

# **Avalon-Bellevue-Ben Avon Joint Zoning Ordinance**

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**For: Tri-Borough Communities**  
**By: Environmental Planning and Design, LLC**  
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**ARTICLE I**  
**Title, Intent and Purposes**

**§2000-100. Effectiveness.** The classes of Zoning Districts specified herein and the following regulations are hereby established in full effect.

**§2000-101. Title.** This Ordinance shall be known as and may be cited as the “Avalon-Bellevue-Ben Avon Joint Zoning Ordinance” in accordance with and exercising the authority of the Pennsylvania Municipalities Planning Code, as amended, for the Borough of Avalon, Borough of Bellevue and Borough of Ben Avon (Tri Borough Communities).

**§2000-102. General Intent.**

- A. To protect public health, safety, morals and general welfare in the Tri-Borough Communities.
- B. To encourage practical and coordinated community development.
- C. To establish proper density of population in the various Zoning Districts and provide adequate light, air and amenity.
- D. To facilitate the provision of adequate public highways and streets, vehicle parking and loading, public transportation, water supply, sewage disposal, public and private schools, parks and open spaces and other public requirements, such as public utilities and rights-of-way.
- E. To prevent the overcrowding or improper or incompatible development or use of land and to prevent blighting conditions and congestion or hazard in travel and transportation.
- F. To secure safety of health, life and property from fire, flood, panic, noise, noxious fumes, explosion and other dangers.
- G. To preserve forests, floodplains, steep hillsides, recreation and other natural resource lands from conflict with intense development and from erosion, and to manage the release of stormwater to minimize downstream flooding.
- H. To facilitate generally orderly and compatible development and redevelopment within each Tri-Borough Community and public programming of improvements.

**§2000-103. Community Development Objectives.**

In addition to the general intent of this Ordinance, the following specific Community Development Objectives have been considered as a basis upon which the regulations and controls of this Ordinance are derived:

- A. The present atmosphere of the Boroughs should be maintained and development channeled into a logical sequence rather than permitted to occur in a haphazard arrangement.
- B. Growth and redevelopment should be channeled into areas where adequate infrastructure is located.
- C. Within the capability of existing or anticipated public facilities, services and streets, a range of housing types and densities oriented towards the changing needs of those seeking housing in the Boroughs should be encouraged.

- D. Interconnecting streets shall serve the development of the Boroughs in a logical and continuous manner. Planning shall be the responsibility of the Planning Commission and streets shall meet the standards of construction set forth by the Boroughs.
- E. Development standards should encourage a variety of site design opportunities while at the same time maintaining adequate health and safety standards.
- F. Commercial growth should be related to the needs of the residential and institutional activities in the Boroughs adjoining municipalities.
- G. Non-residential uses should be encouraged to develop to complement and minimize impacts on surrounding residential uses. Points of access to commercial developments on the same highway should be designed to avoid congestion.
- H. Recreational development shall provide for the needs of the Borough and open space areas shall be located to serve the maximum number of residents.
- I. Objectives of the communities' Comprehensive Plan shall be considered as part of zoning activities, land use relationships and infrastructure services.

**§2000-104. Abrogation.** It is not intended by this Ordinance to repeal, abrogate, annul, other than enumerated in §2000-105 herein or interfere with any existing ordinance or enactment or with any rule, regulation, or permit adopted or issued. If this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance shall control.

**§2000-105. Repealer.** Ordinances \_\_, as amended, are hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Zoning Ordinances as amended shall, as nearly as possible, be construed to reference this Ordinance.

**§2000-106. Severability.**

- A. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.
- B. In any challenge to the validity of the joint municipal zoning ordinance, the court shall consider the validity of the ordinance as it applies to the entire area of its jurisdiction as enacted and shall not limit consideration to any single constituent municipality.



## **ARTICLE II**

### **Interpretation**

#### **§2000-200. Interpretation.**

- A. In the event of conflicts between the provisions of this Ordinance and any other ordinance or regulation, the more restrictive provisions shall apply.
- B. In interpreting and applying this Ordinance, its provisions shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.
- C. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Tri-Borough Communities, in favor of the landowner and/or developer and against any implied extension of the restriction.

## **ARTICLE III**

### **Definitions**

#### **§2000-300. Definitions.**

- A. Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural and the plural the singular. The word “shall” is mandatory and not permissive.
- B. For the purposes of this Ordinance, the following words, terms or phrases shall have the specific meanings indicated:

<b>Access:</b>	A means of vehicular or pedestrian approach, entry to, or exit from a property.
<b>Accessory Dwelling:</b>	A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.
<b>Accessory Use:</b>	A use subordinate in area, extent and purpose to the principal use; is subordinate to and contributes to the convenience or necessity of the principal use; and is located on the same lot with the principal use or main building.
<b>Accessory Structure:</b>	A structure subordinate to the principal structure(s) on a lot and used for purposes customarily incidental to those of the principal structure(s).
<b>Administrator:</b>	The designated employee and/or contact representing a Borough to be the administrative head of community planning activities.
<b>Agricultural Activities:</b>	Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, keeping of poultry and animals less than 200 pounds in weight or harvesting for the production of food and fiber products (except commercial logging and timber harvesting).
<b>Alley:</b>	A public or private vehicular drive permanently reserved as a secondary means of access to an abutting property.
<b>Amendment:</b>	A change in the wording, context or substance of this Ordinance or a change in the zoning or district boundaries of the Official Zoning Map to be made a part of this title.
<b>Amphitheater:</b>	A structure or natural formation suited for seating people on a sloped area for the viewing of performances.
<b>Area:</b>	The two-dimensional measurement of space between known lines or boundaries.

<b>Art Gallery:</b>	A business establishment engaged in the sale, loan or display of art books, paintings, sculpture or other works of art.
<b>Assembly or Fabrication Facility:</b>	See <i>Industry, Light</i> .
<b>Assisted Living Residence:</b>	Any premise in which food, shelter, personal care, assistance or supervision and supplemental health care services are provided for a period exceeding twenty four (24) hours for four (4) or more adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.
<b>Automobile:</b>	Any device in, upon which or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks. An automobile refers to any vehicle licensed as a passenger vehicle and under five thousand (5,000) pounds delivered weight. Any other vehicle refers to those including, but not limited to, motor homes, recreational vehicles, trailers, and boats.
<b>Automobile Rental:</b>	Leasing or renting of automobiles, motorcycles and light load vehicles.
<b>Automobile Sales:</b>	A business establishment used for the display or sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles and/or or boats. Such use may also include the servicing or repair of vehicles of the brand of vehicles sold at the establishment.
<b>Automotive Services:</b>	A business establishment used for the repair and maintenance of automobiles, trucks, motorcycles or similar vehicles.
<b>Awning:</b>	Any rigid frame with a membrane covering which is attached to and projects from a building.
<b>Bakery:</b>	A business establishment where breads, cakes, pastries, and the like are produced for on- or off-premise retail sale/distribution and primarily for off-premise consumption.
<b>Balcony:</b>	An elevated platform that projects from the wall of a structure and is enclosed by a parapet or railing.
<b>Bank:</b>	See <i>Financial Institution</i> .
<b>Basement:</b>	The space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purposes of height measurements unless one-half (1/2) or more of its height is above the average finished grade level of the lot.

- Bed and Breakfast:** An owner-occupied dwelling where limited overnight lodging and breakfast is provided for compensation to guests. Overnight lodging occurs within individual sleeping rooms which do not contain cooking facilities. The dwelling may or may not include a publicly accessible restaurant as related use.
- Billboard:** An off-premises sign that advertises an establishment, activity, person, product, or service that is unrelated to or unavailable on the premises where the billboard is located.
- Boarding House:** A building arranged or used for overnight lodging, with or without meals, for compensation by transient residents arriving upon their own accord. Overnight loading occurs in individual sleeping rooms with no cooking facilities. A boarding house may include common areas and a common kitchen available for use by residents.
- Borough:** The Borough of Avalon, the Borough of Bellevue and/or the Borough of Ben Avon.
- Buffer/Bufferyard:** A strip of land, together with a specified type and amount of planting thereon, and any structures such as fences or walls which may be required between land uses to eliminate or minimize conflicts between them.
- Building:** Any fully enclosed structure having a roof supported by columns or walls, intended for the shelter, housing or enclosure of persons, animals, equipment or belongings.
- Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to (1) highest point of the roof for flat roofs, (2) the deck lines for mansard roofs, (3) the mean height between eaves and ridge for gable, hip, and gambrel roofs, and (4) the highest vertical point for other types and styles and roofs.
- Building Permit:** A certificate attesting that a project has been reviewed and approved by the applicable Borough for the construction, major repair, alteration or renovation, or addition of a building or structure in accordance with this Ordinance.
- Business Services:** Establishments engaged in rendering services to businesses and offices on a fee or contract basis, including but not limited to advertising and mailing; data processing; secretarial; financial; photocopying; quick printing and fax; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; management and consulting services; and other similar business services.
- BYOB Establishment:** Any restaurant, except that which can be defined as an adult facility, not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may consume alcoholic beverages

which said patrons have carried onto the premises and where said restaurant has obtained a valid amusement permit by the applicable Borough for such operation.

- Cafeteria:** Any establishment where food and/ or beverages are prepared, served and consumed, where food and/or beverages are selected by a customer while going through a serving line and taken to a table for consumption.
- Canopy:** A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and/or by columns or posts embedded in the ground at other points. Any structure that extends above any adjacent parapet or roof of supporting building is not included within the definition of canopy.
- Car Wash:** A building or structure used for the purpose of cleaning or reconditioning the exterior and interior surfaces of automobiles and/or trucks but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are accessory 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 car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall occur in association with the car wash.
- Carport:** A structure with a roof and no more than three (3) sides that is used to cover a single vehicle.
- Catering Service:** A business establishment which prepares food or meals on-site and subsequently delivers the product off premise.
- Cemetery:** A lot used for, or intended to be used for, the burial of human remains, including, but not limited to, columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.
- Certificate of Use and Occupancy:** A certificate issued and enforced by the Applicable Zoning Officer upon completion of the construction of a new building or structure or upon a change or conversion of the structure or use of a building which certifies that all requirements and regulations, including this Ordinance, have been satisfied.
- Check Cashing Establishment:** A business establishment uninsured by the Federal Deposit Insurance Corporation (FDIC), that engages, in whole or in part, in exchanging cash for checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.
- Cinema:** A building with a single or multiple movie theaters, each theater (not including adult movie theater or adult movie house) capable of providing performances independent of the others in the building. A cinema may contain internal common areas for box office or ticket sales, lobby areas, restrooms, concession stands, signs and marquee displays, and other

service and maintenance facilities.

<b>Clear Sight Line:</b>	An unoccupied space extending along the full width of the front lot line between side lot lines and extending ten (10) feet from the abutting street right-of-way. Such space shall remain clear of obstructions between three (3) and twelve (12) feet above grade.
<b>College:</b>	An academic institution that provides full-time or part-time educational or training curriculum that exceeds a secondary education.
<b>Communications Antenna:</b>	Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signal owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such a device. This definition shall not include a satellite dish less than twenty-four (24) inches in diameter or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
<b>Communications Tower:</b>	Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a communications antenna or similar apparatus above ground.
<b>Community Center:</b>	A building where residents of any age may carry on cultural, recreational, or social activities within interior and/or exterior facilities.
<b>Conditional Use:</b>	An authorized use which may be granted only by a Borough Council pursuant to express standards and criteria prescribed in this Ordinance after review and recommendations by the Joint Planning Commission and a hearing conducted by Borough Council pursuant to public notice.
<b>Condominium:</b>	Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common element are vested in the unit owners.
<b>Conference Center:</b>	A building used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
<b>Consignment Store:</b>	A business establishment in which used personal items such as, but not limited to, clothes, jewelry/artifacts or small furniture are resold through a broker for the owner at an agreed-upon price.
<b>Consistency</b>	An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.
<b>Construction:</b>	The erection, reconstruction, renovation, repair, extension, expansion,

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alteration, improvement or relocation of a building or structure including the placement of mobile homes.

**Contractor's  
Storage Yard:**

A lot or part thereof used by a contractor or builder to store equipment and materials or where a contractor performs shop or assembly work. A contractor's storage yard may or may not include a building or structure and excludes a construction site or any establishment otherwise defined or classified by this Ordinance.

**Convenience Store:**

A business establishment that offers for sale a limited line of groceries and household items intended for the convenience of the neighborhood, excluding the sale of gasoline/energy supply for motor vehicles.

**Correctional  
Facility:**

A building used for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. Such facilities house persons who are in the custody of city/county/law enforcement, and the facilities are typically government owned.

**Council, Borough:**

The governing body of each of the Tri-Borough Communities.

**Country Club/  
Golf Course:**

A recreational and/or social establishment whose principal use is golfing and that may include one or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, non-commercial driving range and facilities for racquet sports.

**Crematorium:**

A building containing properly installed, certified apparatus intended for use in the act of cremation of human remains.

**Cultural Center:**

A building that provides for the cultural interpretation of a region or locale, such as but not limited to museums, auditoriums, art galleries and libraries.

**Day Care Center  
(Adult):**

Any premise, which is licensed by the Pennsylvania Department of Welfare as a "day care center" where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24)-hour day.

**Day Care Center,  
Child:**

A business establishment, licensed by the Commonwealth of Pennsylvania, 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).

**Day Care Home,  
Child:**

A business establishment, licensed by the Commonwealth of Pennsylvania, 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.

<b>Day Care Home (Youth):</b>	A residential dwelling in which care is provided for up to six (6) people, between sixteen (16) and eighteen (18) years of age, for less than twenty-four (24) hours per day provided that such establishment is licensed by the Commonwealth of Pennsylvania and/or Allegheny County as appropriate.
<b>Deck:</b>	A flat, floored, unenclosed, elevated structure adjoining a building or another structure.
<b>Density:</b>	A term used to express the allowable number of dwelling units per net acre of land.
<b>Distribution Center:</b>	See <i>Industry, Light</i> .
<b>Dormitory:</b>	A building used as a group living facility for students or other groups as an associated use to a college, university, boarding school or other similar educational use. Board may or may not be provided. Sleeping rooms do not contain cooking facilities and no common kitchen is available to residents.
<b>Drive-In Theater:</b>	A lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.
<b>Drive-Thru:</b>	Any accessory use which involves a window, service lane, bay, or other facility where customers are provided services while inside their vehicles. Such uses include but are not limited to “drive-in” or “drive-thru” windows at fast food restaurants, pharmacies, financial institutions and car washes.
<b>Driveway:</b>	A private vehicular access connecting a dwelling unit, garage, carport, other building or parking space with a public street or alley.
<b>Driving Range:</b>	An area of land on which golfers can simultaneously practice their skills from common tees and/or common greens.
<b>Dry Cleaning Facility:</b>	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.
<b>Dry Cleaning Customer Services:</b>	A business establishment maintained for the pickup and the on-site delivery of dry cleaning and/or laundry without operation of any laundry or dry-cleaning equipment or machinery.



<b>Dwelling:</b>	A building or portion thereof designed for and used exclusively for residential occupancy.
<b>Apartment:</b>	A building containing at least three (3) dwellings for rent, sometimes designed around courts or common open spaces, often having private balconies or patios.
<b>Apartment, Garden:</b>	A building that contains apartments that does not exceed three (3) stories and where each dwelling is usually accessed from a common hall, although individual entrances may be provided.
<b>Apartment, High Rise:</b>	A building, which is four (4) or more stories in height, which contains dwellings for rent and where units typically share a common entrance and/or common interior corridor.
<b>Duplex:</b>	Two (2) dwellings immediately adjacent to each other and which share a common wall between the units or are on top of one another with each unit having direct access to the outside.
<b>Mobilehome</b>	A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
<b>Multi-Family Dwelling:</b>	A building containing three (3) or more individual dwellings.
<b>Quadplex:</b>	A single building designed for or occupied exclusively as residences, where the structure is divided by two (2) common party walls into four (4) distinct dwelling units where each dwelling unit has direct access to the outdoors.
<b>Single-Family Dwelling:</b>	A detached residential dwelling which is the only principal structure on the lot, designed exclusively for and occupied exclusively by one (1) family and containing one (1) dwelling unit.
<b>Townhouse:</b>	A single-family dwelling, with a private entrance from the outside, which is part of a structure that includes dwellings attached horizontally in a linear arrangement, and having a totally exposed front and rear wall.
<b>Dwelling Unit:</b>	One (1) or more habitable rooms which are intended or designed to be occupied as a residence by one family, with facilities for living, sleeping, cooking and dining.
<b>Emergency Services:</b>	An area utilized for the maintenance, fueling, storage, dispatching or

parking of vehicles and/or equipment providing rescue or ambulance services, excepting rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

- Engineer:** A professional engineer licensed as such by the Commonwealth of Pennsylvania.
- Erect:** To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs on walls, windows, and doors.
- Essential Services:** A building or structure used for the distribution, collection and/or maintenance of underground or overhead gas, electrical, steam, digital telephone, cable or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television, or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication facilities shall not be considered essential services for the purposes of this Ordinance.
- Establishment:** Any organization, including a business, whether private, public, governmental, social, or otherwise, together with its owners, directors, employees, members, merchandise, inventory, and equipment, founded for a specific purpose.
- Exercise/Fitness Club:** A business establishment where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility and/or weight control. The activities shall be conducted entirely within an enclosed building.
- Facility:** An improved lot or building that accommodates a specific land use.
- Family:** A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit and a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. If not related by blood, marriage, adoption or guardianship, such a group shall be limited to a maximum of five (5) individuals. The term "Family" shall not include persons living together in a Halfway House, Group Care Facility, Boarding House or Personal Care Home as defined herein.
- Family Group:** Any number of householders and up to a maximum of five additional persons who reside in a "group home" and are in the care of the householders for the purpose of receiving special supervision or other specialized services (but not including medical services) in a residential

environment because of a physical or mental handicap. For the purposes of this Ordinance a householder shall refer to the supervisor of a family group.

