corner lot or at any point of entry on a public road, nothing shall be erected, placed, planted or allowed to grow in such a manner which obscures the vision above the height of two and one-half (2-1/2) feet and below 10 feet, measured along the centerlines of the intersecting streets or driveways and within the area bounded by the centerline of the street line of such lot and a line joining points on these street centerlines seventy-five (75) feet along the centerlines from their intersection. The diagram in Appendix A illustrates this requirement.

11. PERFORMANCE STANDARDS FOR INDUSTRIAL DISTRICTS

The following regulations shall be observed in Industrial Districts and for all other uses which specifically reference this Section.

- A. Fire and Explosive Hazards: All activities and all storage of flammable and explosive material at any point, shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the Laws of the Commonwealth of Pennsylvania.
- B. Radioactivity or Electrical Disturbances: There shall be no activities which emit radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
- C. Smoke: There shall be no emission at any point from chimney or otherwise for longer than five (5) minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 on the Standard Ringlemann Chart as issued by the U. S. Bureau of Mines.
- D. Smoke, Ash, Dust, Fume, Vapor, Gases and Other Forms of Air Pollution: There shall be no emission at any point from any chimney or otherwise, which can cause any damage to health, to animals or vegetation or other forms of property; or which cause any excessive soiling at any point.
- E. Liquid and Soil Wastes: There shall be no discharge at any point, into any private sewerage system, or stream or into the ground of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials, except in accord with the standards of the Pennsylvania Department of Environmental Protection (DEP) and the Borough Council.

- F. Noise and Vibration: There shall be no vibration or noise level at the property line greater than the average noise level occurring on adjacent streets.
- G. Glare: No direct or sky-reflected glare, whether from floodlights or from high temperature processes shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. For purposes of interpreting this Subsection, glare shall be defined as direct or indirect light from any source which exceeds one-half (1/2) foot candle on any adjoining property.
- H. In all Zoning Districts, all lighting devices located within one hundred (100) feet of a property line adjoining residential use or zoning classification shall be designed with shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle which is less than ninety degrees. Cutoff angle is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- I. Odor: There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.
- J. Operation: All primary operations shall be conducted entirely within closed buildings.

1. PROCEDURE FOR MOBILE HOME PARK PLAN SUBMITTAL AND APPROVAL

The procedure for submission, review and approval of a proposed Mobile Home Park shall be in accordance with the Article of the Borough's Subdivision and Land Development Ordinance entitled "Mobile Home Parks" and comply with the following:

- A. Minimum Site Area: 5 acres.
- B. Maximum Dwelling Unit Density: 5.6 units per acre.
- C. Minimum Lot Area: 7,800 square feet.
- D. Minimum Site Width: 100 feet for portions used for general vehicular entrances and exits; 200 feet for portions containing dwelling lots.
- E. Minimum Lot Width: 60 feet.
- F. Minimum Front Yard: 35 feet from any interior road or right of way.
- G. Minimum Side and Rear Yards: 15 feet to any property line other than those adjoining a residential or mixed-use zoning district, in which case the required yard shall be 30 feet.

2. AGRICULTURE~~AL~~ USES

Agricultural uses, farm livestock, farm fowl, farm dwellings, and customary farm buildings shall be permitted subject to the following:

- A. No building housing animals shall be constructed closer than two hundred (200) feet to any property line.
- B. No other farm outbuilding shall be constructed closer than one hundred ~~fifty~~ (100~~50~~) feet to any property line.
- C. All grazing and pasture areas shall be fenced to properly enclose the animals and protect adjacent property.
- D. No manure storage shall be permitted closer than one hundred (100) feet to any property line.
- E. No greenhouse heating plant shall be operated within one hundred (100) feet of any property line.

F. Minimum lot size for farm animals shall be ten (10 acres). More than five (5) farm animals shall require an additional one (1) acre per animal.

~~E.G.~~No Industrial Farming shall be conducted.

~~F.H.~~No agricultural use shall be continued if it is conducted in a way which creates a danger to public safety or health of neighboring residents.

~~G.I.~~ Display and sales of farm products shall be permitted provided that:

- 1) Parking spaces for at least three (3) cars shall be provided behind the street right-of-way line.
- 2) The sale of farm products shall be conducted from a portable stand which shall be removed at the end of the growing season or from a permanent building located at least one hundred (100) feet from the street right-of-way line.
- 3) All products sold shall be grown or produced on the property where the products are offered for sale.
- 4) All products grown or produced for sale shall be limited to the products of activities specified within the definition of "Agricultural Uses" of this Ordinance.

3. KEEPING OF FARM ANIMALS ON RESIDENTIAL PROPERTY

This ordinance allows for the housing of certain farm animals as identified in this section as an accessory use where there is an existing, permitted principal use.

A. Keeping of Chickens and Ducks

- 1) The keeping of chickens and ducks is not permitted on property within a commercial zoning district and is permitted on property within a residential zoning district provided that the following requirements are met:
 - a) No chickens or ducks are permitted on lots smaller than one (1) acre in size.
 - b) On lots one (1) acre to five (5) acres in size, a maximum of five (5) chickens or ducks are permitted to be kept on the lot. No roosters are permitted. All chickens and ducks must be kept within an enclosure at all times.

- c) The minimum coop size shall be three (3) square feet per chicken or duck. The maximum overall coop size shall not exceed 20 square feet. All coops and runs shall be screened from the view at ground level from adjacent lots by using fencing, landscaping, or a combination thereof.
- d) On lots of five acres to 10 acres in size, chickens may be kept 10 chickens or ducks/acre; and all chickens and ducks must be kept within an enclosed structure at all times.
- e) On lots of 10 acres in size and larger, roosters may be kept.
- f) All areas, enclosures and structures where chickens or ducks are kept shall be kept in good repair and generally cleanliness.

B. Keeping of Bees and Apiaries

- 1) The purpose of this section is to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- 2) It shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.
- 3) All beekeepers owning or maintaining an apiary in the Borough shall register all bee apiaries with the Borough as required by the Pennsylvania Bee Law, 3 Pa.C.S.A. §§ 2101 to 2117.
- 4) All beekeepers owning or maintaining an apiary in the Borough shall also register all bee apiaries located in Jefferson Hills Borough with the Borough Zoning Officer.
- 5) All beekeepers owning or maintaining an apiary in the Borough shall promptly notify the Borough Zoning Officer without unnecessary delay and in no event longer than 48 hours if the Department of Agriculture revokes such beekeeper's best management certification.
- 6) In each instance in which any colony is situated within 10 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, all beekeepers shall establish and maintain a flyway barrier at least six feet in height, consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and

extends 2 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

7) All beekeepers in Jefferson Hills Borough shall ensure that a convenient source of fresh water is available to the bees from April 1 to November 1.

C. Farm animals and animals other than domestic animals may be kept on a hobby farm only and must be kept in fully enclosed building and/or pasture secured by fencing that is in good repair and not penetrable by the animals.

3.4. DESIGN STANDARDS FOR COMMERCIAL, MIXED USE AND INDUSTRIAL DISTRICTS

A. Screening

Landscape Bufferyard C shall be provided and maintained by the owner or lessee of a property between any district and contiguous residentially zoned districts, except where continuous natural or physical man-made visual barriers exist, from ground level to eight (8) feet above ground level.

B. Storage

- 1) Any article of material stored outside an enclosed building shall be incidental to the principal use of the lot and shall be screened in accordance with requirements for screening fences of this Ordinance.
- 2) All organic rubbish or storage material shall be contained in air-tight, vermin-proof containers which shall be screened from public view by a screening fence as required by this Ordinance.
- 3) Storage trailers shall be permitted only by special exception granted by the Zoning Hearing Board in accordance with the express standards and criteria specified.

C. Landscaping

- 1) Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants should be included.

- 2) The plot plan must show a satisfactory method of irrigating all planted areas. This may be either by a permanent water system or by hose. Any single parking area with fifty (50) or more spaces shall utilize at least five (5) percent of its area in landscaping, which shall be in addition to open area requirements of the district.

D. Shopping Cart Storage

- 1) Any establishment which furnishes carts or mobile baskets as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of said carts. Each designed storage area shall be clearly marked for storage of shopping carts.

E. Lighting

- 1) All parking areas, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of two (2) foot candles at any point during hours of operation.
- 2) All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district such that the light measures a maximum of a one (1) foot candle at the property line.

4.5. TEMPORARY USES

- A. Borough Council may grant the temporary occupancy and use of a structure in any district for a purpose that does not conform with the district requirements, provided that such occupancy and use is truly of a temporary nature and subject to any reasonable conditions and safeguards which the Borough may impose to minimize any injurious effect upon the neighborhood or to protect contiguous property. The approval by the Borough and any permit based thereon for such temporary occupancy and use shall not be granted for a period of more than three months and shall not be renewable more than once in any period of 12 months.
- B. A temporary outdoor activity permit issued by the Zoning Officer shall be required for the following:
 - 1) Seasonal sale of produce, including but not limited to farm crops and Christmas trees.
 - 2) Multiday, multifamily yard sales.
 - 3) Circuses, carnivals or religious assemblies utilizing tents or other temporary structures.

- 4) Special events, including but not limited to car shows, flea markets and sidewalk sales.

5.6. HOME OCCUPATION

- A. There shall be no sign or other exterior evidence of the use.
- B. No more than fifteen percent of the floor area of the dwelling shall be devoted to the conduct of a home occupation.
- C. A home occupation shall not be permitted to be conducted in any accessory structure.
- D. The use shall not create any additional environmental impact than those impacts normally resulting from residential use.
- E. 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.
- F. 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.
- G. 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.
- H. There shall be no storage of materials or equipment outside an enclosed building.
- I. 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.
- J. The use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- K. 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.
- L. The home occupation shall not involve the use of commercial vehicles leased, owned, or operated by the owner of the home occupation for delivery of materials to or from the

premises, nor shall deliveries to or from the property be permitted except those by commercial carriers that typically provide such service to residential uses.