<b>Farmers Market:</b>	A building and/or structured open space area in which the sale of fresh agricultural products directly to the consumer and where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail trade.
<b>Feed Store:</b>	A business establishment where agricultural and/or home/garden supplies are sold.
<b>Fence:</b>	A constructed barrier of acceptable material or combination of acceptable materials erected to enclose or screen an area for land or portions of a building or structure.
<b>Financial Institution:</b>	Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, and which solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.
<b>Flea Market:</b>	A building and/or structure or open space area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in the retail trade. Rummage sales and garage sales are not considered to be flea markets.
<b>Flex Space:</b>	A building that can be subdivided for use by multiple tenants for business activities related to light industrial, warehousing, and associated office/ administrative space.
<b>Floodplain:</b>	A relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation as defined by the Federal Emergency Management Agency (FEMA) as part of said agency's Flood Insurance Rate Map.
<b>Floodway:</b>	The channel of a river and adjacent land area that must be reserved in order to discharge the waters of the base flood (100-year flood) so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
<b>Floor Area Ratio:</b>	The ratio of gross floor area of all buildings and structures on a lot to total lot area.
<b>Food Packaging Facility:</b>	A business establishment for the storage, assembly, packaging, and distribution of prepared foodstuffs, and not including any

food processing preparation.

<b>Food Processing Facility:</b>	A business establishment producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products.
<b>Forestry:</b>	The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.
<b>Front Line of Building:</b>	Face of a building adjacent and nearest to the front lot line.
<b>Funeral Home:</b>	A building, including mortuaries, licensed by the Commonwealth of Pennsylvania, that contains a suitable storage room for the deceased and may include embalming facilities and that may also provide rooms for the display of and burial ceremonies of the deceased.
<b>Garage, Residential:</b>	An accessory building or a portion of the principal building, enclosed on no less than three (3) sides with an overhead door, not being accessible to the general public and designed or used for shelter of storage of private vehicles and personal property of the occupants of the principal building.
<b>Garden Center:</b>	See <i>Nursery</i> .
<b>Gas Well:</b>	See <i>Oil/Gas Well</i> .
<b>Gasoline/Energy Recharge Station:</b>	Any building, structure or area of land used for storing and dispensing flammable liquids, combustible liquids, liquefied flammable gas, flammable gas or other energy source to power motor vehicles. Sale of retail goods/services may also be provided as a secondary activity on the lot.
<b>General Consistency, Generally Consistent:</b>	That which exhibits consistency.
<b>Gift Shop:</b>	Retail stores where items such as art, antiques, jewelry books and notions are sold.
<b>Greenhouse:</b>	A business establishment where the principal activity is the growing of plants for wholesale distribution and includes outside storage and

display.

**Grocery Store:** A business establishment where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than a convenience store.

**Group Care Facility:** A business establishment designated as such or as a Group Care Home that provides room and board to persons who are residents by virtue of receiving supervised specialized services limited to health, social or rehabilitative services provided by a governmental agency, their licensed or certified agents, or any other responsible nonprofit social services corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available for the residents on a 24-hour basis. The residents of the facility need not be related to each other; however, the number of residents shall not exceed five (5) persons. This facility shall not include business or professional offices (other than incidental offices), business activities, fraternal or social clubs, hospitals, rooming or boarding homes.

**Gross Floor Area:** The sum of floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas, either interior or exterior, intended for conduct of a use.

**Habitable Floor Area:** The sum of the floor areas of a dwelling unit, as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches.

**Halfway House:** A licensed home for inmates on release for more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, where supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. A halfway house also includes a dwelling unit occupied on a transient or short-term basis by persons assigned by a court of law, or referred by a public, semi-public, profit or nonprofit entity, and managed by or on behalf of a public, semi-public, profit or nonprofit entity responsible for the occupants' care, safety, conduct, counseling and supervision, where the residents reside there for purposes of transitional alcohol, drug or substance abuse recovery, shelter for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other court-ordered treatment, the housing of persons accepted for residence on the basis of their status as juvenile offenders or delinquents, and other similar short-term supervised assignments.

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<b>Hardware Store:</b>	A business establishment with less than thirty thousand (30,000) square feet of gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery. If greater than 30,000 square feet, such a facility is a <i>home improvement center</i> .
<b>Health Care Facility:</b>	A business establishment, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, or physical condition that include diagnostic treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, life care facility, outpatient laboratory, or central services facility serving one or more such institutions.
<b>Height:</b>	See <i>Building Height</i> .
<b>Heliport:</b>	A structure for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
<b>Historic Structure:</b>	Any structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register, individually listed on a local inventory of historic places, at either the County or Borough level, that has been certified by an approved state program or determined by the Secretary of the Interior.
<b>Home Improvement Center:</b>	A business establishment of more than thirty thousand (30,000) square feet gross floor area, engaged in the retail sale of various basic hardware lines and building supply materials, such as tools, builders hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.
<b>Home-Based Business, No Impact:</b>	<p>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.</p> <ul style="list-style-type: none"> <li>A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.</li> <li>B. The business shall employ no employees other than family members residing in the dwelling.</li> <li>C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.</li> <li>D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.</li> </ul>

- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**Home  
Based Business,  
Other**

A business carried on entirely within a building whose principal use is a single family dwelling but does not meet the requirements of a no-impact home based business.

**Hospice:**

An organization licensed under this act to provide a coordinated program of palliative and supportive services provided in a home, independent living environment or inpatient setting which provided for physical, psychological, social and spiritual care of dying persons and their families. Services are provided by a medically directed interdisciplinary team of professionals and volunteers, and bereavement care is available to the family following death of the patient. The term shall also be deemed to refer to services provided by such an organization.

**Hospital:**

An institution having an organized medical staff established for the purpose of providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of persons who are injured, disabled, pregnant, diseased, sick or mentally ill, or rehabilitation services for the rehabilitation of persons who are injured, disabled, pregnant, diseases, sick or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for the mentally ill.

**Hotel:**

A business establishment offering overnight accommodations to the general public and which provide additional services such as restaurants, meeting rooms, and recreational facilities. The main entrance to each hotel guestroom must be accessible from the interior of the building.

**Household:**

Any group of persons, not necessarily related by blood, marriage, or legal adoption, who reside in the same dwelling unit.

**Impervious  
Surface:**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, paved recreation areas, golf courses, swimming pools, and the like.

**Industry, Heavy:**

An enterprise engaged in the basic processing and manufacturing of materials or products that are predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes

using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

<b>Industry, Light:</b>	An enterprise engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), wood products, electrical instruments, pharmaceuticals or optical goods, bicycles, and any other product of a similar nature.
<b>Institution:</b>	A business establishment that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, tax-exempt organization, or non-profit organization.
<b>Joint Planning Commission:</b>	The Planning Commission of the Tri-Borough Communities.
<b>Joint Zoning Map:</b>	A part of this Ordinance, the official map of the Zoning Districts of the Tri-Borough Communities, showing precisely the boundaries and title of each Zoning District.
<b>Joint Zoning Ordinance:</b>	The Chapter of each of the Tri-Borough Communities' Official Code governing zoning regulations.
<b>Junkyard:</b>	A building and/or structure or lot, or part thereof, used primarily for the collecting, storage, or sale of waste paper, rags, scrap metal, or reclaimable material, or for the collection, dismantling, storage and salvaging of machinery or two (2) or more unregistered, inoperable motor vehicles.
<b>Kennel:</b>	Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.
<b>Landfill:</b>	Any lot licensed as such by the Pennsylvania Department of Environmental Protection (PA DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.
<b>Landowner:</b>	Any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others: (1) has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual



possession thereof; or (2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the deed(s) as recorded by with the Allegheny County Department of Real Estate or designated equivalent of the county to be the owner of a particular property shall be presumed to be the person in control of that property.

**Landscaping:** The modifications of the landscape for an aesthetic or functional purpose or to mitigate the impacts of development. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

**Landscaping Business:** A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

**Launching Ramp:** A constructed or altered segment of the riverbank or shore used for the purpose of enabling a recreational boat to be placed into the water from a trailer or other apparatus used to transport or store the boat.

**Laundromat:** A business establishment where patrons wash, dry, or dry clean clothing or other fabrics in machines owned and maintained by the establishment's owner.

**Library:** A building containing printed and pictorial material for study, reference, or entertainment and that is open to the public or connected with a permitted educational use and is not conducted as a private for-profit business.

**Life Care Facility:** A health care facility for the transitional residency of elderly and/or disabled persons, progressing from independent living such as in single-family, assisted living, personal care, nursing home to hospice care units to congregate living where residents share common meals and culminating in a full health such as a continuing care nursing home facility.

**Loading Berth/Space:** An off-street lot for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a single principal use.

**Lot Area:** The total area within the lot, excluding the area within any street right of way.

<b>Lot, Corner:</b>	Any lot situated adjacent to the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees. A corner lot shall maintain front yard requirements along the street upon which the principal building faces.
<b>Lot Coverage:</b>	The portion or percentage of the lot area covered by impervious surfaces.
<b>Lot Frontage:</b>	That part of a lot (a lot line) abutting on a street or way; except that the ends of incomplete streets, or streets without a turning circle, shall not be considered frontage.
<b>Lot, Interior:</b>	A lot other than a corner lot.
<b>Lot Line, Front</b>	That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the borough.
<b>Lot Line, Rear:</b>	The boundary of a lot that is more distant from and is most nearly parallel to the front lot line.
<b>Lot Line, Side:</b>	Any boundary of a lot that is not a front lot line or a rear lot line.
<b>Lot, Non-Conforming:</b>	A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
<b>Lot of Record:</b>	An area of land designated as a lot by a plan which has been recorded in the Allegheny County Department of Real Estate, or its designated equivalent
<b>Lot, Through:</b>	A lot other than a corner lot with frontage on more than one street (also referred to as Double Frontage).
<b>Marina:</b>	A business establishment for secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located.
<b>Marquee:</b>	Any type of permanent construction projecting from the wall of a building above an entrance and extending over a street or sidewalk, or part thereof, and not supported by ground posts.
<b>Massage Therapy Establishment:</b>	Any business establishment or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the authorizing board within the Commonwealth of Pennsylvania or equivalent agency if trained in another state; by a person

certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or by a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

<b>Medical Clinic:</b>	A business establishment or institution primarily engaged in furnishing medical, surgical, or other services to individuals, including the offices of physicians, dentists, and other health care practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services; excluding hospital
<b>Mixed-Use:</b>	A single property containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.
<b>Mobilehome lot</b>	A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.
<b>Mobilehome park</b>	A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.
<b>Mortuary:</b>	See <i>Funeral Home</i> .
<b>Motel:</b>	A building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances and designed for year-round occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street parking areas. Supervision is provided in shifts by 24 hour on-site management.
<b>Municipal:</b>	Anything of or pertaining to the Borough of Avalon, the Borough of Bellevue, or the Borough of Ben Avon, its government, organizational structure, services or facilities.
<b>Municipal Use:</b>	Any building, structure or use of land by a Borough or a municipal authority/commission created by a Borough Council.
<b>Museum:</b>	A business establishment or institution for the purpose of creating, acquiring, studying, interpreting, exhibiting, or selling to the public for its instruction and enjoyment a collection of historic, pictorial or sculptural objects.
<b>Nursery:</b>	Building(s) and lands associated therewith, for the growing and sale of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation

together with gardening tools and implements which are sold at retail from such building or lot to the general public.

- Nursing Home:** Any institution or facility in which nursing care and related medical or other health services are provided for a period exceeding twenty four (24) hours, for two (2) or more individuals, who are not relatives of the owner or administrator, who may be acutely ill but not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity need such care.
- Obstruction:** Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or manner in, along, across or projecting into any channel, watercourse, or flood-prone area of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.
- Occupancy Permit:** A certificate issued by the Applicable Zoning Officer attesting to that the proposed use or reuse of premises is in accordance with the requirements of this Ordinance or with a previously issued building permit and may be legally occupied.
- Occupant:** A resident or tenant of a dwelling unit or commercial facility on a temporary or permanent basis.
- Office, Medical:** A building where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without surgical procedures, overnight accommodation, or pharmacy. Includes such uses as reception areas, offices, consultation rooms, and x-ray, providing that all such uses have access only from the interior of the structure.
- Office, Professional/Administrative:** A building where recognized professional(s) such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature; and other offices used primarily for accounting, corresponding, research, editing, or other administrative functions, but not including banks or other financial institutions.
- Oil/Gas Well:** A hole or shaft sunk into the earth to tap an underground supply of oil or natural gas, including all above ground apparatuses and structures which facilitate the extraction, storage, metering and conveyance of said substance.
- Outside Storage:** See *Storage, Outside*.
- Park:** Land that is designated and used by the public for active or passive recreation. Recreation activities and improvements associated with a park include, but are not limited to:

- A. Play areas/playgrounds;
- B. Outdoor tennis courts;
- C. Outdoor basketball courts;
- D. Athletic/sports fields;
- E. Golf Courses;
- F. Nature trails;
- G. Picnic areas; and
- H. Swimming pools.

<b>Parking Lot, Surface:</b>	Any public or private lot utilized to meet the parking requirements of this ordinance, including parking aisles that provide access to the parking spaces, but excluding any streets or driveways that provide access to the parking lot.
<b>Parking Structure:</b>	A building of two or more stories, whether privately or publicly owned, used for parking more than four automobiles.
<b>Pawn Shop:</b>	See <i>Consignment Store</i> .
<b>Performance Studio:</b>	A building where a performance of work or role may be rehearsed and/or performed.
<b>Person:</b>	Any individual, partnership, corporation, joint stock association, or any city or state or any subdivision thereof; and includes any trustee, receiver, assignee or personal representative thereof.
<b>Personal Care Home:</b>	Any premise in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration.
<b>Personal Services:</b>	A business establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.
<b>Pet Cemetery:</b>	A non-human cemetery in which household pets may be buried.
<b>Permitted Use:</b>	An authorized use allowed by right, which may be granted by the Applicable Zoning Officer upon compliance with the requirements of this Ordinance.
<b>Pharmacy:</b>	A business establishment that dispenses drugs by prescription. The term pharmacy may also include the provision of a limited selection of house ware and foodstuffs.
<b>Place of Assembly:</b>	A building and/or lot that is designed for the assembly or collection of

persons, for civic political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities.

<b>Place of Worship:</b>	A building and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.
<b>Planning Commissioner:</b>	A designated member of the Tri-Borough Communities Joint Planning Commission.
<b>Plat:</b>	A map or layout plan that indicates the location, boundaries, and ownership of any land, lot, tract, or parcel that has been or is planned to be subdivided. The individual properties shall conform to lots as designated on the Official Zoning Map.
<b>Porch:</b>	A covered area adjoining an entrance to a building and usually with a separate roof.
<b>Post Office:</b>	An establishment owned and maintained by the United States Postal Service for the purpose of distributing mail to the public.
<b>Preservation:</b>	Maintenance in an existing or natural state in order to prevent environmental or structural degradation of a functional or visual nature.
<b>Private:</b>	Designed or intended for one's exclusive use
<b>Principal Building:</b>	A building which contains conducts the main or principal use of the lot on which said building is situated.
<b>Principal Use:</b>	The primary use(s) of land or buildings as distinguished from a subordinate or accessory use.
<b>Print and Publishing Facility:</b>	A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, facsimile sending and receiving and including offset printing.
<b>Professional Consultants:</b>	Persons who provide expert or professional advice, including, but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.
<b>Public:</b>	Anything owned or operated by the federal government, state government or any political subdivision thereof.
<b>Public Hearing:</b>	A public hearing held pursuant to public notice intended to inform and obtain public comment and take evidence, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.
<b>Public Meeting:</b>	A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84 as amended), known as the "Sunshine Act."