- M. Commercial vehicles shall not be parked on the premises.
- N. 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.
- O. 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.
- P. Daycare, as defined by this Ordinance, may be permitted as a home occupation, provided that:
 - 1) All of the foregoing standards for a home occupation are met.
 - 2) An adequate area for outdoor recreation shall be provided and shall be secured by a fence with a 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) Any approved home occupation which requires any type of public access to the dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry.
 - 5) Normal hours of operation shall be a maximum of 7 a.m. to 9 p.m. for customer/client traffic.

6.7. MOBILE FOOD VENDORS

- A. An applicant shall apply for a zoning permit no less than two (2) weeks prior to the vendor's anticipated date to begin operating in the Borough by filing the proper forms, which are available from the Borough.
- B. Any permit issued under this Section is not transferable.

- C. The applicant must possess and provide a copy of a valid state vehicle operating license. Additionally, the operator of a motor vehicle used for mobile food vending must have a valid operating license.
- D. Motor vehicles used for mobile food vending must have valid plates, inspection, registration and insurance.
- E. Liability and Insurance Obligation

Every Mobile food vendor must furnish evidence of Comprehensive Public Liability Insurance coverage for not less than \$500,000 (\$1,000,000 if located on Borough-owned property) in the event of bodily injury, including death, and, if applicable, Worker's Compensation Insurance. Such evidence shall be in the form of a certificate with a 10-day cancellation notice, which shall be furnished to the Borough. Failure to maintain the required insurance will be considered reason for the Borough to suspend the mobile food vendor's business license and shall be subject to fines and or penalties as defined herein.

- F. Display of Permit

- 1) Approved zoning and other required permits, including those from the Borough of Jefferson Hills and the Allegheny County Health Department, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor truck, concession cart, or concession trailer.
- 2) It shall be unlawful for an individual to sell edible goods while displaying a valid permit in the name of another individual organization or entity.

- G. Permit Revocations or Suspension

- 1) A zoning permit may be revoked upon conviction of any offense committed by an individual operating as a mobile food vendor in the Borough of Jefferson Hills while engaged in the permitted business, or if a final conviction occurs, or is found to have existed at the time of application, or if civil judgments as set forth above are placed or found of record against an Applicant. A permit may be suspended in the event of pending charges of a crime, as set forth above, upon a magistrate's determination of probable cause in connection with such charges.
- 2) A zoning permit may be suspended immediately, without notice, by the Borough Police Department if the mobile food vending is causing, contributing to, or part of a public safety concern or disturbance and excessive trash.
- 3) A zoning permit may be revoked for nonconformity to the application location specifications or requirements, as well as to nonconformity to an approved location plan or diagram.

- 4) A zoning permit may be suspended or revoked for not complying with the requirements of this Section or any other ordinances or laws.
- 5) It shall be unlawful for any individual directly or through an agent or employee to sell goods after the expiration of the zoning permit issued under this Ordinance.

H. Location

- 1) A mobile food vendor shall not be located at a stationary location for a duration exceeding eight (8) hours and cannot exceed more than eight (8) hours during any 24-hour period. The mobile food vendor shall be open and operating during the entire period that the mobile food vendor is located at a stationary location within the Borough.
- 2) A mobile food vendor shall not conduct sales in congested areas where the operation impedes vehicular or pedestrian traffic.
- 3) A mobile food vendor shall not cause any congestion of traffic flow, and, if vehicular traffic or pedestrian flow becomes impeded, the vendor shall immediately and without delay vacate the area so as to allow for the free flow of traffic and relief of the congestion.
- 4) No Mobile Food Vendor shall locate on any private property without written permission from the property owner to do so and must comply if asked to leave by the property owner.
 - a) A copy of the written permission to operate in a specific location signed by the private property owner, including a contact phone number for verification, shall be included with the zoning permit application.
 - b) A copy of the written permission to operate in a specific location signed by the private property owner, including a contact phone number for verification, shall always be kept within the mobile vending unit.
- 5) A five (5) foot clear space shall be maintained around the mobile food vending unit at all times.
- 6) No Mobile Food Vendor shall be allowed to conduct food sales in the public road right-of-way.

I. Time

- 1) A mobile food vendor shall only conduct sales from May 1st through September 30th and only on Fridays and Saturdays.

- 2) A mobile food vendor shall not conduct sales between the hours of 10:00 p.m. and 10:00 a.m.

J. Waste

Each unit shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and wastewater in a sanitation facility legally accessed by the food service establishment. All areas must be cleaned following each sales period within a minimum of twenty (20) feet of the sales location. Wastewater will not be allowed to drain on the ground or public roadway or be deposited into any sewer drain outlet.

K. Noise

- 1) Continuous loud music or repetitive sounds shall not project from the mobile unit while parked or stopped, except those created by the normal operation of equipment normally associated with mobile food vending during hours of operation.
- 2) The provisions of the Borough noise ordinance must be met during all periods of operation.

L. Fire safety

- 1) A tagged fire extinguisher with a 10 BC rating and a Class K fire extinguisher shall be located in the unit and kept accessible at all times.
- 2) An extinguishing vent hood as described in the International Fire Code shall be required when the cooking process produces grease laden particles within the mobile unit. The hood shall be maintained and tested annually by an independent extinguisher company.
- 3) All compressed gas fuel cylinders shall be shielded and secured required by the International Fire Code.
- 4) Proper electrical power shall be maintained and installed as per the International Electrical Code. Extension cords running from any residential living space for power will not be allowed. Borough-owned power sources may not be used without the express consent of the Borough.

M. Exemptions

- 1) Mobile food vendors as defined by this Ordinance, during any officially sanctioned Borough event on Borough property, are exempt from the requirements of this Ordinance except those requirements as may be imposed by Borough Council. The mobile food vendor shall provide a certificate of insurance with the Borough named as an additional insured.

- 2) Private, not-for-profit or neighborhood mobile food vending (i.e. lemonade stands, fundraising sales) are exempt from the requirements of this Ordinance.

7.8. FORESTRY AND TIMBERING ACTIVITIES

- A. Applicant shall submit a zoning permit application for timbering in the Borough and receive application approval prior to ~~completion~~ commencement of any timbering activities on the site.
- B. Applicant shall obtain a permit from the Allegheny County Conservation District.
- C. The minimum site shall be five (5) acres.
- ~~D.~~ D. All operations shall be located at least three hundred feet from any existing dwelling.
- ~~D.E.~~ D.E. Applicant shall notify all property owners adjacent to the timbering site prior to the commencement of timbering activities.
- ~~E.F.~~ E.F. All operations shall be discontinued between 7:00 p.m. and 7:00 a.m., provided further that such operations shall not take place during any hours on Sundays or legal bank holidays.
- ~~F.G.~~ F.G. Routes to be used by the hauling trucks shall be approved by the Borough and the operator shall demonstrate that there shall be no negative impact on roads from the proposed operation.
- ~~G.H.~~ G.H. A performance bond shall be posted in favor of and in the amount required by the Borough to guarantee restoration of Borough roads used as hauling routes.
- ~~H.I.~~ H.I. The applicant shall submit a copy of the State and/or County permit for hauling on State and/or County roads.
- ~~I.J.~~ I.J. The applicant shall show compliance with the following laws and regulations of the Commonwealth and all necessary permits shall be maintained during the operation:
 - 1) Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law.
 - 2) Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachments Act.

- 3) Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.

~~J.K.~~ Any suspension or revocation of State permit shall constitute revocation of zoning approval, and the operator shall be subject to the enforcement provisions of this Ordinance.

~~K.L.~~ A logging plan shall be submitted which shows, at a minimum:

- 1) The design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
- 2) The design, construction and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars.
- 3) The design, construction and maintenance of stream and wetland crossings, if any.
- 4) The general boundaries of the proposed operation in relation to Borough and State or County roads, including any accesses to those roads.
- 5) The site location, including boundaries of the property and boundaries of the proposed harvest area.
- 6) Significant topographic features.
- 7) The location of all earth-disturbance activities, such as roads, landings and water control measures and structures.
- 8) The location of all crossings of waters of the Commonwealth.

~~L.M.~~ Felling or skidding on or across any public street is prohibited without the express written consent of the Borough, Allegheny County or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the street.

~~M.N.~~ No tops of trees or debris shall be left within twenty-five feet of any public street or any private road providing access to adjoining residential property.

~~N.O.~~ All tops of trees and debris within fifty feet of a public street or residential property line shall be cut to a maximum of four (4) feet above the adjacent ground level.

~~O.P.~~ No tops of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner.

P-Q. Upon completion of the timber removal, haul roads shall be restored to their original condition.

8.9. RESIDENCE IN COMBINATION WITH BUSINESS

- A. 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.
- B. Dwelling units shall not be permitted on the street floor of a commercial building.
- C. Dwelling units shall not be permitted in basement, garages or any other accessory structures.
- D. Dwelling units shall have a minimum habitable floor area of 800 square feet.
- E. Off-street parking shall be provided on the lot in accordance with the ratios for each use specified in this Ordinance. Shared parking for residential and commercial uses shall not be permitted.

9.10. SHORT-TERM RENTALS

A. LICENSING

- 1) Effective upon enactment of this chapter, all owners must obtain a zoning permit for all dwellings units intended for use as short-term rentals prior to renting out a dwelling unit. No property may be used as a short-term rental until a zoning permit is issued.
- 2) Zoning permits for short-term rentals are nontransferable. If ownership of a short-term rental changes, the new owner(s) must complete a new application form before renting out any part of the dwelling unit for a short-term rental.
- 3) Each owner shall maintain at least \$500,000 in liability insurance on the STR for the full duration of its license term and provide proof of the same to the Borough.
- 4) A copy of the current Allegheny County Hotel Room Rental Tax Certificate and current Pennsylvania Sales Tax License if such certificate is required by the applicable regulations.
- 5) All short-term rentals must be either owner-occupied or, if not owner-occupied, must designate a local person in charge. A person in charge, who may or may not be an/the owner, must reside in or have an office within 15 miles of the property and be able to act as the legal agent for the owner(s). The Borough must be notified, in

writing, within 14 days of the change if there is a change of ownership or in the identity of the person in charge.

- 6) Owners and persons in charge must maintain all short-term dwelling units under their ownership and/or control in compliance with all applicable Borough ordinances and regulations as established by the Borough. Owners, persons in charge, and tenants shall be liable for violations of laws and/or ordinances, including, but not limited to, occupancy violations, at short-term rental dwelling units under their ownership, control, or occupancy.
- 7) The owner shall limit overnight occupancy of the short-term rental to the specific number of tenants designated in their permit.
 - a. Overnight occupancy of a short-term rental dwelling unit shall be limited to no more than two persons per bedroom plus four additional persons per dwelling unit. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall not exceed 75% of the maximum overnight occupancy of the short-term rental.
- 8) A short-term rental dwelling unit may not be located on a lot that is within 1,000 feet of a lot on which another short-term rental dwelling unit is located.
- 9) No on-street or yard parking will be permitted at any time. No tents are permitted. No recreational vehicles, campers, buses or other large vehicles may be parked on the property at any time. Outdoor overnight sleeping of tenants or guests is prohibited.
- 10) The owner is responsible for any trash or noise disturbance that is created or caused by any tenant. Failure to have adequate trash storage and weekly collection service or to stop a noise disturbance caused by a tenant will result in a notice of violation.
- 11) License Fee

Q.R. If there is reasonable cause to believe that any provision of this chapter is being violated, the Borough may cause, through an authorized representative of the Borough, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or the person in charge to secure access thereof. Upon such request, the owner or person in charge shall provide access.

R.S. The marketing of a short-term rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by the owner's STR license, or which promotes any other activity which is prohibited by this chapter, shall be a violation of this chapter.

~~10.11.~~ In the interest of promoting the public health, safety and welfare, and minimizing the burden on Borough and community services and impacts on residential neighborhoods posed by short-term rentals, a violation of any of the provisions of this chapter is declared to be a public nuisance.

~~11.12.~~NONCONFORMING USES, STRUCTURES AND LOTS

A. STATEMENT OF INTENT

The zoning districts established by this Ordinance are designed to guide future use of land in the Borough by encouraging the development of desirable residential, commercial and industrial areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located shall be subject to certain limitations.

Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, lot coverages, or building height, are deemed to be nonconforming.

Nonconforming uses and structures will generally be permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their location, except when the Zoning Hearing Board determines that the enlargement, expansion or extension is necessitated by the natural expansion and growth of trade. Further, nonconforming single-family dwellings on lots previously laid out or recorded shall not be deemed to be inappropriate to their location by virtue of the existence of the plan of lots in which they are located and shall have special requirements for their reconstruction or expansion.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or intended use of any building on which actual construction was lawfully begun prior to the effective date, or amendment, of this Ordinance and on which actual building construction has been diligently carried on.

B. NONCONFORMING USE REGULATIONS

1) Continuation

- a) Lawful uses located either within a building or other structure, or part thereof, or on the land, or in combination of both, which, at the effective date of this Ordinance, or subsequent amendment thereto, become

nonconforming, may be continued so long as they remain otherwise lawful, including subsequent sales of the property to other owners who continue the use.

2) Enlargement or Expansion

- a) No such nonconforming use shall be enlarged or increased or extended to occupy greater lot area than was occupied at the effective date of adoption or amendment of this Ordinance, unless the Zoning Hearing Board shall interpret that the enlargement or extension is necessitated by the natural expansion and growth of trade of the nonconforming use.
- b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c) No existing structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to an authorized use in the zoning district in which it is located, unless the Zoning Hearing Board shall interpret that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use.
- d) Any nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any lot or portion of a lot outside such structure, except on a lot or portion of a lot owned at the time the use became nonconforming.
- e) Any structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which the structure is located and the nonconforming use may not thereafter be resumed.

C. DISCONTINUANCE

If a nonconforming use of a lot or structure ceases operations for a continuous period of more than six (6) months, then this shall be deemed to be an intent to abandon such use and any subsequent use of the lot or structure shall conform to the regulations of the zoning district in which the lot is located.

1) Repairs or Maintenance

- a) Nothing in this Ordinance 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 public official charged with protecting the safety of the public.

2) Damage or Destruction

- a) Except for single family dwellings located in any zoning district, other nonconforming uses located in any zoning district which are damaged or partially destroyed by fire, explosion, or any other cause, or are otherwise damaged to the extent of fifty percent or more of either their assessed valuation (as determined from the assessment rolls effective at the time of damage or destruction) or the bulk of all buildings, structures or other improvement on the lot, shall terminate and the lot shall thereafter be used only for conforming uses.
- b) Single family dwellings which are nonconforming uses in any zoning district shall be permitted to be reconstructed regardless of the amount of damage or destruction.
- c) In any case, the remains of any building so destroyed, whether conforming or nonconforming, shall be removed from the premises within six (6) calendar months from the date of damage or destruction unless a building permit is issued for the repair or reconstruction of the structure.

3) Change of Use

- a) A nonconforming use shall not be changed to any use other than a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following:
 - i. The new use will more closely correspond to the uses permitted in the district.
 - ii. The changed use will be in keeping with the character of the neighborhood in which it is located.
 - iii. The applicant clearly demonstrates a hardship in converting the use to a conforming use in accordance with the criteria of for obtaining a variance.
- b) When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use. Any change from one nonconforming use to another shall comply with the parking

requirements for the use and shall be subject to the area, bulk and other applicable regulations for such use in the District where such use is authorized.

- c) Where a nonconforming use exists on a lot, a conforming use shall not be established on the same lot unless the nonconforming use is discontinued.
- 4) Nonconforming Structures Other Than Signs: These regulations shall apply to all nonconforming structures as defined by this Ordinance in all Zoning Districts.
- 5) Structural Alteration: No such structure may be enlarged or structurally altered in a way which increases its nonconformity, except when the Zoning Hearing Board, after public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.
- 6) Damage or Destruction: Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the Zoning District in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure occurs within 18 months of the date that the original structure was damaged or destroyed.
- 7) Moving: Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- 8) Repair or Maintenance: Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the public.

D. NONCONFORMING SIGNS

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the following regulations:

- 1) Moving: No nonconforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after the effective date of this Ordinance or amendment thereto.

- 2) Structure Alteration: A nonconforming sign on a nonconforming use may be continued, but the area of such sign or signs shall not be increased, and such sign or signs shall not be structurally altered.
- 3) Damage or Destruction: In the event that any nonconforming advertising sign, billboard, commercial advertising structure or statuary is damaged to the extent of its cost of replacement at the time of destruction, such sign shall not be restored or replaced.
- 4) Discontinuance of Signs: Whenever any use of building or structure or land or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within six (6) calendar months.

E. NONCONFORMING LOTS OF RECORD

- 1) Single Family Dwellings Authorized on Nonconforming Lots: In any district in which single family dwellings are permitted notwithstanding the area limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory structures may be erected on any single lot previously laid out or recorded which is in existence at the effective date of adoption or amendment of this Ordinance which has frontage on a street which has been accepted by the Borough, provided that the following requirements are met:
 - a) Such lot must be in separate ownership and not form part of continuous frontage with other lots in the same ownership.
 - b) The dwelling shall be permitted even though the lot fails to meet requirements of the zoning district for lot area or lot width, or both, subject to:
 - i. The minimum side yard shall be five (5) feet.
 - ii. The minimum rear yard shall be 25 feet.
 - iii. The minimum setback shall be the recorded building line for the lot, or in the absence of a recorded building line, the setback shall be the setback which exists for eighty percent of all lots on the same side of the street and in the same block (between the intersection of the street on which the lot has frontage and the intersecting streets on either side of the lot) or the portion of the block in which the lot is located which is in the same recorded plan as is the lot.

1. PURPOSE

This chapter is intended to:

- A. Encourage sound signage practices and standards with respect to size, lighting, spacing, placement and type for the purpose of safeguarding and enhancing properties in each of the Borough's zoning districts.
- B. Promote the safety and welfare of the community.
- C. Protect public investment in public structures, open spaces and thoroughfares.
- D. Establish a clear process for the review and approval of sign permit applications and variances, and guidelines for violations and penalties.
- E. Provide an environment which will promote the orderly growth and development of business and industry in the Borough.

2. GENERAL REGULATIONS

A. Sign Materials & Construction

- 1) All signs shall be constructed of a durable material, using non-corrosive fastenings and maintained in good condition so that all sign information is clearly legible.
- 2) All signs shall be structurally safe and erected or installed in accordance with the Pennsylvania Uniform Construction Code.

B. Sign Area

- 1) The area of a sign includes all lettering and accompanying designs, logos and symbols.
- 2) No sign shall have more than two (2) sides, and the areas of signs indicated in this Chapter shall be the maximum for one side.

C. Sign Height

- 1) The maximum height for all signs shall be determined by the sign type and the zoning district in which the sign is located.

- 2) The sign height is the measurement from the grade immediately below the sign to the highest point of the sign, including the sign face structure, pole and any projections, decoration or trim of the sign face, structure or pole.
- 3) No sign shall exceed the building height limitations specified for the zoning district in which it is located.

D. Sign Illumination

- 1) Illuminated signs are permitted in nonresidential zoning districts only, unless otherwise prohibited by the regulations in this Chapter.
- 2) Light sources for illuminated signs shall not be a glare hazard, distraction to motorists, pedestrians, or adjacent properties.

E. Signs prohibited in all districts. All signs not expressly authorized under this chapter or exempt from regulation hereunder in accordance with subsequent sections, are prohibited in the Borough. Prohibited signs shall include, but are not limited to:

- 1) Abandoned signs.
- 2) All illegal signs and all signs not in compliance with this chapter or any other ordinance of the Borough.
- 3) Animated signs such as flashing signs or signs that scroll or flash text or graphic.
- 4) Any sign erected closer than five (5) feet to any underground utility line.
- 5) Any banner or sign suspended across a public street, without the permission of the owner of the property or road.
- 6) Beacons.
- 7) Inflatable devices or balloon signs; except those used in temporary, non-commercial situations.
- 8) Interactive signs.
- 9) Reflective signs or signs containing mirrors.
- 10) Roof signs.
- 11) Signs not in good condition or repair.
- 12) Signs interfering with or impeding driver line of sight, vehicular traffic, or visibility of safety signs.