<b>Public Notice:</b>	A notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing.
<b>Public (Borough) Facility:</b>	Any building, structure or other such facility being used by or for the governmental or infrastructure activities of the Borough of Avalon, Borough of Bellevue and/or Borough of Ben Avon.
<b>Public Safety Facility:</b>	Any building and/or lot maintained for fire protection, law enforcement, emergency medical services or other public safety service.
<b>Public Works Facility:</b>	A facility or agency which under public ownership or authority provides the public with water storage, treatment, and distribution services, maintenance and material storage and services, or other similar facilities and services.
<b>Railroad Facility:</b>	A building directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.
<b>Railroad Freight Terminal:</b>	A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transports.
<b>Recreation Facility, Indoor:</b>	A building where sports, recreation, and/or leisure activities are able to take place within enclosed building.
<b>Recreation Facility, Outdoor:</b>	A building or lot where sports, recreation, and/or leisure activities are able to take place outside of an enclosed building including a boat launching ramp.
<b>Recycling, Retail:</b>	A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
<b>Repair Shop:</b>	Any building or lot in which or upon which a business, service, or industry involving maintenance, servicing, or repairing of goods, excluding vehicles, is conducted or rendered.
<b>Research Facility:</b>	A building or group of buildings, including incubator facilities, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

<b>Restaurant, with Drive-Thru:</b>	A business establishment where food and drink are served to the public and where the design of physical facilities and/or packaging procedures permit or encourage patrons to order from and/or be served in their automobiles.
<b>Restaurant, without Drive-Thru:</b>	A business establishment where food and drink are served to the public and where all services take place within the building, tableside, or other seated location on the lot but not with an automobile. Alcoholic beverages shall not be permitted in the Borough of Bellevue unless authorized as a BYOB Establishment as defined by this Ordinance.
<b>Retail Business/Sales:</b>	A business establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
<b>Rifle Range:</b>	An area or building specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.
<b>Right-of-Way:</b>	A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, alley, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, or storm sewer and other similar uses; generally, the right of one to pass over the property of another.
<b>Riverbank:</b>	The area of rising ground bordering a river.
<b>River-Oriented Use:</b>	A facility or use which by its nature is required to be on or adjacent to a river.
<b>Roadside Stand:</b>	A temporary building not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products.
<b>Roof:</b>	The cover of any building, including the eaves and similar projections.
<b>School, Academic:</b>	Any establishment offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or cooperation meeting the requirements of the Commonwealth of Pennsylvania.
<b>School, Commercial:</b>	A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting data processing, and computer repair.
<b>School,</b>	Any day care center which receives children between the ages of



<b>Kindergarten, Pre-, Nursery:</b>	two and six years and which is established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.
<b>Screening</b>	An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sign-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal, fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation.
<b>Setback:</b>	The minimum distance by which any building or structure must be separated from a street right-of-way, alley, or lot line.
<b>Sexually-Oriented Business:</b>	<p>A business establishment consisting of, including, or having the characteristics of any or all of the following: adult arcades, adult bookstores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, adult escort agencies, nude model studios, or sexual encounter centers.</p> <p>A. Adult Arcade: any business establishment where the public is permitted to operate coin-operated or electronically or mechanically operated still or motion picture machines, projectors, or other image-producing devices to show images to five or fewer persons, and where the images describe “specific sexual activities” or “specified anatomical areas.”</p> <p>B. Adult Bookstore or Adult Video Store: a business establishment which offers for sale or rental one or more of the following: 1) books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video/CD/DVD cassettes, slides, or any other visual representations in any form which depict or describe “specified sexual activities” or “specified anatomical areas;” 2) Instruments, devices, or paraphernalia that are designated for use in connection with “specific sexual activities.”</p> <p>(1) A business establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing, “specified sexual activities” or “specified anatomical areas” and still be categorized as an “adult bookstore or adult video store.” Such other business purposes will not serve to exempt such commercial establishment from being categorized as an “adult bookstore” or “adult video store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”</p> <p>C. Adult Cabaret: a night club, bar, restaurant, or similar business</p>

establishment which regularly features:

- (1) persons who display “specified anatomical areas”; or
- (2) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (3) films, motion pictures, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

- D. Adult Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration that (1) provides patrons with closed-circuit televisions transmitters, films, motion pictures, video cassettes, slides, or other photographic reproductions characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right-of-way or in any other manner advertises the availability of this adult type of photographic reproductions; and/or (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a 24-hour period.
- E. Adult Motion Picture Theater: A business establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- F. Adult Theater: A theater, concert hall, auditorium, or similar business establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- G. Adult Escort Agencies: A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- H. Escort: A person who, for a fee, tip, or other consideration, offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. Nude Model Studio: A place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, painted or drawn upon, or similarly depicted by the person in a state

of nudity or other persons who pay money or any form of consideration.

- J. Sexual Encounter Center: A business establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.”
- K. Specified Anatomical Areas: The male genitals in a state of sexual arousal and/or vulva or more intimate parts of the female genitals, and the following listed areas of the human anatomy when not completely and opaquely covered: the human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.
- L. Specified Sexual Activities: Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; (3) masturbation, actual or simulated; (4) excretory function as part of or in connection with any of the set forth in the subsection above.
- M. Sexually Oriented Businesses are classified as follows:
  - (1) “adult” arcades;
  - (2) “adult” bookstores or video store;
  - (3) “adult” cabarets;
  - (4) “adult” motels;
  - (5) “adult” motion picture theaters;
  - (6) “adult” theaters;
  - (7) escort agencies;
  - (8) nude model studio; and
  - (9) sexual encounter center.

**Shopping Center:** A group of retail and other commercial business establishments that are planned, owned, and managed as a total entity with customer and employee parking provided on-site. The two main configurations of shopping centers are malls and strip centers.

**Sidewalk:** Areas located along streets, within the right-of-way or easement, separated by a curb, planter or both from the street and designated for preferential use by pedestrians.

**Sign:** Any structure or device for visual communications that is used for the purpose of bringing the subject to the attention of the public. Any awning sign, backlit sign, billboard, ground sign, illuminated sign, marquee, neon sign, projecting sign, roof sign, temporary sign, wall sign,

window graphics, window sign, which shall include any other device making any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed outdoors in view of the general public or when the same is placed indoors where the basic intent is for view by the general public outside of the building.

- A. A-Frame – any sandwich board or sign structure with a triangular cross-section.
- B. ADA Signs – any sign needed for a facility or building to achieve compliance with the requirements of the American Disabilities Act.
- C. Advertising Sign – a sign relating to commercial, industrial, private, recreational, public utility, or other similar business conducted on the premises on which the sign is located.
- D. Awning Sign – an awning with advertising or a message.
- E. Banner – a sign intended to be hung across or within a public right of way, and includes pennants or streamer designs.
- F. Billboard/sign – any structure or portion thereof, situated on private premises, on which lettered, figure, or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon.
- G. Bulletin Board – a structure constructed with flat face(s) used for posting notices.
- H. Center Sign – a business sign that provides information at the entrance of a complex such as a shopping plaza or mall, office complex, or industrial park that indicated the businesses located therein.
- I. Directional Sign – a sign directing traffic but bearing no advertising matter.
- J. Directory – a sign listing business or occupants of a building. A directory is commonly, but not always, located at or near the building entrance.
- K. Election Sign – a sign directing attention to a candidate, political party, or a ballot.
- L. Flag – a piece of cloth or bunting varying in size, color, and design, used as a symbol, sign, signal, emblem, or advertisement.
- M. Ground Sign – any sign, including A-Frame signs, supported by

uprights or braces placed upon the ground and not attached to any building or structure, having no more than two (2) faces, and not exceeding ten feet (10') above the surrounding ground surface.

- N. Identification Sign – signs that identify school, churches, hospitals, or similar institutions and for lodges, clubs, residential development, parks, recreational areas, and other public assets and properties.
- O. Illuminated Sign – any sign that has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
- P. Mobile Sign – signs on wheels, runner, casters, parked trailers, parked vehicles, or other mobile devices.
- Q. Motion Sign – any illuminated or non-illuminated sign on, or in, which the light source or elements of the sign itself are not constant or stationary.
- R. No-Impact Home Based Business Sign – a sign permitted in association with an occupation conducted in the premises within a dwelling unit occupied by the operator of the business.
- S. Pole Sign – a sign suspended from or supported by a structure which is anchored to or placed in the ground and which elevates the highest most point of the sign or structure more than ten (10) feet.
- T. Real Estate Sign – a sign advertising the sale, rental, leasing, or development of the premises.
- U. Residential District Sign – a sign located in any residential Zoning District.
- V. Roof Sign – any sign erected, constructed, and maintained wholly upon or over the roof or parapet wall of any building or the topside of a marquee with the principal support on the roof structure or the marquees.
- W. Temporary Sign – a wall, window, awning, projecting, or ground sign relating to a seasonal or other brief activity that is to be located at a site for a short period of time.
- X. Wall Sign – any sign painted on, or attached to, or erected against the wall of a building, the front or sides of a marquee or canopy with the exposed face of the sign in a plane parallel to the plane of the wall or the marquee or canopy so that only one side is visible.
- Y. Window Sign – a sign attached to, or placed upon, or painted on the interior or exterior of a window or door of a building or other wise intended for viewing from the exterior.

<b>Shed:</b>	A subordinate structure or building used primarily for storage purposes, of a height no greater than seven feet, and the total square footage of which does not exceed one hundred and twenty (120) square feet.
<b>Sign Permit:</b>	A certificate issued by the Borough in which the sign is located attesting that the proposal for the design, construction and maintenance of a sign has been reviewed and approved in accordance with the requirements of this Ordinance. Issuance of a sign permit is required prior to the commencement of any construction activities.
<b>Site Plan:</b>	A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, buildings, major landscape features, and depending on requirements, the locations of proposed utility lines.
<b>Social Club:</b>	A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.
<b>Solicitor:</b>	The legal review and/or recommending body as designated by a Borough.
<b>Special Exception:</b>	A special exception is a use that would not be appropriate generally or without restrictions throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this ordinance.
<b>Sponsor Council:</b>	The Borough Council initiating an amendment to the Joint Zoning Ordinance.
<b>Stable:</b>	A building in which horses are sheltered. A stable may be an accessory to a residential or other use or a freestanding principal use.
<b>Storage Facility, Self-Service:</b>	Any lot designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal items.
<b>Storage, Outside:</b>	The storage of any materials outside the principal or accessory buildings on a property.
<b>Street:</b>	A public thoroughfare, including street, avenue, boulevard, road, highway, freeway, parkway, land alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, which affords primary means of vehicular access to abutting

property.

<b>Structure:</b>	Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.
<b>Structure, Non-Conforming</b>	A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the application of this ordinance or amendment. Such nonconforming structures include, but are not limited to nonconforming signs.
<b>Structure, Temporary:</b>	A structure without any foundation or footing and removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
<b>Studio:</b>	A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.
<b>Substantial Improvement:</b>	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of Construction” of the improvement.
<b>Sunscreen:</b>	A covering consisting of one or more materials for use in lessening the impacts of sunlight.
<b>Supermarket:</b>	A business establishment primarily engaged in retail sale of foodstuffs, with more than 20,000 square feet of floor area dedicated to sales floor area.
<b>Swimming Pool, Public:</b>	A body of water or receptacle for water having a depth at any point greater than two (2) feet and surface area greater than 100 square feet intended for admission by the public for recreational purposes, for a fee or not, including swimming and bathing.
<b>Tattooing/ Piercing Establishment:</b>	A business establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1) placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
<b>Tavern/Bar:</b>	A business establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

<b>Terminal, Freight:</b>	A building and/or structure and adjacent loading area where cargo is stored and where commercial vehicles load and unload cargo on a regular basis which may or may not include facilities for maintenance, fueling, storage or dispatching of the vehicles.
<b>Terminal, Passenger:</b>	A building or lot where the principal use is the handling, receiving, and transfer of passenger traffic, and may include as an accessory use the loading, unloading, receiving, dispatching, weighing, consolidating, classifying, distribution, movement, or transfer of freight, as well as all equipment and facilities used to accomplish the foregoing activities. Such uses shall not include permanent storage of freight or light manufacturing activities.
<b>Theater:</b>	A business establishment, other than an adult movie theater or adult movie house, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances. A theater usually contains an auditorium in addition to other performance-related facilities.
<b>Tower, Non-Communication:</b>	A manmade structure, higher than its diameter, generally used for observation, storage, power generation or electronic transmission, exclusive of communication or water tower.
<b>Tower, Water:</b>	A vessel for the use of water storage by a public or private authority, agency or corporation for the purposed of providing water supply.
<b>Trail:</b>	A way designed for and used by pedestrians, cyclists equestrians and designated motorized vehicles.
<b>Tri-Borough Communities:</b>	The Boroughs of Avalon, Bellevue, and Ben Avon, consolidated into one regulatory unit for the purposes of land use planning and development.
<b>Use:</b>	The purpose or activity for which the land or building thereon is designed, arranged, or intended or for which it is occupied or maintained.
<b>Use, Conditional:</b>	A use or occupancy of a building or lot permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.
<b>Use, Non-Conforming:</b>	A use, whether of land or structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.
<b>Variance:</b>	A relaxation of the terms of this Ordinance such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the results of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue



hardship. Such a relaxation shall be granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipal Planning Code.

- Vehicle:** A conveyance propelled or driven by any kind of power, including muscular power, but does not include conveyances running only on rails.
- Veranda:** An open gallery, similar to a porch, attached to the exterior of a building, usually with a roof and extending along more than one side.
- Veterinary Office (No-boarding):** A business establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment and may not include boarding facilities except for in-patient medical requirements. Also referred to as an animal hospital.
- Water Storage:** Any impoundment of water by a public or private authority, agency or corporation for the purpose of providing water supply or recreation to the general public.
- Wholesale Business:** A business establishment 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 Turbine:** A wind-driven machine that converts wind energy into electrical power.
- Residential Wind Turbine - A wind turbine used for residential-scale purposes.
- Commercial Wind Turbine - A wind turbine used for non-residential-scale purposes.
- Yard:** The area of property between property lines and setback lines, or dimensions as herein noted in the Zoning Ordinance for each Zoning District, within which enclosed buildings, or structures, or any portion thereof, shall not be constructed. Fences, walls, and storage may be permitted in any yard subject to height limitations as indicated herein.
- A. Front Yard: The land area extending across the full width of the lot and abutting the front lot line. The depth of the front yard shall be considered to be the horizontal distance between the front lot line and a line parallel thereto known as the front line of the buildable area of the lot.
- B. Rear Yard: The land area extending between the side lot lines of the lot and abutting the rear lot line. The depth of the rear yard shall be considered to be the horizontal distance between the rear lot line and a line parallel thereto known as the rear line of the buildable area of the lot.

- C. Side Yard: The land area extending between the rear line of the front yard and the rear lot line and abutting the side lot line. The width of the side yard shall be considered to the horizontal distance between the side lot line and the line parallel thereto known as the side line of the buildable area of the lot. If no front yard is required, the front lot line shall be the front boundary of the side yard. In the case of through lots, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

<b>Zoning:</b>	The designation of specified districts within a community, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.
<b>Zoning District:</b>	An area accurately defined as to boundaries and location on the Zoning Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded.
<b>Zoning Hearing Board:</b>	The Zoning Hearing Board of each Borough member of the Tri-Borough Communities.
<b>Zoning Map:</b>	See Joint Zoning Map.
<b>Zoning Officer:</b>	The person(s) designated by the Borough Council members of the Tri-Borough Communities to administer the Joint Zoning Ordinance or as otherwise defined by the applicable Multi-municipal Implementation Agreement(s).
<b>Zoning Permit:</b>	A document signed by the Applicable Zoning Officer as a condition precedent to the commencement of a use which document acknowledges that such use complies with the provisions of this Ordinance or an authorized variance therefrom.