- 13) Pennants.
- 14) Vehicular sign. (This does not include the use of business logos, identification or advertising on vehicles used for business and/or personal transportation.)
- 15) Signs installed on trees, utility poles, and traffic control devices.
- 16) Portable wheeled signs.
- 17) NEON lighting or related materials.

3. PERMITS, INSPECTION, MAINTENANCE

- A. No sign established before the effective date of this Ordinance shall be structurally altered or moved unless in compliance with the provisions of this Chapter.
- B. Regular, routine, and customary maintenance, including the repainting of an existing sign, where no change in lettering size, no new graphic elements or new content of any kind is contemplated, shall not require a sign permit.
- C. Repairs to damaged sign faces or sign structures shall not require a sign permit.
- D. Replacement of a sign face with an identical sign face utilizing identical materials, shall not require a sign permit.
- E. No sign or sign structure shall be erected, displayed, altered, or relocated, except as provided for herein, until a sign permit has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.
 - 1) Applications for a permit shall be submitted on a form provided by the Borough and fee paid as set for by the Borough fee schedule, as amended from time to time.
 - 2) Provided the application is in order, applicable fees are paid, and the requirements of this Part are met, the Zoning Officer shall issue a building permit for the erection of the sign. Such permit shall expire 12 months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.
 - 3) Inspections by the Zoning Officer shall be made to determine compliance with those regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within thirty (30) days, the sign shall be

deemed in violation and the permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.

- F. The Zoning Officer may remove, or order the removal of, any sign erected, or placed, in violation of this chapter, at the expense of the sign owner.
- G. When the Zoning Office determines that a sign becomes a threat to public health and safety or nuisance from damage of natural or human events, or prolonged neglect, the Zoning Officer may provide written notice and require the owner of the sign to repair it. If the sign is not repaired after 30 days from the date of written notice to repair had been sent, the Zoning Officer may order it removed within 30 additional days.
- H. Signs that are found to present an immediate hazard to the public may be ordered removed, immediately by the Zoning Officer, without notice, and the cost assessed to the sign owner.

4. EXEMPT SIGNS

The following types of signs shall not require the issuance of a sign permit:

- A. Address Markers
- B. Signs erected by a public agency or utility providing warning or information to the public, and any signs erected by the Borough or under direction of the Borough.
- C. Signs denoting the availability of property for lease or sale, a maximum of 12 square feet in area and a maximum of one (1) sign per property. Such signs shall be permitted only if the property on which the sign is located, or a building thereon, is for lease or sale. No such sign shall be located within the public right of way.
- D. Political signs. Such signs shall be removed within 10 days after the political event for which they were intended.
- E. Temporary Signs
 - 1) Temporary event signs and banners announcing a non-profit event of a civic organization for noncommercial purposes, provided that there is only one (1) sign per property, and the sign shall not exceed 32 square feet in the area, and the sign shall be erected for a period not to exceed 30 days prior to the start of the event and removed within three (3) days after the conclusion of the event.
 - 2) Signs announcing special events, including but not limited to auctions, grand openings, new management, going-out-of-business and similar special, limited-time

events of a defined duration, provided that such signs shall be displayed for a maximum of 14 consecutive days per special event and there shall be only one (1) sign per occupied tenant space. The sign permit application for such signs shall define the special event duration and dates.

- 3) A-frame, sandwich-board or tent signs, excluding portable, wheeled signs, provided that:
 - a) The sign has a maximum of two (2) sign faces.
 - b) The sign shall be located within the sidewalk frontage of a non-residential or mixed-use building provided that only one temporary sign is permitted per building and the sign shall be placed on the sidewalk immediately in front of the building with which the sign content is associated.
 - c) The sign face size shall be a maximum of five (5) feet per sign face of the sign.
 - d) Such signs shall be removed at the end of the business day and during non-business operating hours.
 - e) Such signs shall not obstruct pedestrian traffic.
- 4) Signs announcing new building or construction projects and identification of the contractors associated with the projects, provided the sign is erected after the beginning of the construction activity and removed upon completion of the construction project or issuance of an occupancy permit, if required.
- 5) Other temporary signs: All other temporary signs, including but not limited to those which advertises or announces community, civic, educational, charitable, or religious projects, special events, political campaigns, and the like, and including, but not limited to, signs placed in anticipation of an upcoming election or during other similar political campaigns or events, shall meet the following requirements:
 - a) Shall not exceed 12 square feet in area per side, except that one such sign per property may be no more than 20 square feet in sign area per side.
 - b) Shall not be more than four (4) feet tall, measured from ground level to the top of the sign, except where one such sign may be attached to a building, existing sign structure, or other permanent structure.

- c) Where more than one such sign is placed on a single property, parcel, or lot, the signs shall be separated by a distance of no less than 10 feet.
- d) Shall not be erected sooner than 30 days prior to the scheduled date of the advertised event, election, or the like.
- e) Shall be removed within 10 days after completion of the project, or after the date on which the advertised special event, election, or the like, has taken place or otherwise concluded.
- f) Shall be removed no later than 60 days after the sign is erected.

5. PROHIBITED SIGNS

- A. Animated signs are not permitted.
- B. Signs illuminated by a flashing, pulsating or intermittent internal or external light source are not permitted. Internal illumination that changes intensity with a frequency of less than 15 seconds shall be considered flashing.
- C. Signs that create glare on adjacent properties or any adjacent street are not permitted.
- D. Signs constructed from temporary materials, such as non-rigid plastic, nylon, fabric, or untreated or unpainted wood, except as permitted as a temporary sign by this section.
- E. Portable wheeled signs are not permitted.

6. SETBACKS AND LOCATION

- A. Signs shall be placed no closer than 10 feet to any property line or any right-of-way line, measured horizontally from the sign edge and shall not project within an existing street right-of-way.
- B. Monument signs shall be placed no closer than five (5) feet to the closest property line and eighteen inches from an abutting street right-of-way line.
- C. No sign shall be erected in such a manner or location that would obstruct vision, ingress and/or egress, or interfere with safe traffic flow.
- D. No sign shall be located so as to block doors, operable windows or fire escapes, or access to them; nor shall a sign be attached to a fire escape.

- E. Such sign shall extend vertically past the roofline of the building upon which the sign is located.
- F. No sign, except those erected by authority of the Commonwealth of Pennsylvania, Allegheny County, or Jefferson Hills Borough, shall be erected within the lines of a street right-of-way.
- G. No sign shall be placed in such a position that endanger pedestrians, bicyclists, or vehicular traffic by interfering with official street signs or signals.
- H. All signs and their supporting structures shall maintain clearance of all surface and underground utility lines or equipment.
- I. No sign shall be placed closer than five feet to any property line or right-of-way.
- J. No sign shall project over a street, alley, or driveway, nor be closer than two (2) feet from the closest perpendicular edge of the curb or paved edge of any such vehicular way.

7. LIGHTING

- A. Signs in residential zoning districts shall be illuminated externally from concealed light fixtures and the illumination shall be directed to the sign face only to minimize light spillover beyond the edges of the sign face.
- B. Signs in commercial and zoning districts may be illuminated internally, provided that only the name and official logo of the business or entity are illuminated.
- C. Where a sign is illuminated with an external light source, such lighting shall be provided through sharp cut-off, directed-light fixtures that are decorative in nature or concealed from view and the illumination shall be directed to the sign face to minimize light spillover beyond the edges of the sign face.
- D. No sign lighting shall be installed in a manner or of such a brightness as to create excessive glare on adjacent property or uses such that such lighting inhibits the use and enjoyment of the adjacent property or uses.
- E. Flashing signs and signs with flashing lights are not permitted.

8. RESIDENTIAL DISTRICT SIGNS

The following signs are permitted in residential zoning districts:

- A. Building signs for identification of home occupations or no-impact home-based businesses shall be permitted provided that such sign is a maximum of five (5) square feet and shall not be illuminated.
- B. Monument signs identifying a residential development or neighborhood, provided that the maximum sign area shall be 18 square feet per sign face and the sign shall not exceed four (4) feet in height.
- C. Signs displaying name, activities and/or functions for public institutions (churches, public schools, accredited private schools, and publicly owned or operated buildings), provided that:
 - 1) One (1) monument sign is permitted on a property.
 - 2) The maximum sign area shall not exceed 30 square feet per sign face, and there shall be a maximum of two (2) sign faces.
 - 3) Changeable copy/lettering and LED signs are permitted provided that they do not comprise more than 50 percent of the total sign area. Except as to permitted location, all other requirements of this chapter for LED signs shall be met.
 - 4) The maximum height shall be four (4) feet.
 - 5) No monument sign shall be located in such a manner as to obstruct traffic sight visibility.
 - 6) One (1) building sign is permitted per building.
 - a) Building, wall, canopy, awning, or marquee signs
 - b) The maximum sign area of each sign shall be 30 square feet.
 - c) The sign shall not project above the wall, roofline, or surface to which it is mounted nor obstruct building windows.
 - d) The sign shall not encroach upon any road right-of-way nor shall it in any way interfere with normal pedestrian or vehicular traffic.
 - e) No sign shall not extend below a point measured from grade to a height of nine (9) feet. In all instances, signs must comply with the requirements of the Americans with Disabilities Accessibility Guidelines on protruding objects and head room.

- f) The sign shall not project more than five (5) feet from the building facade to which it is attached.