## **ARTICLE IV District Regulations**

**§2000-400. Establishment of Districts.** For the purposes of carrying out the provisions of this Ordinance, the Tri-Borough Communities are divided into the following Zoning Districts, which are shown by the district boundaries on the Official Zoning Map:

- A. *R-L – Low Density Residential District.*
- B. *R-M – Moderate Density Residential District.*
- C. *R-H – High Density Residential District.*
- D. *MU – Mixed Use District.*
- E. *C-NC – Neighborhood Commercial District.*
- F. *C-HC – Highway Commercial District.*
- G. *C-BE – Business Enterprise District.*
- H. *C-MW: Manufacturing and Warehousing District*
- I. *COS: Civic and Open Space Conservation District.*
- J. *T: Transportation District.*

**§2000-401. District Purposes.**

- A. *R-L – Low Density Residential District.*  
The purpose of this District is to protect the character of existing single family neighborhoods and accommodate additional single family infill-type residential development at a similar scale and density.
- B. *R-M – Moderate Density Residential District.*  
The purpose of this District is to accommodate a variety of housing types including single-family and multi-family dwellings.
- C. *R-H –High Density Residential District.*  
The purpose of this District is to accommodate a variety of housing types including primarily multi-family dwellings within close proximity to community services.
- D. *MU – Mixed-Use District.*  
The purpose of this District is to enhance the character and vibrancy of the traditional downtown business districts situated near Lincoln and California Avenues while promoting pedestrian access and dense urban form.

- E. *C-NC – Neighborhood Commercial District.*  
The purpose of this District is to provide sufficient space and pedestrian access for the development of small-scale retail business and consumer service-oriented business geared toward the needs of adjoining residential neighborhoods.
- F. *C-HC – Highway Commercial District.*  
The purpose of this District is to provide sufficient space for safe, convenient and efficient vehicular access from Rt. 65 necessary to accommodate larger community-scale retail business, restaurant and office uses catering to the needs of the community.
- G. *C-BE – Business Enterprise District.*  
The purpose of this District is to encourage the development of low intensity office and industrial uses in appropriate locations along Rt. 65 where the public health, safety and welfare of surrounding lower density neighborhoods can be protected.
- H. *C-MW – Manufacturing and Warehousing District.*  
The purpose of this District is to encourage the development of more intense manufacturing or similar industrial uses in appropriate locations along existing railroad routes and where topography protects the character of surrounding residential neighborhoods.
- I. *COS – Civic and Open Space Conservation District.*  
The purpose of this District is to conserve environmentally sensitive/significant areas and to protect residents from landslide-prone areas by restricting development and providing for compatible institutional and recreational uses such as schools and athletic fields.
- J. *T – Transportation District.*  
The purpose of this district is to control development along the Boroughs’ riverfront and to provide for other transportation infrastructure.

**§2000-402. District Boundaries.** District boundaries that coincide with roads, streets, alleys, property lines, streams and transportations rights-of-way shall be deemed to follow their center lines. The vacation of streets, roads or rights-of-way shall not effect the location of such district boundaries. When the Applicable Zoning Officer is unable to determine the location of a district boundary by such center lines, by the scale of dimensions stated on the Official Joint Zoning Map or by the fact that it clearly coincides with a property line, the Applicable Zoning Officer shall refuse action and submit the requested review to the applicable Borough’s Zoning Hearing Board. As authorized by the Pennsylvania Municipalities Planning Code §209.1 (b) (10.1), the Joint Planning Commission may present testimony before any board at the request of the governing body regarding said issue(s).

**§2000-403. Official Joint Zoning Map.**

- A. The Tri-Borough Communities are hereby divided into Zoning Districts as shown on the Official Joint Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Joint Zoning Map shall be identified by the signature of a designated representative of each Borough and shall bear the seal of all three boroughs under the following words: “This is to certify that this is the Official Joint Zoning Map referred to in Article IV of Ordinance Number

2000 of the Tri-Borough Communities, Allegheny County, Pennsylvania,” together with the date of adoption of this Ordinance.

- C. No changes of any nature shall be made on the Official Joint Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change by any person shall be considered a violation of this Ordinance and punishable as provided.
- D. The Official Joint Zoning Map, on file in the municipal building of each Tri-Borough Community, shall serve as the final authority in designating the current zoning status of lots, buildings, and other structures in the Tri-Borough Communities.
- E. Any amendments legally adopted to change any district boundaries of the Official Joint Zoning Map shall be noted on such map by ordinance number and date of adoption of the amendment. The Official Joint Zoning Map shall be changed to reflect the amendment within thirty (30) days of adoption.

**§2000-404. Permitted Uses, Conditional Uses and Uses by Special Exception.**

- A. No building, structure or lot shall be constructed or improved or used for any purpose or in any manner other than the one (1) or more of the principal permitted uses, conditional uses or uses by special exception granted by right to the Zoning District in which such building, structure or lot is located.
- B. In addition to the basic zoning requirements defined by this Article IV of this Ordinance, all uses by special exception shall conform to all applicable requirements and provisions defined by this Article VI of this Ordinance. All conditional uses shall conform to all applicable requirements and provisions defined by this Article VII of this Ordinance.
- C. The letter “P” denotes a permitted use by right, subject to the requirements specified by this Chapter and after a zoning certificate has been issued in accordance with this Ordinance.
- D. The letter “C” denotes a use that is conditional, subject to the requirements specified by this Chapter and provided that a Council grants the conditional use pursuant to this Ordinance.
- E. The letter “S” denotes a use that is a special exception subject to the requirements specified by this Ordinance and provided that a Zoning Hearing Board grants the special exception pursuant to this Ordinance.

**§2000-405. Land Uses.**

**Table 1: Land Use Table**

Land Use		R-L Low Density Residential District	R-M Moderate Density Residential District	R-H High Density Residential District	MU Mixed-Use District	C-NC Neighborhood Commercial District	C-HC Highway Commercial District	C-BE Business Enterprise District	C-MW Manufacturing and Warehousing District	GO-S Civic and Open Space Conservation District	T Transportation District
<b>Residential</b>											
1	Accessory Dwelling		S	S							
2	Apartments, Garden		S	P	S	S					
3	Apartments, High-Rise			C	P						
4	Boarding House		S	S	P	P					
5	Duplex		P	P	S	S					
6	Group Care Facility			C	C						
7	Halfway House			C	C						
8	Mobile Home Park								C		
9	Nursing Home/Life Care		C	C	C	C	P	P			
10	Personal Care Home	C	C	C	C						
11	Quadplex		S	P	S						
12	Single-Family Dwelling	P	P	P	S	S	S			S	
13	Townhouse		P	P	S	S					
<b>Non-residential</b>											
1	Agricultural Activities	S								P	
2	Amphitheater				P					P	
3	Assembly or Fabrication Facility, see <i>Industry, Light</i>										
4	Automobile Rental					S	P	P			
5	Automobile Sales (car, truck, motorcycle, boat or trailer)				S		P	P	P		
6	Automotive Services					S	P	P	P		
7	Bakery				P	P	P	P	P		
8	Bed and Breakfast	S	P	P	P						
9	Billboard								S		
10	Business Services				P	P	P	P			

Land Use	R-L Low Density Residential District	R-M Moderate Density Residential District	R-H High Density Residential District	MU Mixed-Use District	C-NC Neighborhood Commercial District	C-HC Highway Commercial District	C-BE Business Enterprise District	C-MW Manufacturing and Warehousing District	COO Civic and Open Space Conservation District	T Transportation District
<b>Non-residential</b>										
11 Car Wash					S	P	P	P		
12 Catering Service				P	P	P	P			
13 Cemetery						P	P	S		
14 Check Cashing Establishment				S		S				
15 Cinema				C		C	C			
16 Communications Antenna	P	P	P	P	P	P	P	P	P	P
17 Communications Tower							C	C		
18 Community Center				S	S					
19 Conference Center						P	P	S		
20 Consignment Store				C	C	P	S			
21 Contractor's Storage Yard							P	P		
22 Convenience Store				S	S	P	P			
23 Correctional Facility							C	P		
24 Country Club/Golf Course	P	P							S	
25 Crematorium						C	P	P		
26 Day Care Center (adult or child)		S		P	P	P				
27 Day Care Home (adult or child)		S		P	P	P				
28 Drive-In Theater							C	C		
29 Driving Range	S	S							S	
30 Dry Cleaning Customer Services				P	P	P	P			
31 Dry Cleaning Facility						S	P	P		
32 Emergency Services				S						
33 Essential Services	P	P	P	P	P	P	P	P	P	P
34 Exercise/Fitness Facility				P	P	P	P			
35 Farmers Market				S	S	P	P			
36 Feed Store						S	P	P		
37 Financial Institution				P	P	P	P			
38 Flea Market							P	P		
39 Flex Space							P	P		
40 Food Packaging Facility					S	S	P	P		

41	Food Processing Facility					C	C	C	C		
42	Forestry	P	P	P	P	P	P	P	P	P	P
43	Freight Terminal							P	P		
44	Funeral Home/Mortuary			S	P	P	P				
45	Gallery				P	P	P				
46	Gasoline/Energy Recharge Station					S	S	S			
47	Greenhouse							P	P		
48	Grocery Store				S	S	P	P	S		
49	Hardware Store				P	P	P	P	P		
50	Heliport				P						P
51	Home Based Business, No Impact	P	P	P	P	P					
52	Home Based Business, Other	S	S		S	S					
53	Hospital				P						
54	Hotel/Motel				S	S	P	P			
55	Industry, Heavy (manufacturing, etc.)								P		
56	Industry, Light (warehousing, distribution, etc.)							P	P		
57	Junkyard							C	P		
58	Kennel						S	S	P		
59	Landfill								P		
60	Laundromat				P	P	P	P			
61	Library				P	P	P				
62	Marina									P	P
63	Massage Therapy Establishment				P	P	P	P			
64	Medical Clinic				C	C	C	C			
65	Medical Office (See Office, Medical)										
66	Municipal Facility				S	S	S				
67	Museum				P	P	P				
68	Nursery	S					P	P	S	S	
69	Office, Medical				S	S	P	P			
70	Office, Professional/Administrative				P	P	P	P			



**Legend:**

P - Principal Use Permitted by Right

C - Principal Use Permitted (Conditional)

S - Principal Use Permitted by Special Exception

Land Use		R-L Low Density Residential District	R-M Moderate Density Residential District	R-H High Density Residential District	MU Mixed-Use District	C-NC Neighborhood Commercial District	C-HC Highway Commercial District	C-BE Business Enterprise District	C-MW Manufacturing and Warehousing District	COO Civic and Open Space Conservation District	T Transportation District
<b>Non-residential</b>											
71	Oil/Gas Well							C	C	C	
72	Park	P	P	P	P	P	P	P	P	P	P
73	Parking Surface Lot, Private				S	S	S	S	S		
74	Parking Surface Lot, Public				P	P	P	P			
75	Parking Structure, Private				S	S	S	S	S		
76	Parking Structure, Public				P	P	P	P			
77	Performance Studio				P	P	P	P			
78	Personal Services				P	P	P	P			
79	Pet Cemetery						P	P	P	S	
80	Pharmacy				P	P	P	S			
81	Place of Assembly	S	S	S	P	P	P	S			
82	Place of Worship	S	S	S	P	P	P	S			
83	Post Office				S	S	S	S			
84	Printing and Publishing Facility							P	P		
85	Professional Services				P	P	P	P			
86	Public Facility				P	P	P	P	P	S	P
87	Public Safety Facility (fire, police, emergency services etc.)	S	S	S	S	P	P	P	P		
88	Public Works Facility	S	S	S	S	P	P	P	P	P	
89	Railroad Facility							S	P		P
90	Recreation, Indoor (bowling, paintball, billiards, arcades, etc.)				S	S	P	P	P	S	
91	Recreation, Outdoor (athletic fields, go-carts, etc.)			S				S	P	P	
92	Recycling, Retail								P		
93	Repair Shop (electrical and household appliances, etc.)				P	P	P	P			
94	Research Facility						S	P	P		
95	Restaurant, with Drive-Thru						P	P	P		

Land Use		R-L Low Density Residential District	R-M Moderate Density Residential District	R-H High Density Residential District	MU Mixed-Use District	C-NC Neighborhood Commercial District	C-HC Highway Commercial District	C-BE Business Enterprise District	C-MW Manufacturing and Warehousing District	EOS - Civic and Open Space Conservation District	T Transportation District
96	Restaurant, without Drive-Thru <sup>1</sup>				P	P	P	P	P		
97	a. Retail Business <5,000 sq. feet				P	P	P	P			
	b. Retail Business >5,000 - 20,000 sq. feet					P	P	P			
	c. Retail Business >20,000 sq. feet						P	P			
98	Rifle Range							C	C		
99	Roadside Stand	S					S	S			
100	School, Academic			C	C	C	C				
101	School, Commercial				S	S	P	P			
102	School, Kindergarten, Pre-, Nursery			S	S	S	P				
103	Sexually-Oriented Business								C		
104	Social Club				P	P	P	P			
105	Stable									C	
106	Storage Facility, Self-Service					S	S	P	P		
107	Storage, Outside						S	P	P		
108	Swimming Pool, Public		S		S	S	S			P	
109	Tattoo/Piercing Establishment				S		S				
110	Tavern/Bar				C	C	C	C	C		
111	Terminal, Freight						S	S	P		P
112	Terminal, Passenger						S	S	P		P
113	Theater				C	C	P	S		C	
114	Tower Non-communications				C	C	C	C	C	C	
115	Trail									P	P
116	Veterinary Office (no overnight boarding)				P	P	P	P	P		
117	Water Storage									C	
118	Wholesale Business						S	P	P		
119	All Other Uses							C	C		

## §2000-406. Dimensional Standards.

### A. Lot Dimensions

- (1) Development that occurs on a private street shall be developed to the dimensional standards applicable to development on a public street.
- (2) Lot dimensions shall be in accordance with Table II and/or Table III as applicable.

**Table II: Residential District Lot Dimensions**

	<b>R-L</b>	<b>R-M</b>	<b>R-H</b>
Lot Size (minimum) [single family]	6,000 s.f.	3,500 s.f.	2,000 s.f.
Size (minimum) [two-family/multi family]	3,000 s.f.	2,000 s.f.	1,000 s.f.
Lot Frontage (minimum)	40'	25'	15'
Building Coverage (maximum)	40%	60%	60%
Building Height (maximum)	35'	45'	65'

**Table III: Non-Residential Lot Dimensions**

	<b>M-U</b>	<b>C-NC</b>	<b>C-HC</b>	<b>C-BE</b>	<b>C-MW</b>	<b>COS</b>	<b>T</b>
Lot Size (minimum)	N/A	5,000 s.f.	5,000 s.f.	10,000 s.f.	20,000 s.f.	N/A	N/A
Lot Frontage (minimum)	N/A	65'	100'	100'	200'	N/A	N/A
Building Coverage (maximum)	85%	75%	60%	50%	60%	20%	75%
Building Height (maximum)	80'	35'	35'	45'	55'	45'	55'

- B. Yard requirements for residential shall be as set forth in Table IV and the yard requirements for non-residential districts shall be as set forth in Table V, except as set forth subsequently in this subsection.

**Table IV: Residential District Setback Standards.**

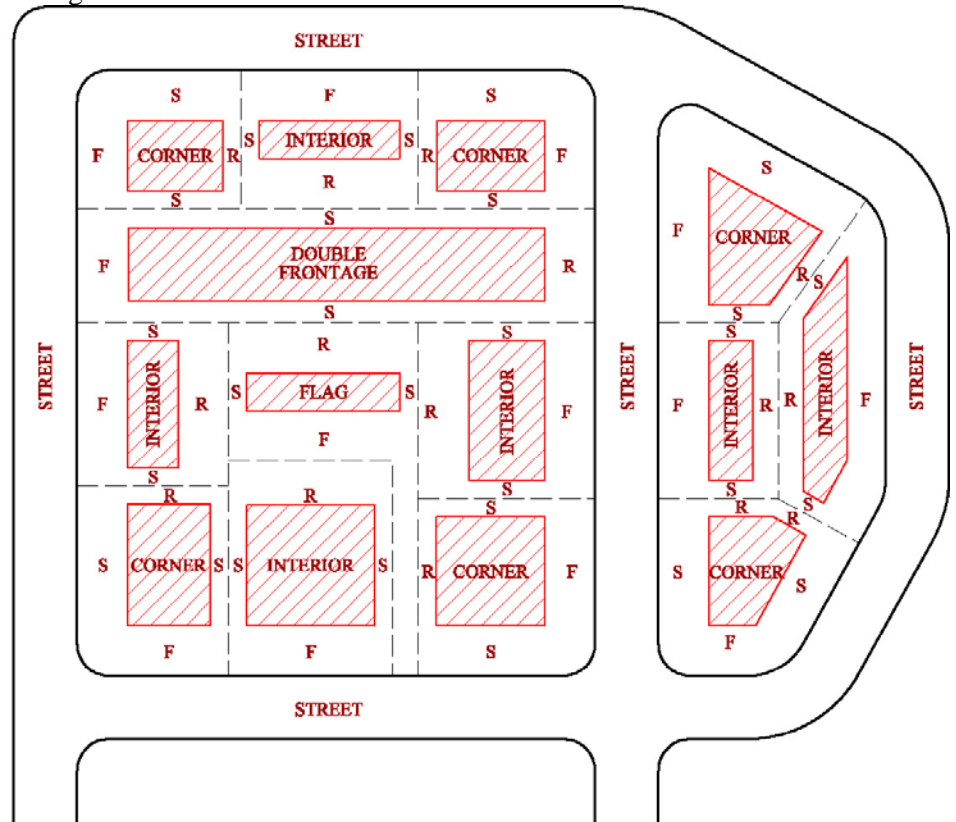
	<b>R-L</b>	<b>R-M</b>	<b>R-H</b>
Front Yard (maximum)	25'	15'	15'
Rear Yard [through lot] (minimum)	35'	15% of lot depth (25' min)	15% of lot depth (25' min)
Rear Lot [adjoining alley] (minimum)	35'	25'	25'
Side Yard (minimum) [abutting street]	25' aggregate*	15' aggregate*	12' aggregate*
Side Yard (minimum) [not abutting street]	15' aggregate*	10' aggregate*	8' aggregate*

\* Aggregate side yard dimensions include both side yards added together. Minimum side yard shall be five (5) feet.

**Table V: Non-Residential District Setback Standards.**

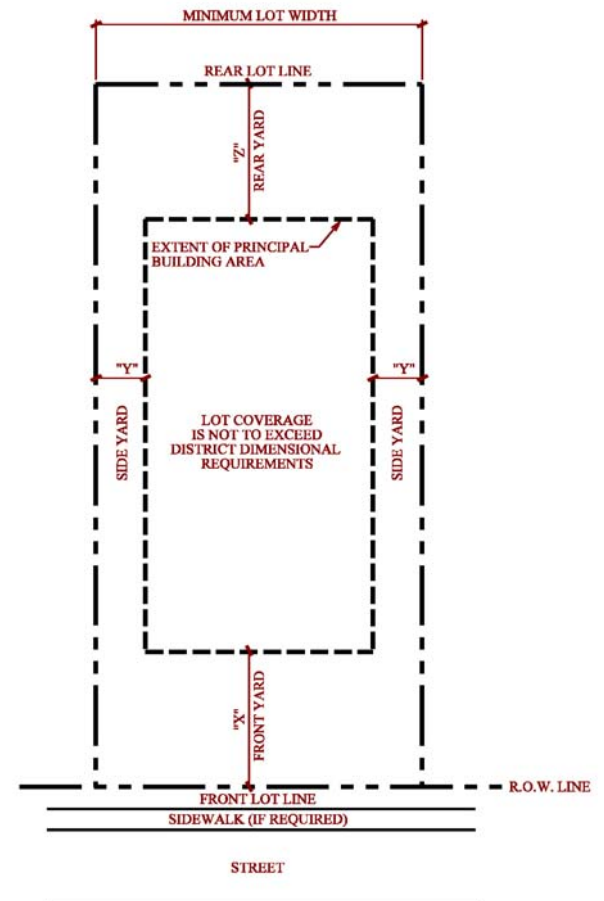
	<b>M-U</b>	<b>C-NC</b>	<b>C-HC</b>	<b>C-BE</b>	<b>C-MW</b>	<b>COS</b>	<b>T</b>
Front Setback (maximum)	5'	35'	75'	50'	50'	30'	5'
Rear Yard (minimum) [through lot]	20'	30'	30'	50'	75'	30'	5'
Rear Yard (minimum) [adjoining alley]	15'	20'	20'	40'	65'	30'	5'
Side Yard (minimum) [abutting street]	5'	10'	10'	20'	30'	15'	5'
Side Yard (minimum) [not abutting street]	0'	10'	15'	25'	35'	15'	5'

### (3) Basic Lot Types and Configuration



S - SIDE YARD  
F - FRONT YARD  
R - REAR YARD

- (4) For each story over two (2), a multi-family unit shall have an additional five (5) foot setback applicable to all yards; no adjusted front yard of said proposed development shall deviate more than thirty percent (30%) greater than that of development on an adjoining lot.
- (5) Lot frontage for the principal structure shall be built along the required front yard setback. Porches shall also be permitted to fulfill this requirement. No structure shall be built within a required setback.
- (6) Interior Lot not adjoining a Corner Lot.
  - (a) Required Front Yard Setback.
    - (i) The required front yard setback for a subject lot shall be determined by calculating the average front yard setback of the adjoining lots.
    - (ii) If an adjoining lot is vacant, the landowner and/or developer shall assume the required



setback of the adjoining lot is the minimum front yard setback defined in Tables 4 and 5 for the zoning district in which it is situated.

(b) Required Side Yard Setback

- (i) The required side yard setback for a subject lot shall be determined by calculating the average side yard setbacks of the adjoining lots.
- (ii) If an adjoining lot is vacant, it shall be assumed that the established setback of the adjoining lot is the minimum required side yard setback defined in Tables 4 and 5 for the zoning district in which it is located.

(7) Interior Lot adjoining a Corner Lot.

(a) Front Yard Setback

- (i) The front yard setback of the subject lot shall be the average of the adjoining existing corner lot and the adjoining existing interior lot.
- (ii) If the adjoining lot is vacant, the minimum setback defined in Tables 4 and 5 for the zoning district in which the lot is located shall apply.

(b) Side Yard Setback

- (i) The required side yard setback for a subject lot shall be determined by calculating the average side yard setbacks of the adjoining lots.
- (ii) If an adjoining lot is vacant, it shall be assumed that the established setback of the adjoining lot is the minimum side yard setback defined in Tables 4 and 5 for the zoning district in which it is located.

(8) Corner Lot. A corner lot shall have two (2) front yards one (1) side yard and one (1) rear yard said front yards shall abut public right-of-way not inclusive of an alley. If the lot abuts an alley the rear yard shall parallel said alley.

(a) Front Yard Setback.

- (i) The required front yard setback of the subject (corner) lot shall be equivalent to that of the two (2) adjoining lots.
- (ii) If the adjoining (interior) lot is vacant, the front yard setback of the subject corner lot shall be equivalent to the minimum front yard setback defined in Tables 3, 4 and 5 for the zoning district in which the subject lot is located.

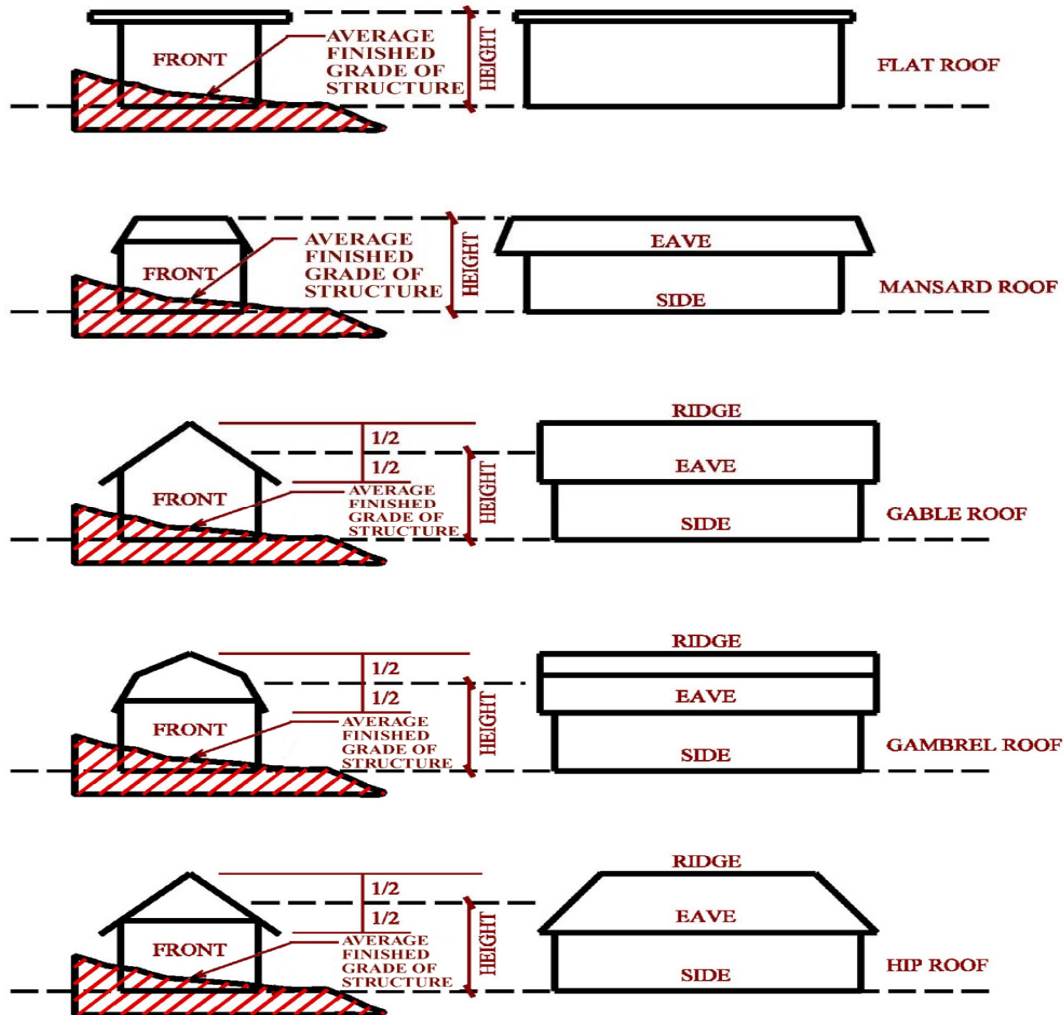
(b) Side Yard Setback.

- (i) The required side yard setback for a subject lot shall be determined by calculating the average side yard setbacks of the adjoining lots.

C. Height. In order to maintain the character of existing historic and/or established development, building height for proposed development, infill, redevelopment and/or replacement shall be determined based upon the context of existing development.

1. The minimum height of any principal building and/or structure in the MU district shall be thirty-six (36) feet.
2. Proposed roof heights, cornice lines, eaves, parapets and porches of a proposed building or structure shall respect the architectural context of the adjoining lots and, when feasible, shall maintain the scale and character of existing development.

3. The maximum height for buildings shall be as defined for the zoning district in which it is located, unless the heights for the majority of buildings on the block are greater than the maximum permitted for the zoning district. In this circumstance, the maximum height shall be the height of the adjoining properties.



#### §2000-407. Permitted Projections into Required Yards.

- A. The following shall be permitted to project into any required yard in any Zoning District as follows:
- (1) Typical architectural features, including, but not limited to, bay windows, window sills, cornices and eaves, shall be permitted to project into required yards no more than thirty-six (36) inches.
  - (2) Decks and unenclosed porches without enclosed habitable foundations shall be permitted to project into required front and side yards no more than three (3) feet and into the required rear yard no more than twenty (20) feet so long as a minimum of five (5) feet remain between the structure and the lot line.

- (3) Steps and open fire escapes shall be permitted to project into required yards no more than six (6) feet.
- (4) Awnings and/or sunscreens shall be permitted to project into required front and side yards no more than four (4) feet.

**§2000-408. Height Exceptions.**

- A. The height limitations of this Ordinance shall not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a principal structure; conveyors; flagpoles; silos; standpipes; water towers; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.
- B. All principal buildings or structures and accessory parking structures shall also be subject to all applicable Federal Aviation Administration (FAA) and Allegheny County Airport Authority height restrictions.

**§2000-409. Accessory Buildings, Structures, Uses and Events.**

- A. See Table I for additional accessory uses, other than those listed below, with specific Zoning District Requirements.
- B. Accessory buildings, structures, uses and events permitted within Residential Zoning Districts of the Tri-Borough Communities include:
  - (1) Cultivation of plants as an avocation, including the erection and maintenance of greenhouses and garden equipment storage buildings, trellises, etc., but involving no commercial sales or advertising.
  - (2) Fences, walls or hedges in accordance with §2000-409(C).
  - (3) Garage or parking area meeting requirements of §Article VIII limited to one (1) detached garage per lot.
  - (4) The keeping of animals, limited to two hundred (200) pounds and structures for the housing of such animals on a lot of at least eighty thousand (80,000) square feet in area and, except for poultry or fowl, restricted to four (4) animals per forty thousand (40,000) square feet, to be confined on the lot by a fence or similar enclosure located at least five (5) feet from the lot line, and where the structures shall be located at least 100 feet from any dwelling on the subject lot, and when only for the private non-commercial use of the occupants of the dwelling on the same lot.
  - (5) Shelter for domestic pets but not including a kennel when located not less than 60 feet from any street line and not less than twenty-five (25) feet from any lot line.
  - (6) Private swimming pool, tennis court, or similar private recreation facility for the use of the residents of the lot containing the facility and their guests only.
  - (7) Private satellite dish or antenna less than twenty-four (24) inches in diameter.

- (8) Signs in conformance with §2000-420 of this Ordinance.
- (9) No-Impact Home-Based Business.
- (10) Awnings
- (11) Residential Wind Turbines and Residential Solar Collection Panels
- (12) Setback of Accessory Buildings from Side or Rear Lot Lines. When an accessory building not on a permanent foundation will occupy one hundred twenty (120) square feet of area on the ground or less, it may be located no closer than ten (10) feet from any side or rear lot line but not forward of the front setback line. Other accessory structures, regardless of size, when the use is for a garage, carport or picnic shelter, but not including a barn for animals, may not be located within the setback distance prescribed by this Ordinance.

C. Permitted Accessory Uses and Structures in Mixed-Use and Non-residential Zoning Districts.

- (1) Amusement game machines not located in a commercial recreation and entertainment facility limited to three machines per establishment located within and accessible only from the principal use.
- (2) Ancillary business services limited to serving the offices occupying the same building, such as copying and printing services, mail packaging and receiving, secretarial services and retail sales of office supplies, etc.
- (3) Automated teller system accessory to a use.
- (4) Day care center restricted to children of employees or users of services offered by principal use.
- (5) Fences, hedges and/or walls subject to provisions of §2000-409(C).
- (6) Individual apartment of the owner, or manager, or an employee of the business occupying the lot, such apartment in the same principal structure on the lot occupied by the business.
- (7) Laboratory and/or pharmacy within a clinic and a branch bank within an office building.
- (8) Off-street loading areas subject to requirements of Article VIII.
- (9) Off-street parking areas and/or garages for the exclusive use of customers patronizing the establishment on the premises and for employees of the establishment in accordance with requirements of Article VIII.
- (10) Retail sales of books, magazines and newspapers (excluding adult bookstores), standard restaurant, fast-food restaurant, drug store, on the first floor of an office building occupying not more than twenty-five percent (25%) of the building's floor area exclusive of basement, and provided there shall be no exposed entryway serving the business on the exterior of such building.



- (11) Satellite dish or antenna mounted on the ground and located not less than one and a quarter (1 1/4) times its maximum height from any side or rear lot line but not forward of the front setback line; or mounted on the roof.
- (12) Signs in conformance with Section 2000-420 of this Ordinance.
- (13) Swimming pool, tennis court or similar accessory recreational facility when the principal permitted use is a motel, bed and breakfast, public park, club, or cultural or institutional use or when there are residential apartments on the same lot.
- (14) Temporary structure incidental to the development of a lot, to be removed upon completion of development.
- (15) Other structures, uses or buildings customarily incidental to principal uses permitted in a district including but not limited to wind turbines and solar collection panels.
- (16) Accessory uses are limited to twenty-five percent (25%) of the total floor area. Employees of the accessory uses shall not exceed twenty-five percent (25%) of the total number of employees.

D. In all Zoning Districts, the following regulations shall apply to accessory buildings and structures.

(1) Fences.