9. NONRESIDENTIAL ZONING DISTRICTS SIGNS

A. In nonresidential zoning districts, all of the following signs are permitted:

- 1) One (1) freestanding sign for each building.
 - a) No freestanding sign shall have more than two (2) sign faces.
 - b) The maximum height of any freestanding, measured from ground level to the top of the sign, shall be 10 feet.
 - c) Each sign face of a freestanding sign shall have a maximum of 40 square feet of sign area per sign face.
 - d) Where a building includes multiple occupied tenant spaces, the maximum freestanding sign area shall be fifty square feet of sign area per sign face.
 - e) Where two (2) or more buildings are located on the same lot or under common ownership, the maximum freestanding sign area shall be 60 square feet of sign area per sign face, provided that a total of only one (1) freestanding sign is permitted for all buildings on the same lot or under common ownership.
 - f) LED signs are permitted as freestanding signs only and are only permitted in non-residential zoning districts.
 - i. All LED sign images, messages, and graphics displayed on the sign face must be static. Animation and video displays are prohibited.
 - ii. The transition from one static display on the LED sign face to another must be instantaneous without any special effects, including but not limited to flashing, spinning, revolving transition methods, scrolling from left to right or top to bottom, slot machine, splice, mesh, radar, kaleidoscope, spin, or any other animated transition.
 - iii. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
 - iv. Each message displayed must remain displayed continuously for a minimum of ten seconds.

- v. No sign shall be brighter than 5,000 nits between sunrise and sunset and 250 nits between sunset and sunrise, measured according to recognized industry standards for brightness measurement.
- 2) One (1) building, awning, canopy, wall or marquee sign for each building tenant, for which a Borough occupancy permit is issued or otherwise required.
 - 3) Directional signs, a maximum of five (5) square feet in size per sign face, up to a maximum of four (4) signs on a property.

10. NONCONFORMING SIGNS

Nonconforming Signs: Any physical change or alteration to the structure of an existing, nonconforming sign, excluding regular maintenance and in-kind replacement of the sign face, requires compliance with the requirements of the Borough Zoning Ordinance.

All nonconforming signs in existence prior to the effective date of this Chapter are permitted to continue provided that such sign adheres to the following guidelines:

- A. No nonconforming sign shall be changed, altered, or expanded in any way that increases the sign's nonconformity or be replaced by another nonconforming sign.
- B. All permanent signs and sign structures shall be brought into conformance with the regulations outlines in this Chapter should the following occur:
 - 1) The sign is removed, relocated, or significantly altered. Significant alterations include changes in size or dimension. Changeable copy changes on the face of an existing nonconforming sign shall not be considered a significant alteration.
 - 2) Conforming repairs are required in the event that 50 percent of a sign is damaged.
 - 3) Change in illumination methods or mechanical operations.
 - 4) Change in the sign's structural or sign face material.
- C. Nonconforming signs may be exempt from the provisions provided in this section, provided that:
 - 1) The nonconforming sign possessed documented historic value.

- 2) The nonconforming sign has special designation, value, or design as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or a local historical commission.
 - 3) In the event that public right-of-way improvements require that the nonconforming sign be relocated.
- D. Unless special approval has been granted, all nonconforming temporary signs must be removed within 90 days of the effective date of this Chapter.

11. SIGNS EXEMPT FROM PERMITTING REQUIREMENTS

The following signs shall be exempt from permitting requirements and shall not be included in the type, number, or area of signs permitted in each zoning district:

- A. Official Traffic Signs
- B. Government/Regulatory Signs
- C. Holiday and Seasonal Decorations
- D. Legal Notices
- E. Memorial, Public Monument, or Historical Identification Signs
- F. Temporary Sign in accordance with the regulations in this Article

ARTICLE 800. OFF-STREET PARKING AND LOADING STANDARDS

In all Zoning Districts, whenever any new use is established, or an existing use is structurally altered, converted or enlarged, off-street parking spaces shall be provided in accordance with the requirements of this Section.

1. OFF-STREET PARKING STANDARDS

- A. Size: Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles, shall have minimum dimensions of nine (9) feet in width and 21 feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto the cartway of any public street.

Minimum Parking Spaces and Aisle Dimensions			
Parking Angle	Aisle Width Dimension "A"	Stall Depth Dimension "B"	Stall Width Dimension "C"
30°	11'-0"	17'-9 ½"	18'-0"
45°	13'-0"	20'-6"	12'-9"
60°	18'-0"	21'-10"	10'-4 ½"
70°	19'-0"	21'-10 ½"	9'-7"
80°	24'-0"	21'-3"	9'-1 ½"
90°	24'-0"	18'-0"	9'-0"

- B. Access: Where an existing parking area does not adjoin a public or private street, alley, or easement of access, an access drive shall be provided leading to the parking areas. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along the length of a street. The street frontage shall be curbed to restrict access to the lot, except where access drives are proposed. The number of access drives from a single lot or development to any public street shall not exceed two (2) for every 400 feet of street frontage.
 - 1) Where a site has frontage on more than one (1) street, access shall be provided from the street with the lower traffic volume, if physically practical.
 - 2) Access drives entering State and County highways or roads are subject to a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (Penn DOT).
 - 3) Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall

be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.

- C. Safety Requirements: Borough Council shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings.
- D. Marking: All parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection to adjacent structures or landscaped areas. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings. Handicapped parking shall be appropriately marked.
- E. Parking Areas Serving Residential Dwellings: Parking requirements for single family, two (2) family triplex, quadruplex and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the lot. Parking for garden apartments shall be provided in a paved, striped and curbed off-street parking area.
- F. Standards for Parking Areas Serving Townhouses and Apartments in Planned Residential Developments:
 - 1) The minimum depth of a driveway serving an individual dwelling unit shall be twenty-five feet measured between the wall of the building containing the dwelling unit and the edge of paving of a public or private street or common driveway which provides access to the individual driveway.
 - 2) The minimum width of a common driveway which is parallel to the dwelling units and which provides access to individual driveways at right angles to it shall be 14 feet.
 - 3) A hammerhead turnaround shall be provided where a common driveway terminates in a dead end.
 - 4) The minimum distance between the edge of paving of a common driveway or parking area and the top of any slope shall be 10 feet.
- G. Parking Areas Serving Uses Other Than Residential Dwellings:
 - 1) Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area or parking in a garage structure.

- 2) Parking serving authorized nonresidential uses in any Residential Zoning District shall not be located in front of the minimum required building line.

H. Driveways Serving Nonresidential Uses:

- 1) Single lane driveways which provide access to lots and parking areas shall be a minimum of 10 feet wide and a maximum of twelve feet wide; two (2) lane driveways shall be a minimum of 20 feet wide and a maximum of 24 feet wide.
- 2) If parking spaces are aligned at less than 90 degrees, the driveways shall be restricted to one-way traffic and head-in parking only.
- 3) There shall be at least 15 feet between separate driveways at the street right-of-way line and at least five (5) feet between a driveway and a fire hydrant, catch basin or property line. There shall be at least 40 feet between the centerline of a driveway and the right-of-way line of any street which intersects with the street on which the lot has frontage.
- 4) Adequate sight distance shall be provided, subject to review and approval by the Borough Engineer. Driveways shall not exceed a slope of ten percent within 12 feet of the street right-of-way line.

I. Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use.

- 1) For all uses other than single family or two-family dwellings, no parking area containing more than five (5) parking spaces shall be located closer than 10 feet to any adjoining property line and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.

J. Surfacing: With the exception of home occupations, single family dwellings and two-family dwellings, all parking areas and access drives shall have a paved concrete, bituminous or similar surface, graded with positive drainage to dispose of surface water.

K. Lighting: Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any streets or highways. Lighting standards shall be located not more than 80 feet apart and the lighting system shall furnish an average minimum of two (2) feet candles during hours of operation.

L. Storm Water Management: All paved parking areas shall be designed so that storm water runoff shall not adversely affect adjacent properties. The method of storm water

management and the design of the proposed facilities shall be subject to the requirements of the Borough Subdivision and Land Development Ordinance (Chapter 22 of the Code) and to review and recommendation by the Borough Engineer.

- M. Compliance with ADA Requirements: Parking areas accessory to nonresidential uses, multifamily dwellings and Planned Residential Developments shall comply with all applicable requirements of the Americans with Disabilities Act (ADA).
- N. Off-Street Parking Requirements: Any new use or change of use in any Zoning District shall comply with the following minimum requirements for the provision of off-street parking spaces.
- O. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one (1) parking space.
- P. Where more than one (1) use exists on a lot, parking requirements for each use shall be provided.
- Q. The following table of parking requirements specifies the number of spaces required for various categories of uses in any Zoning District:

Use	Requirement
Adult Businesses	One (1) space for each 150 sq. ft. of floor area.
Agriculture	None except 1 per 200 square feet of gross leasable area of building used for sale of products produced on the premises
Animal Day Care	One (1) space per 400 square feet of floor area open to public but not less than four (4) spaces.
Animal Shelter	One (1) space per 400 square feet of floor area open to public but not less than four (4) spaces.
Any Use Not Specifically Listed	One (1) space for each 300 sq. ft. of gross floor area of building or one (1) space for each three (3) persons authorized to occupy the building or site at maximum permitted occupancy, whichever is greater.
Assisted Living Facility	One and one-half (1 1/2) spaces per bed plus one (1) for each physician and for each two (2) other employees.
Auto Body and Auto Repair Garage	One (1) space for each employee plus one (1) space for each vehicle owned by the business plus a minimum of five (5) spaces per bay for vehicles waiting for repair.
Banquet Facility	One (1) per 250 square feet of floor area.
Bar / Nightclub	One (1) space per 50 sq. ft. of floor area excluding areas devoted to food preparation plus one (1) space per employee on peak shift.