- (a) In all residential Zoning Districts, fences no greater than six and one-half (6.5) feet in height shall be permitted in rear and side yards.
  - (b) In commercial and industrial districts, fences no greater than ten (10) feet in height shall be permitted in rear and side yards.
  - (c) In Residential Zoning Districts, fences no greater than three and one-half (3.5) feet in height shall be permitted in front yards. All fences shall be constructed such that the finished side of the fence faces all adjacent properties and public rights-of-way.
  - (d) In Residential Zoning Districts, fences which contain openings equal to at least seventy-five percent (75%) of the area of the fence and which are not more than three (3) feet in height shall be permitted in a lot's front and/or side yards.
  - (e) In Mixed-Use and Non-Residential Zoning Districts, the maximum height of a fence shall be six and one-half (6.5) feet unless otherwise defined for industrial uses and/or service structures. Fences shall be permitted in a lot's rear and/or side yard(s). Fences shall contain openings that are at least fifty percent (50%) of the area of the fence, unless an opaque screening fence is otherwise required by this Ordinance.
- (2) Clear Sight Distance. All fences, walls, screens and bufferyards or landscaping shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving a lot or adjacent lots.
- (3) Satellite Dish Antennas in Residential Districts.

- (a) In all Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be twenty-four (24) inches.
  - (b) Only one (1) satellite dish antenna shall be permitted on a residential lot.
  - (c) Satellite dish antennas shall not be permitted in front yards or on front facades unless a variance is granted by the applicable Zoning Hearing Board of the applicable community upon presentation of evidence that such location is the only feasible method of obtaining reception because of the physical characteristics of the lot and the location of existing structures on the lot.
  - (d) A satellite dish antenna shall not project above the peak of a roof, and if said satellite dish is roof-mounted, no point of the satellite dish shall be greater than three (3) feet from the roof's surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than three (3) feet from the roof surface and is mounted in an inconspicuous location.
- (4) Radio or Television Antennas. A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:
- (a) A radio or television antenna structure may be installed in a rear yard area or mounted on a roof, provided that the structure shall not be located within twenty (20) feet of any lot line.
  - (b) The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located. If placed on a roof, any antenna exceeding eight (8) feet in overall height shall be mounted with guy wires.
  - (c) Any such structure shall comply with applicable Federal Communications Commission regulations.
  - (d) Radio or television antenna structures located on the ground shall be screened from adjacent lots by evergreen trees or other suitable landscaping material.
- (5) Regulations are applicable to communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets. Communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all Zoning Districts, subject to the following criteria:
- (a) The applicant shall provide a certification from an engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.

- (b) The applicant shall provide detailed construction drawings indicating how the communications antenna(s) will be mounted for review by the applicable Borough Engineer.
- (c) There shall be no minimum building setback requirements for the antenna.
- (d) The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
- (e) The applicant shall provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.
- (f) The applicant shall provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.
- (g) Any existing or newly constructed light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, shall not exceed sixty-five (65) feet.
- (h) All communications antennas shall be operated so that they will not cause interference with other communications antennas.
- (i) If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations shall be adhered to:
  - (i) The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a non-residential building or structure other than an existing or newly constructed light pole/standard, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.
  - (ii) For those communications antennas that are mounted on utility transmission poles, the communications equipment building/cabinets shall be located within the utility easement or right-of-way.
  - (iii) Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet shall be subject to the height and setback requirements of the Zoning District for an accessory structure. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than one hundred (100) square feet shall be subject to the height and setback requirements of the Zoning District for a principal building or structure.

- (6) Canopies and Similar Structures. Those canopies and similar permanent freestanding roofed structures greater than one hundred fifty (150) square feet in lot coverage shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses in the MU, C-NC, C-HC, C-BE, C-MW, and T districts, provided that:
- (a) No portion of such structure shall be located less than twenty (20) feet from any lot line or street right-of-way.
  - (b) Such structure shall not be enclosed or incorporate walls.
  - (c) A minimum of fifty percent (50%) of the vertical supports utilized for the structure shall be designed to incorporate the same primary exterior material of the lot's principal building.
  - (d) Any lighting associated with said structures shall be reduced to ½ normal operating power between the hours of 11:00 pm and 6:00 am.
  - (e) Such structure shall be removed immediately, once the principal use or the use of the structure is discontinued.
- (7) Residential Wind Turbine.
- (a) No turbine shall exceed twenty five (25) feet in height
  - (b) Turbines shall not be located within a front, side or rear setback
- (8) Residential Solar Collector Panels.
- (a) The location of solar collection panels shall be approved by the Applicable Zoning Officer to ensure glare is minimized on adjacent lots.
  - (b) Panels shall not be located within a front, side or rear yard.
- (9) Special Event as an Accessory Use. On any lot, a landowner and/or developer proposing to conduct a temporary use or event using space outside of principal building structures shall be required to submit a special event application. Special events may include, but are not limited to, plant sales, entertainment venues or automobile/boat shows.
- (a) The Special Event Application shall be:
    - (i) Obtained from the applicable Borough; and
    - (ii) Submitted to the Borough one (1) month prior to the proposed special event.
  - (b) The special event, at a minimum, shall:
    - (i) Be any event that has the potential to create greater traffic, congestion and/or noise than is typically caused by the principal use of the lot;
    - (ii) Be conducted on the same lot on which the principal use occurs;

- (iii) Be directly related to the services and/or products of the principal use, unless approved by the Borough; and
- (iv) Not compromise the minimum number of required parking spaces for the principal use.
- (c) On any lot, the cumulative number of special event days shall not exceed thirty (30) days within any ninety (90) day period.
- (10) All Other Accessory Activities. All other accessory buildings, structures, uses or events shall not be permitted in the required front yard or required side yards and shall be located at least ten (10) feet from the rear lot line. All other accessory buildings, structures, uses or events shall be located at least ten (10) feet from any principal building, except that a detached garage may be connected to the principal building by contiguous walls, breezeways or similar connections.

#### **§2000-410. Bufferyards.**

##### **A. Bufferyard requirements for side and rear yards.**

- (1) Any multi-family use adjoining a single-family residential lot.
  - (a) Five (5) foot landscaped buffer.
  - (b) Bufferyard shall contain two (2) rows of planting. One row shall consist of a mixture of fifty percent (50%) deciduous and fifty percent (50%) evergreen trees at a maximum spacing of fifteen (15) feet apart, measured from the vertical centerline of adjacent trees. The other row may be a shrub or ornamental grass, maximum spacing of eight (8) feet, taller than three feet at planting, and maintained at a height of three to six (3 to 6) feet.
- (2) Any non-residential use in R-L or COS adjoining a single family or multi-family residential lot
  - (a) Ten (10) foot landscaped buffer.
  - (b) Bufferyard shall contain two (2) rows of planting. Each row shall consist of a mixture of fifty percent (50%) deciduous and fifty percent (50%) evergreen trees at a maximum spacing of twelve (12) feet apart, measured from the vertical centerline of adjacent trees.
- (3) Any non-residential use in R-M or R-H adjoining a single family or multi-family residential lot
  - (a) Ten (10) foot landscaped buffer.
  - (b) Bufferyard shall contain two (2) rows of planting. One row shall consist of a mixture of fifty percent (50%) deciduous and fifty percent (50%) evergreen trees at a maximum spacing of fifteen (15) feet apart, measured from the vertical centerline of adjacent trees. The other row may be a shrub or ornamental grass, shoulder high.

- (4) Any non-residential use in MU or C-NC adjoining a single family or multi-family residential lot
  - (a) Five (5) foot landscaped buffer.
  - (b) Bufferyard shall contain one (1) row of planting. The row may be a tree or shrub. If trees are used, a maximum spacing of twelve (12) feet; if shrubs are used, a maximum spacing of five (5) feet.
- (5) Any non-residential use in C-HC or C-BE adjoining a residential lot
  - (a) Twenty (20) foot landscaped buffer.
  - (b) Bufferyard shall contain three (3) rows of planting. One row shall consist of a mixture of fifty percent (50%) deciduous and fifty percent (50%) evergreen trees at a maximum spacing of fifteen (15) feet apart, measured from the vertical centerline of adjacent trees. The other row may be a shrub or ornamental grass, maximum spacing of twelve (12) feet, taller than three feet at planting, and maintained at a height of three to six (3 – 6) feet.
- (6) Any non-residential use in C-MW adjoining a single family or multi-family residential lot.
  - (a) Twenty (20) foot landscaped buffer.
  - (b) Bufferyard shall contain four (4) rows of planting. Each row shall consist of a mixture of fifty percent (50%) deciduous and fifty percent (50%) evergreen trees at a maximum spacing of twelve (12) feet apart, measured from the vertical centerline of adjacent trees.

**§2000-411. Vegetation within Bufferyards.**

- A. Any existing trees within the required bufferyard that are a minimum of six (6) inches in diameter at breast height (dbh) in accordance with American Nursery Association standards shall count as required trees within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard.
- B. All trees required to be planted within the bufferyard shall be a minimum of two and one-half (2.5) inches in diameter at breast height (dbh) in accordance with American Nursery Association standards and shall be planted in accordance with accepted landscape conservation practices. All required trees shall be a minimum of six (6) feet in height at the time of planting as measured from the ground at the base of the tree to the top of the tree.
- C. It shall be the responsibility of the landowner and/or developer to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.

**§2000-412. Conflict Between Bufferyard and Yard Requirements.** When the width of a required bufferyard is in conflict with the minimum yard requirements of Article III of the Chapter, the greater distance shall apply. The landowner and/or developer shall adhere to the bufferyard planting requirement regardless of what the yard requirement is.

**§2000-413. Existing Structures in Bufferyards.** In instances where an existing building or structure houses the principal use of the lot, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the lot line shall be required. This reduced bufferyard width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required bufferyard on one (1) side of the building or structure, the required bufferyard as determined by this Ordinance shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the bufferyard width.

**§2000-414. Stormwater Management Facilities within Bufferyards.** Stormwater management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirement.

**§2000-415. Screening and Landscaping for Off-Street Parking and Service Structures.**

- A. A planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area authorized in any yard which fronts on a public or private street or roadway. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials across the entire frontage of the lot in order to prohibit vehicles access, except at approved ingress and egress points. Landscaping of appropriate mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
- B. In parking areas containing more than twenty (20) spaces, at least twenty percent (20%) of the interior parking area shall be landscaped with plantings including one (1) tree for each ten (10) spaces.

(1) Surface parking area.

- (a) Interior landscaping shall be required for new parking areas or expansion of existing parking areas containing more than four thousand (4,000) square feet or ten (10) parking spaces, whichever is lesser. Where a pre-existing parking area is altered or expanded to increase the size to four thousand (4,000) or more square feet of area or ten (10) or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
- (b) One (1) internal landscape island shall be provided for every ten (10) parking spaces.
- (c) No more than ten (10) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.
- (d) At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed two (2) feet in height, or with turf grass.
- (e) All trees and shrubs required to be planted by this section shall be of the minimum diameters and heights set forth in this Ordinance.
- (f) There shall be a minimum distance of five (5) feet from the edge of paving to the center of all shade trees.

- (g) All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface.
- C. Landscaping for service structures. All service structures shall be fully screened. For the purposes of this subsection, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a lot.
- (1) Location of screening. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Ordinance. When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Although service structures are screened by plant material, such material may not count towards the fulfillment of required landscaping.
- (2) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

**§2000-416. Vegetation Preservation.** Vegetation preservation is governed by the specifications in this Section and the provisions of the Pennsylvania Municipalities Planning Code.

- A. Vegetation preservation. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Ordinance or any other Chapters of the Borough or Boroughs regulating land use, development and logging. The grubbing activity shall be permitted with the expressed approval of the Applicable Zoning Officer.
- B. Cutting and clearing of vegetation; violations and penalties.
- (1) Forestry activities of timber harvesting and/or logging, whether by clear-cutting, selective cutting or other common practice, shall be permitted in any Zoning District. All forestry activities shall comply with the applicable Borough's ordinances.
- (2) The cutting of trees and/or clearing of vegetation within the maximum bufferyard which would be applicable to the lot as required by this Ordinance, or within the minimum building setback as required by this Ordinance, whichever is greater, is prohibited. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.
- (3) In addition to any other remedy available to the Tri-Borough communities and in the event that the construction of structures and/or infrastructure on the lot does not commence despite



an approved Development Plan the Tri-Borough Communities Subdivision Ordinance or its designated equivalent(s) within six (6) months of the completion of the clearing operations as determined by the Borough, a landowner and/or developer shall reforest the disturbed site in accordance with requirements for the applicable bufferyard or, if in the area of any required minimum setback not within a required bufferyard, in accordance with the spacing and planting variety specified in this Ordinance. Should this six (6) month period fall during a season not conducive to planting, the applicable Borough may permit the landowner, and/or developer to delay this reforestation until a time more conducive to growth, but shall commence no later than April 1. Furthermore, at the time of the Development Plan or plat approval, the applicable Borough shall require that a performance bond be provided, in the favor of said Borough, to guarantee this reforestation, in an amount approved by the Applicable Borough Engineer. The lot must be reforested with a species comparable to the predominant species on the lot prior to the commencement of the clearing operations.

**§2000-417. Basement Structures.** Occupancy of a basement or foundation structure prior to the completion of the overall building or structure shall not be permitted.

**§2000-418. Temporary Construction Trailers or Sheds.** Temporary construction trailers or sheds shall be permitted in all Zoning Districts subject to the following conditions:

- A. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Applicable Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- B. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line adjoining an existing residential use.
- C. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.
- D. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet. A permit for the temporary trailer shall be obtained from the Applicable Zoning Officer.
- E. No combustible materials shall be stored in temporary construction trailers or sheds.

**§2000-419. Outdoor Display and Storage.**

- A. Except for retail/wholesale landscape centers, building supply, auto dealers and similar businesses which require outside storage of materials, storage and display of materials outside a completely enclosed structure shall not be permitted. In the case of said businesses, outside display and storage areas shall be completely enclosed by a security fence and shall be screened by fence or hedge which is at least six (6) feet in height and is one hundred percent (100%) opaque unless otherwise defined by this Ordinance.
- B. Outside display and storage that is located with any parking lot or any other portion of the lot shall be required to submit a Special Event Application as defined in this Ordinance.
- C. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or an alternative location which screens the display/storage area from public view from the street or from any adjacent residential use.
- D. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height.

## §2000-420. Signage

### A) Purpose.

Signage regulations shall govern and control the erection, rehabilitation, enlargement, illumination, animation and maintenance of all signs which are listed as permitted uses within the TriBorough communities. These regulations are intended to:

- a) Encourage sound practices with respect to size, spacing, lighting, type and placement of signs for the purpose of safeguarding and enhancing properties in each of the various types of zoning districts;
- b) Provide an environment which will promote the orderly growth and development of business and industry in communities;
- c) Protect public investment in public structures, open spaces and thoroughfares;
- d) Promote the safety and welfare of the community; and
- e) Promote achievement of the purpose and intention of this Ordinance.

### B) General.

The referenced *sign* regulations are included to provide guidance in preserving TriBorough's character. Any *sign* not exempt from this chapter shall adhere to the general *sign* standards, the standards are determined by the usage classification of the *sign* and the standards determined by the *construction* classification of the *sign*. Where standards may conflict, the more restrictive standard shall apply. All *signs* are to be compatible with the surroundings and enhance their immediate environment and be appropriate to the type of activity to which they pertain. To advance these purposes, anyone contemplating the erection, *construction*, or addition of any *sign* is encouraged to contact the *Borough Code Enforcement Officer* for advice and assistance during the design stage of any such *sign*, in addition to utilizing professional assistance.

### C) Sign Regulations.

Sign shall be regulated as set forth in Section 1002 through 1009, inclusive, of the document known as the *International Zoning Code*, 2006 edition, as published by the International Code Council, with the modifications as set forth below.

#### a) Signs Exempt from Requirements.

The following signs shall not be included in the application of the sign requirements of this article:

- i) Incidental signs not exceeding a sign of one (1) square foot and not including any commercial message or logo, which carry a message to guide traffic and direct parking on private property, identify rest rooms, entrances and exits, telephone locations, an on-site direction, on-site warnings or anything similar in the judgment of the code official.
- ii) Government signs such as official traffic and street name signs and identification, informational or directional signs required by government bodies or their agencies.
- iii) In residential zones, the maximum area for directional signs shall be one and one-half (1-1/2) square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be three (3) square feet.
- iv) Memorial plaques, building identification signs and Building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- v) **Exception:** Signage features with moving parts or lights are not exempted.
- vi) Flags, badges or insignia of any government, government agency or non-commercial institution such as a civic organization, charitable organization, religious organization or primary or secondary school.



- vii) Property identification signs that do not exceed two (2) square feet in area and bearing only street address or post box numbers, names of occupant or premises or other identification not having commercial connections.
- viii) Integral decoration or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- ix) Private traffic signs, which guide traffic and direct parking on private property, but bear no advertising matter.

b) Prohibited Signs.

The following types of signs are prohibited in all Districts:

- i) No signs may be erected and maintained in any District unless in compliance with the provisions of this Ordinance and any and all other ordinances and regulations of joint ordinances or regulations of the Tri-Borough communities.
- ii) No sign shall exist unless kept in good condition and repair, and not allowed to become dilapidated. Each sign shall be removed within thirty (30) days when the circumstances leading to its erection no longer apply.
- iii) No sign shall be erected in such a position as to interfere with, or impede drivers' vision or vehicular traffic or safety signs.
- iv) Advertising signs are prohibited except in C-HC, as hereinafter regulated.
- v) Business signs are prohibited except MV, C-NC and C-HC as hereinafter regulated.
- vi) No sign shall be erected closer than five (5) feet from any underground utility line. Underground utilities shall be confirmed through PA-One Call prior to erection.
- vii) Roof signs are prohibited.

c) Permitted Signs.

i) Projecting signs.

- (1) Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to one (1) square foot per each lineal foot of building frontage, except that no such sign shall exceed an area of eighty (80) square feet.
- (2) No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than eighteen (18) inches.
- (3) Such signs shall not extend over a public sidewalk in excess of five (5) feet or fifty (50) percent of the width of the sidewalk, whichever is less.
- (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of eight (8) feet.

ii) Under canopy signs.

- (1) Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed four (4) square feet.
- (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of eight (8) feet.

iii) Window Signs.

- (1) The aggregate area of all such signs shall not exceed 50 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.

iv) Wall signs.

- (1) Wall signs shall not exceed 15% of the front facade of said structure.
- (2) In no event will the allowed area for any separate occupancy be less than three hundred fifty (350) square feet.

v) Animated Signs.

- (1) Animated signs, except as prohibited in Section 1006, are permitted only in MU, C-HC, C-BE and C-MW zoning district, and as a conditional use in T and C-NC zoning districts. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

d) Sign Types.

Use	Aggregate Area (s.f.)	Max Height	number of signs	other restrictions
single residential	6	6	1 real estate sign	removed not later than 2 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
subdivision	35	10	1 per entrance	removed within 10 days of last original lot.
sale or lease, commercial or industrial	6	8'	1 per store front	removed not later than <u>2 days</u> after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
sale or lease of vacant commercial or industrial	20 (10 acres or less), 100 s.f. >100 acres	12'	1 per store front	
Development & Construction				
single residential	12	8'		Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than <u>36</u> hours following issuance of an occupancy permit for any of all portions or the project.
subdivision	35	10'	1 per entrance	
commercial & industrial (5 acres or less)	20	12'		
commercial & industrial (>5 acres)	35	12'		



# Sign Types Continued

Use	Aggregate Area (s.f.)	Max Height	number of signs	other restrictions
Special Promotion, event & grand opening				
single residential	8			
Multiple-family	8			
Commercial & mixed-use	35			
C-HC	80			
Other Signs				
Portable	12	8'	1 per property	
Political	6	42"		
Projecting Sign	1 s.f. per lineal foot of building frontage, max 80 s.f.		1 per occupancy	
Under canopy	4		1 per occupancy	Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of <u>eight (8)</u> feet

**§2000-421. Hospital Overlay.**

- A. Purpose. The purpose of the Hospital Overlay District is to promote the health, safety and general welfare of the community through guiding the development and use of hospital facilities and related medical facilities and services while minimizing potential adverse impacts upon nearby residential and other premises. These purposes are to be achieved by establishing controls specifically for hospital and medically-related uses at locations where either such uses already exist or they would be appropriate because of access and proximity to the existing hospital facility.
- B. Scope of Authority. The Hospital Overlay District is depicted on the Zoning Map and is superimposed over underlying Zoning Districts. The regulations of this overlay district shall govern new construction, reconstruction or expansion of new or existing hospital and medical buildings and uses (enumerated in sections 1209 and 1210), regardless of whether the requirements of this Article are more or less restrictive than those of the underlying Zoning District at this location. Where requirements are not addressed in this Article, the provisions of the underlying Zoning Districts shall continue to govern. The regulations in this Article shall not apply to new or existing building and uses that are permitted and conditional under the underlying Zoning District. These buildings and uses shall continue to meet all requirements established for the underlying district.

**§2000-421.1. Permitted Uses.** In addition to the uses permitted in the underlying Zoning District(s), the following uses shall be allowed in the Hospital Overlay District as a matter of right:

- A. Hospital
- C. Office, Medical
- D. Life Care Facility
- E. Medical Clinic
- F. Pharmacy
- G. The following facilities where ancillary to and contained within a hospital
  - (1) Gift Shop
  - (2) Cafeteria
  - (3) Day Care Center
- H. Accessory buildings and uses, such as Parking Areas or Lots

**§2000-421.2. Conditional Uses.**

- A. Public Garage
- B. Parking Lot that is not an accessory use

**§2000-421.3. Prohibited Uses.** All uses, not specifically allowed as a permitted or conditional use in the Hospital Overlay District or the underlying Zoning District, are prohibited within this district.

**§2000-421.4. Development Uses.** The following setback, lot coverage and building height requirements shall apply in place of those of the underlying district:

A. Setbacks

- (1) Minimum Front Yard Setback: Thirty (30) feet for buildings with one or two stories; forty (40) feet for three stories.
- (2) Minimum Side Yard Setback: Fifteen (15) feet.
- (3) Minimum Rear Yard Setback: Thirty (30) feet for buildings with one or two stories; forty (40) feet for three stories.
- (4) Where adjacent lots are under common ownership of a hospital, the setbacks from lot lines shared with other hospital-owned lots may be eliminated.

B. Maximum Lot Coverage: 80% (eighty percent)

C. Maximum Building Height: Not to exceed three (3) stories or forty-five (45) feet, whichever is less.

**§2000-421.5. Design Standards.** All new construction, reconstruction or expansion of new or existing hospital and medical buildings and uses shall comply with the following additional requirements:

- A. Building material shall be durable and complement surrounding buildings. No concrete block or metallic building materials may be used.
- B. Facades shall be recessed so that no more than fifty (50) feet shall consist of a continuous unbroken plane.
- C. Accessory parking lots or areas shall be located to the rear or side of buildings.

**§2000-421.6. Landscaping and Buffers.** The following landscaping and buffer yard requirements shall apply in the Hospital Overlay District:

- A. For any building of two (2) or more stories or any public garage, regardless of height, the setback areas shall be landscaped to soften the appearance of the building. The landscaped area shall include, at a minimum, the following plantings and/or structures for every 30 (thirty) linear feet along the property line:
  - (1) Two (2) shade or evergreen trees reaching at least forty (40) feet at maturity;
  - (2) One (1) ornamental tree for every three (3) required shade or evergreen trees;
  - (3) Five (5) evergreen shrubs of at least three (3) feet in height at planting.

(4) Where the building or public garage abuts a residential lot, a fence or continuous evergreen hedge shall be installed between the building and the landscaped area.

(5) All landscaped areas shall meet the standards for landscaping material set forth in Article IV.

B. Any parking lot shall meet the following buffer yard requirements:

(1) The parking lot shall install a perimeter buffer of at least fifteen (15) feet in width between the sidewalk and the parking spaces. The buffer yard shall be landscaped to include at least one (1) shade or evergreen tree for every twenty-five (25) feet of perimeter or fraction thereof, and a continuous evergreen, planting or hedge measuring a minimum of three (3) feet average height at planting.

(2) Any fence in the buffer yard shall be located between the plantings and parking spaces and shall not include any barbed wire or chain link fencing materials.

(3) Interior landscaping and standards for landscaping materials shall meet all requirements of Article 16.

(4) Where a hospital parking lot adjoins a lot under common ownership of the hospital, the perimeter buffer yard requirements on sides sharing a lot line with other hospital-owned lots may be eliminated.

**§2000-422. BYOB Establishment.**

A. Such establishment shall not remain open and/or transact business between the hours of 1:00 a.m. and 9:00 a.m., prevailing time of each day, and at any time on Sundays.

B. The hours of operation must be conspicuously posted at the business premises such that patrons are sufficiently apprised of the same.

C. Broad form general liability coverage of \$1,000,000 per single limit occurrence must be obtained; proof of which shall be submitted with the conditional use application to the Borough Zoning Officer.

D. A valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry shall be obtained prior to receiving an occupancy permit from the applicable Borough. Such certificate shall be prominently displayed in the premises.

E. A **valid amusement permit** pursuant to the codified ordinances of the applicable Borough must be obtained prior to occupancy and be prominently displayed in the premises.







**ARTICLE V**  
**Supplemental Regulations**

**§2000-500. Reserved.**

## **ARTICLE VI**

### **Uses by Special Exception**

**§2000-600. Procedure.** See Article XI. Special Exception Uses are subject to general standards and criteria set forth in this Ordinance as well as to the express standards and criteria set forth for specific special exception uses in this Article.

**§2000-601. Apartments, Garden.** Garden Apartments shall be a permitted special exception subject to the following conditions and/or standards in addition to those listed in §2000-600.

- A. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. The means of a building's ingress and egress shall meet requirements as outlined in the applicable Borough's Building Code.
- D. A twelve-foot (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- E. The maximum number of units per building shall not exceed twenty-four (24).
- F. All dumpsters and/or waste collection areas shall be located at least fifty (50) feet from nearest residential unit. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).
- G. The primary vehicular entrance to a garden apartment development shall, at a minimum, have direct access to a collector road.
- H. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- I. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- J. Bufferyards between a garden apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the applicable Borough.
- K. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- L. If the parking area for a garden apartment development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:

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

**§2000-602. Boarding House.** A boarding house shall be a permitted special exception subject to the following conditions and/or standards in addition to those listed in §2000-600.

- A. All off-street parking shall be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of four (4) feet and a minimum opacity of eighty percent (80%).
- D. Building height and setbacks shall be consistent with surrounding development.
- E. All rooms available for boarding shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

**§2000-603. Duplex.** A duplex shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Bufferyards between a duplex and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations made by the applicable Borough.
- B. The primary vehicular entrance to the townhouse development shall, at a minimum, have direct access to a collector road.
- C. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- D. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.

- E. Access to the rear of any duplex lot shall not be encumbered by development.
- F. Comments and restrictions shall be required for the final approval of all major land developments that incorporate duplexes.
- G. Any development shall be provided with public sewage as approved by the applicable Borough.

**§2000-604. Quadplex.** A quadplex shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Bufferyards between a quadplex development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations made by the individual Borough.
- B. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- C. The primary vehicular entrance to the quadplex shall, at a minimum, have direct access to a collector road.
- D. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- E. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- F. Any development shall be provided with public sewage as approved by the applicable Borough.

**§2000-605. Single-Family Dwelling.** A single-family dwelling shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A plan illustrating lot access shall be submitted for review and approval. Access to Route 65 shall demonstrate adequate safety and distance from any intersection or other existing adjacent driveway.

**§2000-606. Townhouse.** A townhouse shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Bufferyards between a townhouse development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations from the applicable Borough.
- B. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- C. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) footcandle.
- D. Access to the rear of any townhouse and/or duplex lot shall not be encumbered by development.

- E. Comments and restrictions shall be required for the final approval of all major land developments that incorporate townhouses and/or condominiums.
- F. Any development shall be provided with public sewage as approved by the applicable Borough.

**§2000-607. Agricultural Activities.** Agricultural activities shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Raising, breeding, and/or slaughtering of livestock shall not be permitted.
- B. A commercial feed lot shall not be permitted.
- C. All agriculture-related building shall not be closer to any lot line than one hundred fifty (150) feet.
- D. Surface water run-off from areas where animals are enclosed shall be diverted away from adjacent residential properties and shall not contaminate downstream watercourses.
- E. Any new operation or expansion of an existing agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the County Conservation District.
- F. A list of all chemicals utilized in the propagation and care of farm products shall be filed annually with the Applicable Zoning Officer.

**§2000-608. Automobile Rental.** Automobile rental shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Automobile rental shall be located adjacent to an arterial road.
- B. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- C. All outdoor display areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.

**§2000-609. Automobile Sales (car, truck, motorcycle, boat or trailer).** Automobile sales shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All automobile sales shall be located adjacent to an arterial road.
- B. All automobile sales shall have a maximum lot area of one (1) acre.
- C. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- D. All outdoor display areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.

**§2000-610. Automotive Services.** Automobile services shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The maximum lot area for an auto repair & service station shall be 20,000 square feet.
- B. An automobile repair and service station shall have direct ingress/egress to an arterial road, or shall have a point of ingress/egress from a public or private street within the lot of a shopping center.
- C. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
- D. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
- E. All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- F. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

**§2000-611. Bed and Breakfast.** A bed and breakfast establishment shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The operator of the Bed and Breakfast must be the owner of the business and shall reside on the premises.
- B. Guests shall be limited to a maximum length of stay of fourteen (14) consecutive days in any thirty (30) day period.
- C. In no instance shall the total number of guests in the Bed and Breakfast exceed fourteen (14) people.
- D. The lot shall meet all area and bulk regulations of the district in which it is located.
- E. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- F. Not more than one (1) identification sign shall be permitted. The identification sign must conform to Article IV of this Ordinance.
- G. All required parking spaces shall be provided on the lot and shall not be located in the front yard. There shall be one (1) space provided for each room and one (1) space provided for each permanent resident.
- H. The driveway entrance and all parking areas shall be constructed of well-compacted stone or better and approved by the applicable Borough Engineer.
- I. The use of a Bed and Breakfast expressly excludes alternative housing for criminal offenders, drug or alcohol rehabilitation, halfway house and similar uses.



- J. Parking should be available on-lot. Where this is not practicable, on-street or alternate off-street parking shall be made available within three hundred (300) feet of the establishment.
- K. If adjacent to existing residential development, all surface outdoor space must be screened with a minimum of fifty (50) percent opaqueness. Outside activity must end by 11:00 pm.

**§2000-612. Billboard.** Billboards shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

A. Location.

- (1) Billboards shall not be erected within five hundred (500) feet of the boundary line of any "R" District or within five hundred (500) feet of any public or private school, place of worship or cemetery, said five hundred (500) feet being measured along the radius of a circle from the center-most point of the billboard structure extending in all directions.
- (2) Billboards shall maintain a lateral minimum spacing between any existing or proposed billboard structures of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the billboard structure along a line extending from the center-most point of the billboard that is parallel to the centerline of the roadway to which the billboard is oriented.
- (3) The minimum front, side, and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the billboard is to be located shall apply to each billboard structure.
- (4) No billboard shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements under the applicable Borough's Building Code.
- (5) No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
- (6) No sign shall be erected over any sidewalk or public right-of-way.
- (7) Billboards shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.

B. Size and Height. A billboard shall have a maximum allowable gross surface area of three hundred (300) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

- (1) A billboard shall have no more than two (2) sign faces per billboard structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety degrees (90°) or less.
- (2) The dimensions of the gross surface area of the billboard's sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.

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- (3) A billboard structure shall have a maximum height of forty (40) feet above the curb of the roadway from which it is intended to be viewed.
- C. Construction Methods. Billboards shall be constructed in accordance with applicable provisions of the Uniform Construction Code and shall meet all of the following additional requirements:
  - (1) The entire base of the billboard structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or ornamental grasses of a minimum height of three (3) feet. The shrubbery and/or ornamental grasses shall be placed in such manner as to screen the foundation of the structure.
  - (2) Required landscaping, as defined in Article IV of this Ordinance, shall be maintained by the billboard structure owner in an attractive and healthy manner in accordance with the Borough's accepted best management/conservation practices.
    - (a) No bare cuts shall be permitted on a hillside.
    - (b) All cuts or fills shall be permanently seeded or planted.
- D. Lighting. A billboard with display lighting shall be constructed so that it does not glare upon an adjoining lot and shall not exceed a maximum of one (1) foot candle upon the adjoining lot.
  - (1) Display lighting shall not operate between 12:00 Midnight and 5:00 A.M., prevailing local time.
  - (2) No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other lots.
  - (3) The use of colored lighting shall not be permitted.
- E. Appearance. No billboard structure, sign face or display lighting shall cause distractions, confusion, nuisance or hazards to traffic, aircraft or other lots.
  - (1) No sign face image shall contain parts that move, scroll, flash, glitter or emit noise.
  - (2) A sign face that rotates to display two (2) or three (3) separate sign face images shall be permitted providing that each image is displayed for at least thirty (30) consecutive seconds every time it is shown.
  - (3) A maximum of seventy five (75) square feet of a sign face may be used to display a changeable copy sign. Lettering and other images on the changeable copy sign shall be displayed for at least thirty (30) consecutive seconds every time it is shown.
- F. Maintenance.
  - (1) A billboard structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.