Bed and Breakfast	One (1) per guest room plus two (2) additional spaces.
Billboard	None required.
Bus/Railway Passenger Station	One (1) space for each 50 sq. ft. of waiting area plus one (1) space for each employee on peak shift.
Casino	One (1) per 250 square feet of floor area.
Cemetery	One (1) per full-time employee and 0.25 per seat of chapel or assembly room capacity.
Communications Antenna, existing structure	Two (2) per tower or one (1) space per employee, whichever is greater.
Communications Tower	Two (2) per tower or one (1) space per employee, whichever is greater.
Community Center	One (1) space for every three (3) members.
Conference Center	One (1) per each 3.5 seats in areas with fixed seating plus one (1) per each 100 square feet of assembly or display space without fixed seats plus one (1) per each 2 employees on peak shift
Contractor's Office/Yard	One (1) per 1,000 square feet of floor area and outdoor storage area.
Convenience Store	One (1) space for each employee on peak shift plus one (1) space for each 250 sq. ft. of gross floor area in addition to the standing lanes for the gasoline pumps, if any.
Correctional Institution	One (1) parking space per 500 sq. feet of gross floor area of administrative and service areas plus one (1) parking space per eight (8) beds.
Crematorium	One (1) space for each three (3) seats in a chapel plus one (1) space for each employee plus twenty (20) spaces for each parlor plus one (1) space for each vehicle maintained on the premises.
Day Care Center	One (1) space for each staff person plus a minimum of four (4) spaces for visitors.
Day Care Home	Two (2) spaces in addition to the two (2) spaces required for the dwelling.
Distributed Antenna System	None required.
Distribution Center	One (1) for every two (2) employees on peak shift.
Drive-in Theater	One (1) space for each vehicle at maximum capacity, plus three (3) spaces.
Eating Establishment	One (1) space per 50 sq. ft. of floor area excluding areas devoted to food preparation plus one (1) space per employee on peak shift.
Entertainment Facility, Indoor	One (1) per 250 sq. ft. of floor area.
Essential Services	None, if structure is not intended for occupancy; or one (1) space for each 300 sq. ft. of floor area of building, if intended for occupancy.

Farm	None except 1 per 200 square ft. of gross leasable area of building used for sale of products produced on the premises
Farm, Hobby	None except one (1) per 200 square ft. of gross leasable area of building used for sale of products produced on the premises
Financial Institutions and Offices, other than Medical or Dental	One (1) space per 300 sq. ft. of floor area of building.
Financial Institution, with Drive-Thru Facilities	One (1) space per 300 sq. ft. of floor area of building.
Forestry	None required.
Funeral Homes and Crematories	One (1) space for each three (3) seats in a chapel plus one (1) space for each employee plus twenty (20) spaces for each parlor plus one (1) space for each vehicle maintained on the premises.
Garden Apartment	Two (2) spaces per dwelling unit plus 0.5 spaces per dwelling unit to be provided for visitor parking. All unenclosed spaces must be located within 150 ft. of the common entrance for the units they are intended to serve.
Gasoline Service Station	One (1) space for each employee plus three (3) spaces for each repair bay, if any, plus one (1) space for each 150 sq. ft. of floor area devoted to a convenience store, if any.
Gasoline Service Station with Small Retail and/or Auto Wash	One (1) space for each employee on peak shift plus one (1) space for each 250 sq. ft. of gross floor area in addition to the standing lanes for the gasoline pumps, if any.
Greenhouse/Nursery	One (1) per each 300 square ft. of gross floor area, plus one (1) per each 5,000 square ft. of outdoor display area
Government Office	One (1) space for each 300 sq. ft. of gross floor area of building.
Greenhouses, Nurseries and Landscaping Contractors	One (1) space for each employee on peak shift plus one (1) space for each 300 sq. ft. of indoor display and sales area and one (1) space for each 500 sq. ft. of outdoor display and sales area.
Grocery Store	One (1) space for each 250 sq. ft. of gross floor area.
Group Care Facility	Eight (8) spaces.
Group Home	Five (5) spaces.
Helipad	One (1) per landing pad.
Home Occupation	As determined by Borough Council at the time of conditional use approval.
Home Office or Service	None required.
Hospitals	One and one-half (1 1/2) spaces per bed plus one (1) for each physician and for each two (2) other employees.
Hotel	One (1) space for each rental room or suite plus one (1) space for each 80 sq. ft. of floor area accessible to the public, including shops,

	corridors, lobbies, meeting rooms, offices, restaurants, lounges, ballrooms and the like.
House of Worship	One (1) space per 200 sq. ft. of net usable floor area of building, or one (1) space for each five (5) fixed seats, whichever is greater.
Independent Living Facility	One (1) space per dwelling unit plus 0.5 spaces per dwelling unit to be provided for visitor parking. All unenclosed spaces must be located within 200 ft. of the common entrance for the units they are intended to serve but shall not be located in any front yard.
Indoor Recreational Facilities	One (1) space for each two (2) persons authorized by the Borough Building Code to occupy the premises at maximum permitted occupancy.
Junk Yard/Salvage Yard	One (1) space for each employee plus one (1) space for each acre of storage and sales area.
Kennel	One (1) space per 400 square ft. of floor area open to public but not less than four spaces.
Landscape Contractor	One (1) per 1,000 square ft. of floor area and outdoor storage area.
Laundry Facility	One (1) per each 200 square ft. of floor area.
Library and Museum	One (1) space for each employee plus one (1) space for each three (3) seats in rooms used for meetings or public assembly plus one (1) space for each 1,000 sq. ft. of floor area, excluding storage areas and rooms used for meetings or public assembly.
Manufacturing	One (1) space per employee on peak shift or one (1) space per 1,500 sq. ft. of floor area of building, whichever is greater, plus one (1) visitor space per twenty-five (25) employees.
Marina	One (1) per boat slip.
Marine Repair Facility	One (1) per boat slip and one (1) for each employee.
Medical and Dental Clinics and Offices	One (1) space for each two (2) employees plus four (4) spaces per doctor.
Medical Marijuana Dispensary	One (1) space for each 150 sq. ft. of floor area.
Medical Marijuana Grower/Processor	One (1) space for each two (2) employees.
Medical Clinic	One (1) space for each two (2) employees plus four (4) spaces per doctor.
Methadone Treatment Facility	One (1) space for each two (2) employees plus four (4) spaces per doctor.
Mid Rise Apartment	Two (2) spaces per dwelling unit plus 0.5 spaces per dwelling unit to be provided for visitor parking. All unenclosed spaces must be located within 200 ft. of the common entrance for the units they are intended to serve but shall not be located in any front yard.
Mini-Warehouse/Self-Storage	Two (2) spaces for manager's quarters plus one (1) space for each 10 storage units equally distributed throughout the storage area plus

	one (1) space for each 25 storage units located near the manager's quarters to be used by prospective clients.
Motel-Hotel	One (1) space for each rental room or suite plus one (1) space for each 80 sq. ft. of floor area accessible to the public, including shops, corridors, lobbies, meeting rooms, offices, restaurants, lounges, ballrooms and the like.
Movie Theater	One (1) per each three (3) seats.
Museum	One (1) space for each employee plus one (1) space for each three (3) seats in rooms used for meetings or public assembly plus one (1) space for each 1,000 sq. ft. of floor area, excluding storage areas and rooms used for meetings or public assembly.
Natural Gas Compressor Station	One (1) per employee on peak shift but not less than four (4).
Natural Gas Processing Plant	One (1) per employee on peak shift but not less than four (4).
Nature Trail/Bike Trail	Ten (10) spaces for each mile of trail distributed at key locations along the trail.
Nursing Home	One (1) space per three (3) beds.
Office, Business, Professional, Research	One (1) space per 300 square ft. of floor area.
Oil & Gas Drilling	One (1) space with an all-weather surface located near the well-head that accommodates a pick-up truck
Other Public Buildings	One (1) space for every 400 sq. ft. of floor area of building.
Parking Structure	No additional parking is required beyond the number of spaces provided in the structure.
Personal Care Boarding Home	One (1) space for every two (2) full-time staff plus one (1) space for every three (3) residents.
Personal Services	One (1) space for each 150 sq. ft. of floor area used.
Place of Worship	One (1) space per 200 sq. ft. of net usable floor area of building, or one (1) space for each five (5) fixed seats, whichever is greater.
Private Club	One (1) space for each three (3) members.
Public, private or commercial outdoor recreation, other than swimming pools	Four (4) spaces for each tennis court, golf tee or practice station at a sports practice facility, 10 spaces for each playing field or other active areas such as playground, basketball court, etc.; one (1) space for each three (3) seats in a stadium, amphitheater or racetrack; one (1) space for each three (3) persons authorized by the Borough Building Code to occupy the premises of an amusement park.
Public Service Corporation Facilities	One (1) space per each 400 square ft. of floor area.
Recreation, Indoor, Private	One (1) space per 1,000 square ft. of developed area.
Recreation, Outdoor, Private	One (1) space per 40 square ft. of recreation area.

Recreation, Outdoor, Low-Impact	One (1) space per 40 square ft. of recreation area.
Recreation Facility, Municipal	One (1) per 250 square ft. of gross floor area.
Recreation-related Commercial Uses	One (1) space for each employee plus one (1) space for each 500 sq. ft. of gross floor area.
Research and Development	One (1) space for each 300 sq. ft. of floor area devoted to offices plus one (1) space for each 1,000 sq. ft. devoted to laboratories or pilot manufacturing.
Residence in Combination with Business	Two (2) spaces for each dwelling unit in addition to the spaces required for the business use or uses.
Restaurant	One (1) space per fifty (50) sq. ft. of floor area excluding areas devoted to food preparation plus one (1) space per employee on peak shift.
Restaurant, with Drive-Thru Facilities	One (1) space per 50 sq. ft. of floor area excluding areas devoted to food preparation plus one (1) space per employee on peak shift.
Retail Sales	One (1) space for each 150 sq. ft. of floor area used for retail trade.
School, Elementary	One (1) space per twenty (20) classroom seats.
Schools, Other	One (1) space per ten (10) classroom seats or for each 200 sq. ft. of auditorium, whichever is greater.
Self-Storage Facilities	One (1) for every two (2) employees on peak shift and one (1) for every ten (10) storage spaces.
Shopping Center	One (1) space for each 250 sq. ft. of gross floor area.
Single Family Dwelling, Two Family Dwelling	Two (2) spaces per dwelling unit.
Solar Energy Facilities	One (1) space per employee.
Special Event Barn	One (1) per 250 square ft. of gross floor area.
Special Event Venue	One (1) per 250 square ft. of gross floor area.
Stadium or Arena	One (1) space per every four (4) seats, plus one (1) space per every two (2) players able to use the facility at any one time.
Storage Containers	None required.
Storage Garages and Public Garages	No additional parking is required beyond the number of spaces provided in the garage.
Storage Trailer	None required.
Studio, Art, Music, Photo	One (1) per employee and three (3) for visitors.
Supporting Commercial Uses in an Office Park	One (1) space for each 500 sq. ft. of gross floor area.
Surface Mining	One (1) per employee on peak shift but not less than four (4).

Swimming Pools, other than private residential	One (1) space per 50 sq. ft. of surface water area.
Theater, Auditorium, Stadium and Similar Places of Public Assembly	One (1) space for each three (3) seats or if there are no fixed seats, one (1) space for each 40 sq. ft. of floor area devoted to spectator seating.
Transitional Dwelling	One (1) space for each employee on peak shift plus one (1) space for each resident authorized to operate a motor vehicle and/or one (1) space for each vehicle kept on the property for transportation of residents plus (0.25) spaces per resident to accommodate visitors and visiting service providers
Triplex, Quadruplex, Townhouse	Two (2) spaces per dwelling unit, 50 percent of which must be in an enclosed garage, plus 0.5 spaces per dwelling unit to be provided for visitor parking, such parking may be off-lot but within the development All unenclosed spaces must be located within 150 ft. of the common entrance for the units they are intended to serve.
Truck Terminal	Two (2) spaces per each three (3) employees plus space for each company vehicle or one space per each 3,000 sq. ft. of floor area, whichever is greater.
Uses Not Listed, Comparable	Dependent upon Parking Needs Analysis.
Uses Not Listed	Dependent upon Parking Needs Analysis.
Vehicle Sales and Service	One (1) space for each employee on peak shift plus three (3) spaces for each repair bay plus one (1) space for each 500 sq. ft. of showroom floor area.
Vehicle Service/Repair	One (1) space for each employee plus one (1) space for each vehicle owned by the business plus a minimum of five (5) spaces per bay for vehicles waiting for repair.
Vehicle Wash	One (1) per each employee, plus reservoir space for six (6) times each bay.
Veterinary Hospital	One (1) space for each doctor and each employee plus four (4) spaces for each examining and treatment room.
Warehousing, Wholesaling, Distribution Plant, Truck Terminal	One (1) space per employee on peak shift or one (1) space per 2,500 sq. ft. of floor area of building, whichever is greater, plus a minimum of five (5) visitor spaces.
Watchman's Facility	Two (2) spaces.

2. OFF-STREET LOADING STANDARDS

Off-street loading or unloading spaces shall be provided on each lot where required and shall have proper and safe access from a street or alley.

- A. Loading spaces shall be at least 14 feet wide and 60 feet long and shall have at least 15 feet vertical clearance.

- B. Loading spaces shall have a 60-foot maneuvering area.
- C. Loading spaces shall be constructed with a concrete, bituminous or similar paved surface to provide safe and convenient access during all seasons.
- D. Loading spaces shall not be constructed between the street right-of-way line and the building setback line.
- E. Loading and unloading facilities shall be designed so that trucks need not back into, nor park in, the public right-of-way.
- F. No truck shall be allowed to stand in a right-of-way or vehicle parking area (including aisles serving parking spaces) nor shall the effective flow of persons or vehicles be blocked in any way.
- G. Required off-street parking areas (including aisles) shall not be used for loading or unloading purposes except during hours when business operations are suspended.
- H. The area used for loading shall not be used to satisfy parking requirements.
- I. Loading areas shall be provided on the site of the principal structure(s) served by the loading area.
- J. No loading area shall be located within 30 feet of the nearest point of intersection of any two (2) streets.
- K. No loading area for vehicles over a two (2) ton capacity shall be closer than 30 feet to any lot in a Residential Zoning District unless completely enclosed by walls or a fence or any combination thereof not less than six (6) feet in height.
- L. Commercial District Off-street Loading Regulations: Required off-street loading spaces for new construction, enlargement or change in use for all uses which receive deliveries by tractor trailer shall conform to the following:
 - 1) 20,000 to 49,999 s.f. floor area of building: one (1) off street loading area
 - 2) 50,000 to 100,000 s.f. floor area of building: two (2) off street loading area
 - 3) Over 100,000 s.f. floor area of building: one (1) plus 1 one (1) for each additional 100,000 s.f. or fraction thereof

M. Business Park District Off-street Loading Regulations. Required off-street loading spaces for new construction, enlargement or change in use for all uses which receive deliveries by tractor trailer shall conform to the following:

- 1) Up to 19,999 s.f. of building area: one (1) off-street loading area
- 2) 20,000 - 49,999 s.f. of building area: two (2) off street loading area
- 3) 50,000 - 80,000 s.f. of building area: three (3) off street loading area
- 4) Over 80,000 s.f. of building area: three (3) plus one (1) for each additional. 100,000 s.f. or fraction thereof of building area

N. Office Park Off-street Loading Regulations. Required off-street loading spaces for new construction, enlargement or change in use for all uses which receive deliveries by tractor trailer shall conform to the following:

- 1) Under 40,000 s.f. of building area: None
- 2) 40,000 – 999,999 s.f. of building area: one (1)
- 3) 100,000 – 149,999 s.f. of building area: two (2)
- 4) Over 150,000 s.f. of building area: 3 plus 1 for each additional. 150,000 s.f. or fraction thereof of building area

ARTICLE 900. WHO ADMINISTERS, REGULATES, ENFORCES AND INTERPRETS?

Who administers, regulates, enforces and interprets these regulations for the Borough? Successful implementation of the Borough Zoning Ordinance to fulfill the community development objectives of the Borough Comprehensive Plan involves many individuals and groups who work together to advance the common interests of the community. The Borough Council, Planning Commission, Zoning Officer, Code Enforcement Officer, and Zoning Hearing Board all have important roles.

It is the purpose of these regulations to prescribe the procedures by which the administration of this Ordinance shall take place. Nothing contained within this Section shall be interpreted as limiting the adoption of administrative regulations which do not supersede required stated procedures.

1. ZONING OFFICER

- A. For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance.
- B. It shall be the duty of the Zoning Officer, and the Zoning Officer is hereby given the power and authority, to enforce the provisions of this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any change of use which does not conform to the Zoning Ordinance.
- C. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Borough may require.
- D. Permits for construction and uses which are a special exception or variance to the requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. Permits for a conditional use to the requirements of this Ordinance shall be issued only upon the written order of the Jefferson Hills Borough Council.
- E. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.
- F. It shall be the duty of the Zoning Officer, or other qualified individual authorized by the Borough Council, to make the minimum number of inspections of property as deemed necessary by the Zoning Officer to ascertain compliance with this Ordinance.

G. Violations.

Failure to comply with any provision of this Ordinance, or failure to secure permit or Zoning Hearing Board certification, when required, shall be violations of this Ordinance.

1) Enforcement Notice

- a) The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement when acting within the scope of his or her employment.
- b) If it appears to the Borough that a violation of any zoning ordinance provision has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice, as provided by Section 616.1 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.
- c) The enforcement notice shall be sent to the owner of the record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.
- d) An enforcement notice shall state the following at a minimum:
 - i. The name of the owner of record and any other person against whom the Borough intends to take action.
 - ii. The location of the property in violation.
 - iii. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 - iv. That the owner of record or other person against whom the Borough of Jefferson Hills intends to take action has 15 days to commence steps to comply with this ordinance and 30 days within which to complete such steps to be in compliance with this ordinance, unless such times are extended in writing by the Zoning Officer, for shown cause.
 - v. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the

enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.

- vi. The 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.
 - e) In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer and the Borough shall have the responsibility of presenting its evidence first.
 - f) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- H. Causes of Action: In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant or real property owner who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. Such action is instituted by a landowner or Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint of the Borough Council.
- I. Enforcement Remedies.
- 1) 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 or not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough and a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce 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 person, partnership, or corporation violating the Ordinance to the believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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 shall be paid over to the Borough of Jefferson Hills.

- 2) The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- 3) 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.
- 4) All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough of Jefferson Hills.

J. Preventative Remedies.

- 1) In addition to other remedies provided for herein, the Borough of Jefferson Hills may institute and maintain appropriate actions in law or in equity to restrain, correct or abate violations, to prevent unlawful construction, recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument if transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer or from such penalties or from the remedies herein provided.
- 2) The Borough of Jefferson Hills, its zoning officer or other officers or officials, may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provisions of this Ordinance. This authority to deny any such permits or approvals shall apply to any of the following applicants:
 - a) The owner or record at the time of such violation.
 - b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
 - d) The vendee or lessee of the current owner of record who acquire the property subsequent to the time of violation without regard as to whether such vendee of lessee has actual or constructive knowledge of the violation.

- e) No permit shall be issued nor, shall any approval be granted to any applicant identified in subparagraph ii. above, unless such applicant complies with the conditions which would have been applicable to the property at the time the applicant acquired an interest in such real property, unless the Borough of Jefferson Hills waives such condition.

2. ZONING HEARING BOARD

The Jefferson Hills Borough Council shall, by resolution and in accordance with Section 903 of Act 247 of 1968, as amended, appoint a Zoning Hearing Board consisting of three (3) members, and in accordance with Section 906 of Act 247 of 1968, as amended, two (2) alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of Act 247 of 1968, as amended. Members and alternative members of the Zoning Hearing Board shall be residents of Jefferson Hills Borough and shall hold no other elected or appointed office in Jefferson Hills Borough.

A. HEARINGS ON ZONING HEARING BOARD APPLICATIONS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- 1) The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning code, Act 247 of 1968, as amended. Written notice shall be given to the public, the applicant, the landowner, the Zoning Officer, all immediately adjacent property owners, and any other person who has made a written request for the same within 15 days of the scheduled hearing. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said shall be conspicuously posted at least one (1) week prior to a scheduled hearing date. Such sign(s) shall be at least six (6) square feet in size and shall bear on its face, at a minimum, the name of the hearing body and a phone number to contact the Zoning Officer to gain additional information, and a summary of the matter to be considered at the Hearing
- 2) The Borough Council may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notices and advertising costs, and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.
- 3) The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

- 4) The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing officer, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- 5) The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- 6) The chairperson or acting chairperson of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 7) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
- 8) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 9) Unless otherwise required by this Ordinance or Act 247 of 1968, as amended, the Borough shall have the responsibility of presenting its evidence first.
- 10) The Board shall consider any and all recommendations from the Planning Commission on a Variance or Special Exception application.
- 11) The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

B. DECISIONS ON ZONING HEARING BOARD APPLICATIONS

- 1) The Board or the hearing officer, as the case may be, shall render written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- 2) If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within 45 days. The parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer.
- 3) Where the Board fails to render the decision within the period required by this section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this section. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- 4) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

C. PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD

Appeals under Section 909.1(a)(1), (2), (3), (4), (7), and (9) of Act 247 of 1968, as amended, may be filed with the Board in writing by the landowner affected, any officer or agencies of the Borough, or any person aggrieved. Requests for a variance under Section 910.2 of Act

247 of 1968, as amended, and for special exception under Section 912.1 of Act 247 of 1968, as amended, may be filed with the Board by any landowner or any tenants with the permission of such landowner.

D. TIME LIMITATIONS

- 1) No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by the Borough, if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such approval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- 2) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
- 3) Unless otherwise specified by the Zoning Hearing Board or by law, a variance and/or special exception shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one (1) year from the date of authorization thereof by the Zoning Hearing Board or by the court. Unless otherwise specified by the Zoning Hearing Board or by law, a variance and/or special exception shall expire within two (2) years from the date of authorization thereof by the Borough Council or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said variance and/or special exception approval.
- 4) Unless otherwise specified by the Borough Council or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit, and a building permit where applicable, within one (1) year from the date of authorization thereof by the Borough Council or by the court. Unless otherwise specified by the Borough Council or by law, a conditional use shall expire within two (2) years from the date of authorization thereof by the Borough Council or by the court, if the applicant fails to complete any erection, construction, reconstruction, alteration, or change in the use authorized by said conditional use approval. Under either of the above circumstances, or for any good and reasonable cause, the Borough Council may

extend the approval of a conditional use for an additional period of up to one (1) year upon the written request of the applicant.

- 5) Unless otherwise specified by the Zoning Officer or by law, an approved zoning permit shall become void one (1) year from the date of issuance unless construction work has commenced or the change in use has been accomplished.

E. STAY OF PROCEEDINGS

Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition to court having jurisdiction of zoning appeals to order such person to post bond as condition to continuing the proceedings before the Board in accordance with Section 915.1 of Act 247 of 1968, as amended.

4. PLANNING COMMISSION

Borough Council shall have created a Borough Planning Commission by Borough Ordinance and such Commission shall have the authority, powers, and duties as described by that Ordinance.

When is Borough review and approval required and how are they accomplished? The Borough utilizes application processes that allow for the meaningful review and consideration of zoning permits, including approvals for conditional uses and special exceptions.

1. ZONING PERMIT

- A. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefor. No such zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure. A zoning permit shall be required prior to any of the following actions:
- 1) The erection, addition, or alteration of any building or portion thereof.
 - 2) The erection, addition, or alteration of a sign.
 - 3) The use or change of use of a building or land.
 - 4) The change or extension of a non-conforming use.
- B. Application for Permits: All applications for a Permit shall be made to the Zoning Officer and shall conform to the following requirements. A copy of all permit application materials shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.
- 1) Name, address and telephone number of the applicant.
 - 2) A note indicating what Zoning District(s) the property is located in.
 - 3) Scaled drawings indicating:
 - a) The actual shape and dimensions of the lot to be built upon.
 - b) The exact size and location of any buildings existing on the lot.
 - c) The required building setback lines, per applicable section of the Zoning Ordinance.
 - d) The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown.
 - e) The existence and intended use of each building or part of a building.

- f) The number of dwelling units the building is designed to accommodate.
 - 4) Name of the person, firm, corporation, or associations erecting building, structure or use, if different from the applicant.
 - 5) Written consent of the owner of the building, structure, or land to or on which the building, structure or use is to be located.
 - 6) Other information as required by the Zoning Officer to demonstrate full compliance with this and all other codes and ordinances of the Borough of Jefferson Hills.
 - 7) All applicable Permits Fees, as established by resolution by the Jefferson Hills Borough Council, shall be paid.
- C. Issuance of Permits: No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all the applicable provisions of this Ordinance, as well as the provisions of all other applicable ordinances. A zoning permit issued in error shall become null and void.
- D. Time Frame for Zoning Officer Action: The Zoning Officer shall act upon a request within 30 days following the submission of a complete application.
- E. Permit Validity: Unless construction shall have been commenced within one (1) year of the permit issuance date, any permit issued hereunder shall become void 12 months after said issuance date.

2. CONDITIONAL USE APPLICATIONS

- A. Where provided for in this Ordinance, the Borough Council shall hear and decide requests for conditional uses in accordance with stated standards and criteria. 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 deem necessary to implement the purposes of this Ordinance. The Board may grant approval of a conditional use provided that the applicant complies with the following standards for conditional uses as set forth in applicable sections of this Ordinance, and that the proposed conditional use shall not be detrimental to the health, safety, or welfare of the neighborhood.
- B. The applicant shall submit eight (8) copies of a site plan, containing the required information, as part of the application for conditional use. Said site plans shall remain with the Borough Council and in the Borough's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.

- C. The Borough Council shall conduct hearings and make decisions on conditional use applications in accordance with the following:
- 1) The Borough Council shall conduct hearings and make decisions in regard to applications for conditional use in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the landowner, all owners of adjacent property, the Zoning Officer, such other persons as the Borough Council shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than 30 days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 - 2) The Borough Council may establish reasonable fees for the holding of such hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.
 - 3) The hearing shall be scheduled within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
 - 4) The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Borough Council, and any other person, including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
 - 5) The chairperson or acting chairperson of the Borough Council shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - 6) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross examine adverse witnesses on all relevant issues.
 - 7) Formal rule of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - 8) The Borough Council shall consider any and all recommendations from the Planning Commission on the Conditional Use application.

- 9) The Borough Council shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by them, or it shall be paid by the person appealing from the decision of the Borough Council if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

D. Decision on Conditional Use Applications:

- 1) The Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. When the Borough Council fails to render a decision within the period required by this section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.
- 2) When a decision has been rendered in favor of the applicant because of the 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 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 the Pennsylvania Municipalities Planning Code. If the Borough Council shall fail to provide such notice, the applicant may do so.
- 3) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Borough Council not later than the last day of the hearing, the Borough Council shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- 4) Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

E. ~~E~~-Expiration of Conditional Use Approval

Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of said approval, unless Council, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension. Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this chapter or detrimental to the surrounding neighborhood.

F. Effect on Prior Approvals

Conditional use approval, granted prior to the effective date of this part, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of the effective date of this part or as specified in the approval, unless Council, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one twelve-month extension.

3. SPECIAL EXCEPTIONS

- A. Where the Borough Council of Jefferson Hills, in the Jefferson Hills Borough Zoning Ordinance have stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Jefferson Hills Borough Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
- B. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer.
- C. The Zoning Officer shall concurrently refer the matter to the Jefferson Hills Borough Planning Commission for a report thereon as specified in this section.
- D. Application requirements shall be as follows:
 - 1) The submittal of an Application for a hearing before the Zoning Hearing Board.
 - 2) A plan drawing including the following:

- a) Name, address and telephone number of the applicant.
 - b) A note indicating what Zoning District(s) the property is located in.
 - c) Scaled drawings indicating:
 - i. The actual shape and dimensions of the lot to be built upon.
 - ii. The exact size and location of any buildings existing on the lot.
 - iii. The required building setback lines, per applicable section of the Zoning Ordinance.
 - iv. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown.
 - v. The existence and intended use of each building or part of a building.
 - vi. The number of dwelling units the building is designed to accommodate.
 - d) Name of the person, firm, corporation, or associations erecting building, structure or use, if different from the applicant.
 - e) Written consent of the owner of the building, structure, or land to or on which the building, structure or use is to be located.
 - f) Other information as required by the Zoning Officer to demonstrate full compliance with this and all other codes and ordinances of the Borough of Jefferson Hills.
 - g) All applicable Permits Fees, as established by resolution by the Jefferson Hills Borough Council, shall be paid.
- E. The Application shall provide information sufficient to evaluate conformance with the standards specified in the pertinent section of this Ordinance.
- F. In granting a special exception, the Board may attach such reasonable conditions and safeguards in additions to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Jefferson Hills Borough Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public. In considering special exceptions, the Board shall utilize the following procedures:

- 1) The Board's decisions to approve or deny an application for a special exception use shall be made only after public notices and Zoning Hearing Board hearing as set forth in this Ordinance.
- 2) The Board shall consider any and all recommendations from the Planning Commission on the Special Exception application.

4. VARIANCES

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflicts unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.
- B. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape; exceptional topography; 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.
- C. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provision of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- D. That such unnecessary hardship has not been created by the applicant.
- E. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, will not substantially or permanently impair the appropriate use of development of adjacent property, and will not be detrimental to the public welfare.
- F. 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. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and the Zoning Ordinance of the Borough of Jefferson Hills.

5. AMENDMENTS

Borough Council may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of Council, as recommended by the Planning Commission, or as may be authorized by the MPC. All amendments shall be considered according to the applicable procedures set forth by the MPC.

6. APPLICATION CONTENT

An appeal, or any other application for an amendment, special exception, conditional use, or variance, from the terms of this Ordinance, shall be filed with the Zoning Officer and shall contain the following information, at a minimum, unless otherwise specified by this Ordinance:

- A. Name, address and telephone number of the applicant.
- B. Name, address and telephone number of the property owner(s) of the parcel(s) covered by the application.
- C. A brief description and location of the parcel(s) covered by the application.
- D. A statement of the present zoning classification of the parcel(s) covered by the application, the improvements thereon, and the present use thereof.
- E. The Section of this Ordinance under which the appeal or application requested may be allowed and reasons why it should be granted; or a statement of the Section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
- G. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.
- H. The applicant shall submit 10 copies of a site plan, containing the required information, as part of an application for a variance or special exception. Said site plans shall remain with the Zoning Officer and in the Borough's files for its use and review as necessary. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.