- (2) Every ten (10) years, the owner of the billboard structure shall have a structural inspection made of the billboard by a registered engineer and shall provide to the applicable Borough a certificate from the engineer certifying that the billboard is structurally sound.
- (3) Each Borough reserves the right to perform annual inspections of the billboard to determine compliance with this Ordinance.
- (4) 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 appropriate Borough.
- (5) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All loose paper and other waste materials shall be removed and disposed of properly within fourteen (14) days from when fraying begins.

G. Liability Insurance.

- (1) In submitting a Sign Permit application to erect a billboard, the applicant shall provide a Certificate of Insurance for public liability and lot damage which holds the Borough harmless. The amount of insurance to be maintained shall be determined and adjusted from time to time by resolution of the Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving ten (10) days notice to the Borough.

H. Permits.

- (1) Prior to submission of an application for a sign permit, the applicant for a billboard shall obtain and submit with the application, approvals from the County of Allegheny and the Pennsylvania Department of Transportation, when applicable.
- (2) Approval of the special exception use shall be valid for six (6) months from the date of action by the applicable Zoning Hearing Board granting the conditional use. If the applicant fails to obtain a sign permit for the approved billboard within the six (6) month period, approval of the special exception use shall expire automatically, without written notice to the applicant.

I. Application Fees.

- (1) Said billboard application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Borough Council.

J. Non-conforming Billboards.

- (1) Any billboard that does not conform to all the requirements of this section shall not be enlarged or moved.
- (2) Any billboard that is damaged or destroyed by more than fifty-one percent (51%) of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.

**§2000-613. Car Wash.** A car wash shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600:

- A. The definition of a car wash does not include a one-bay washing facility in a service station where washing facilities are purely incidental to the operation.
- B. A car wash shall provide a minimum of three (3) stacking spaces per washing bay.
- C. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public right-of-way by directing traffic away from the facility by posting a "Temporarily Closed" sign by other means. Traffic studies and associated improvements may be required by the Borough as a condition of approval.
- D. The car wash shall have direct access to an arterial or collector road as defined by this Ordinance or shall have a point of ingress/egress from a public or private street within the lot of a shopping center. The road shall have sufficient capacity to handle traffic generated by the facility.
- E. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- F. All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to adjoining lots.
- G. A car wash that adjoins an existing non-residential lot shall be buffered in accordance with this Ordinance. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

**§2000-614. Cemetery.** A cemetery shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The maximum lot area shall be fifty (50) acres.
- B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- C. Plans for ingress, egress and internal traffic circulation on the lot shall be submitted for comments regarding public safety to PennDOT and/or applicable Borough Engineer.
- D. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of this Ordinance.
- E. An additional ten (10) feet of yard setback with landscaping a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this Ordinance to protect the surrounding residences from in appropriate light and other disturbances.
- F. At no time shall a corpse be exposed or visible from a public right of way or adjacent lot.

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- G. The hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance on interruption as defined by this Ordinance.
- H. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
- I. The owner(s) and operator(s) of a cemetery shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

**§2000-615. Cinema.** A cinema shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Applicable Borough Engineer to ensure employee and visitor safety.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

**§2000-616. Community Center.** A community center shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A community center shall be designed in such a way that conforms to surrounding lots and structures.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§2000-617. Conference Center.** A conference center shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- F. A conference center's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

- G. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- H. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Engineer to ensure employee and visitor safety.
- I. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- J. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

**§2000-618. Convenience Store.** A convenience store shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- C. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.
- D. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- E. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

**§2000-619. Country Club/Golf Course.** A country club and/or golf course shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- B. An additional ten (10) feet of yard setback with a landscape screen in conformance with the bufferyard requirements of this Ordinance. The intention of the Bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.
- C. The outer safety zone of all golf holes, as recommended by the United States Golf Association, shall be a minimum of fifty (50) feet from all adjacent residential lots.

- D. A country club or golf course's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.
- E. The owner(s) and operator(s) of a country club or golf course shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.
- F. The site shall be served by public water and public sanitary sewer.
- G. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted with the exception of lawn chemicals and gasoline, diesel fuel and oil for the operations and maintenance of motorized vehicles and equipment.
- H. The owner(s) and operator(s) of a country club or golf course shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

**§2000-620. Day Care Center (adult or child).** A day care center shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The facility shall be licensed as such by the Commonwealth of Pennsylvania.
- B. Ingress and egress to the site shall be designed to assure the safe dropping off and pick up children. All drop-off locations shall be designed so as to not interfere with the free flow of traffic on adjacent streets.
- C. Outdoor play areas shall be provided and shall be secured by a fence, at least four (4) feet in height, with a self-latching gate.
- D. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of one hundred (100) square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the Zoning District in which the day care center is proposed shall apply.
- E. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength may be required along the lot's perimeter for the protection of those using the day care center.
- F. Outdoor play areas that adjoin residential lots shall be screened as per the screening requirements of this document.
- G. The general safety of a day care center site shall be evaluated as it relates to the needs of small children.
- H. Off-street parking shall be provided in accordance with the requirements of this Ordinance.

**§2000-621. Day Care Home (adult or child).** A day care home shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of one hundred (100) square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the Zoning District in which the day-care center is proposed shall apply.
- B. Off-street parking spaces required for day care homes shall be one (1) for each three hundred (300) square feet of gross floor area with a minimum of four (4) spaces.
- C. Depending on traffic and/or adjoining use of the premises, a fence with approved height and strength by the applicable Borough may be required along the lot's perimeter for the protection of those using the day care home.
- D. All drop-off locations shall not interfere with the free flow of traffic on adjacent streets.
- E. Any applicable licensing shall be current, available and provided for Borough reference upon inquiry.

**§2000-622. Driving Range.** A driving range shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.
- B. Range areas shall provide a minimum safety setback of fifty (50) feet between the outermost boundary of the range and the closest property line.
- C. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.
- D. Exterior lighting for parking areas visible from residences adjacent to or in proximity of, as determined by the applicable Zoning Hearing Board shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.

**§2000-623. Dry Cleaning Facility.** A dry cleaning facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All materials and equipment shall be stored within a completely enclosed building.
- B. The use shall comply with all performance standards specified in this Ordinance.
- C. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

**§2000-624. Emergency Services.** An emergency services facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600:



- A. An access analysis shall be conducted in order to evaluate sight distance and to identify appropriate site access points. Special traffic signage control and lighting may need to be provided pending the access analysis.
- B. No more than one (1) sign shall be permitted; said sign shall be a ground or a wall sign.

**§2000-625. Exercise/Fitness Facility.** An exercise facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600:

- A. All pools, courts, or other comparable facilities shall be considered structures for the purpose of this Ordinance.
- B. Lot coverage shall not exceed fifty percent (50%) of the tract.
- C. The facility area and lot boundaries shall be landscape as required by this Ordinance to minimize noise projection and make the grounds aesthetically compatible to surrounding properties.
- D. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
- E. All facilities shall have a paved parking area in accordance with this Ordinance, and it shall not be closer than twenty-five (25) feet to any residential line.
- F. All facilities shall abut a public road and have a permanent access thereto.
- G. Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises. Alcoholic beverages shall not be permitted in the Borough of Bellevue unless authorized as a BYOB Establishment as defined by this Ordinance.
- H. No direct or sky-reflected glare, whether from floodlights or any kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- I. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough maintains the authority to limit hours based on the intensity of use and location of the facility.
- J. All outside pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when an attendant is not present, and shall be constructed in accordance with all applicable state requirements.

**§2000-626. Farmers Market.** A farmers market shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.
- B. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as

an earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.

- C. A maximum of two (2) signs shall be erected per site.
- D. Any temporary signage erected during hours of operation shall be removed daily
- E. A farmers market shall not operate after dark.

**§2000-627. Feed Store.** A feed store shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Outside storage shall be screened as per the regulations set forth in this Ordinance.
- B. Exterior lighting for parking areas visible from adjacent residential lots shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- C. Buffering of loading area shall be in accordance with this Ordinance.
- D. Outside storage must be securely stored to eliminate wind and pest disturbance.

**§2000-628. Food Packaging Facility.** A food packaging facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All food packaging activities shall be in compliance with Allegheny County Health Department regulations.
- B. The Allegheny County Health Department and the Applicable Zoning Officer reserve the right and shall be permitted to inspect operations and facilities without prior notice.
- C. Loading areas/docks shall be screened as per the regulations in this Ordinance.
- D. No outdoor storage shall be permitted on a lot associated with food packaging.
- E. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Applicable Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

**§2000-629. Funeral Home.** A funeral home shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All off-street parking must be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to half power after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a maximum height of six (6) feet and a minimum opacity of eighty percent (80%).
- D. Building and parking setbacks shall be consistent with surrounding development.

- E. All rooms available for funerals and viewing shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear yard setback and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of eight (8) feet and a minimum opacity of eighty percent (80%).

**§2000-630. Gasoline/Energy Recharge Station.** A gasoline/energy recharge station shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
- C. Loading areas and docks shall be screened with either landscaping or fencing from neighboring uses.
- D. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
- E. Dumpsters shall be located in the rear of a lot and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of eight (8) feet and a minimum opacity of eighty percent (80%).
- F. Access driveways shall be a minimum of twenty-eight (28) feet wide and separated by one hundred (100) feet from one another, if located along the same frontage as measured from edge to edge.
- G. The storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited

**§2000-631. Grocery Store.** A grocery store shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- B. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- C. A grocery store shall have a maximum of two (2) points of ingress/egress to an arterial or collector street as defined by this Ordinance.

**§2000-632. Home Based Business, other.** Home based businesses shall be a permitted special exception use subject to the following minimum standards and criteria, in addition to those listed in §2000-600:

- A. The home based business shall be carried on wholly within the principal or accessory structures.
- B. No more than fifteen percent (15%) of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
- C. Articles not produced on the premises shall not be sold on the premises.
- D. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.
- E. Exterior displays or signs other than those permitted in Article X of this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- F. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of § 900 of this Ordinance.
- G. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.
- H. 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 a structure.
- I. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- J. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- K. The use shall not cause a negative impact on lot values in the immediate neighborhood.
- L. The home based business shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
- M. The following uses shall not be considered home based business and shall be restricted to the Zoning Districts in which they are specifically authorized as permitted uses or uses by special exception, including, but not limited to:
  - (1) Beauty shops or barber shops containing more than two (2) chairs;
  - (2) Clinics, hospitals or nursing homes;
  - (3) Funeral/Mortuary;
  - (4) Kennels, veterinary offices and clinics;
  - (5) Private instruction to more than three (3) students at a time;

- (6) Restaurants or tearooms;
- (7) Tourist or boarding homes;
- (8) Vehicle or equipment rental, repair or sales;
- (9) Vehicle repair garages, as defined by this Ordinance.

**§2000-633. Hotel/Motel.** A hotel shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance to surrounding uses.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.
- C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§2000-634. Kennel.** A kennel shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Ordinance.
- B. The minimum lot area shall be two (2) acres.
- C. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- D. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- E. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department shall be maintained.
- F. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.
- G. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Applicable Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

**§2000-635. Nursery.** A nursery shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
- B. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
- C. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
- D. An eight (8) foot high screen shall be constructed around the perimeter of a storage area if equipment and/or materials are not contained within an enclosed building/area. The screen shall be measured from the average grade of the adjacent ground, unless otherwise defined by the applicable Borough. The screen shall be eighty percent (80%) opaque and composed of finished masonry, wood, or black or green vinyl-covered chain link fencing with eight foot high evergreen plantings on the exterior side of the fence.
- E. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
- F. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
- G. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

**§2000-636. Office, Medical.** A medical office shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§2000-637. Parking Surface Lot, Private.** A private, surface parking lot shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A parking lot shall not be accessed within fifty (50) feet of a roadway intersection.
- B. The perimeter of a parking lot along a public right-of-way shall be landscape with a minimum of a three (3) foot high hedge or screened with a minimum four (4) foot high masonry wall.

**§2000-638. Parking Structure, Private.** A private parking structure lot shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. If the parking structure is accessory to the principal use of a lot, it shall be included in all building coverage calculations.
- B. A parking structure shall be illuminated in conformance to the requirements of this Ordinance and any applicable provisions outlined in the applicable borough's Subdivision and Land Development Ordinance.
- C. A parking structure shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined in this Ordinance.
- D. The perimeter of a parking structure shall be landscaped in conformance to the bufferyard and landscaping requirements of this Ordinance.
- E. Lot shall have a maximum of one (1) identification sign per ingress/egress point.
- F. Ingress/Egress points must be designed so as not to impact surrounding development and traffic patterns.
- G. All lots located adjacent to existing residential development shall reduce exterior lights to half power after 9:00 pm and shall be screened per this Ordinance.

**§2000-639. Pet Cemetery.** A pet cemetery shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A pet cemetery shall have a minimum lot size of five (5) acres.
- B. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- C. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this Ordinance to protect the surrounding neighborhood from inappropriate light and other disturbances.
- D. At no time shall a carcass be exposed or visible from a public street or adjacent lot.
- E. An inventory of type and quantity of all toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids utilized, stored and/or transferred shall be filed with the Allegheny County Health Department on an annual basis.
- F. The owner(s) and operator(s) of a pet cemetery shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- G. No more than one (1) sign shall be permitted; said sign shall be a ground or a wall sign.

**§2000-640. Place of Assembly.** A place of assembly shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A place of assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Engineer to ensure employee and visitor safety.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- F. The applicable Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

**§2000-641. Place of Worship.** A place of worship shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A place of worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the respective Applicable Borough Engineer to ensure employee and visitor safety.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- F. The applicable Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.



**§2000-642. Post Office.** A post office shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. Loading facilities shall be located in the rear of the building and shall be screened as per this Ordinance.
- C. Dedicated access to loading facilities shall be provided so as to minimize interruptions to vehicular and/or pedestrian access to the primary post office facilities.

**§2000-643. Public Facility.** A public facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.

**§2000-644. Public Safety Building.** A public safety building shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Lot dimensions and bulk requirements/restrictions shall conform to the district regulations in which the building is located.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.

**§2000-645. Public Works Facility.** A public works facility shall be a permitted special exception subject to the following minimum standards, in addition to those listed in §2000-600:

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
- B. If the parking area for a public works facility is adjacent to a single-family residential lot, the following shall apply:
  - (1) An additional twenty (20) foot setback with one and one-half (1.5) times the required number of plants for screening and buffering activities that occur on the premises.
  - (2) Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet.
  - (3) As part of all development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of twenty-five-hundredths (0.25) foot-candles.

- C. The applicable Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.
- D. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 pm and shall be screened per this Ordinance.
- E. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
- F. Facility shall have a maximum of one (1) identification sign.

**§2000-646. Railroad Facility.** A railroad facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Lines adjacent to the existing development shall be adequately screened with a twenty (20) foot deep, eight (8) foot high lot with a minimum opaqueness of eight (80) percent.

**§2000-647. Recreation, Indoor (Bowling, Paintball, Billiards, Arcades, etc.).** An indoor recreation facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All indoor recreation facilities shall be located along an arterial or collector road as defined by this Ordinance.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11:00 P.M. and shall be screened as per this Ordinance.
- C. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- D. All off-street parking shall be located on the lot.
- E. All lots used for indoor recreation facilities shall have a minimum of two (2) points of ingress and egress.
- F. All dumpsters, not incorporated into the principle building, shall be located in the rear yard setback and shall be screened with masonry or vegetation. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).
- G. All indoor recreation facilities shall have a maximum gross floor area of forty thousand (40,000) square feet.

**§2000-648. Recreation, Outdoor (Athletic Fields, Go-Carts, etc.).** Outdoor recreation shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600:

- A. A minimum site of one (1) acre shall be required.

- B. All principal structures shall be located at least forty (40) feet from any property lot.
- C. Parking shall be provided in accordance with this Ordinance.
- D. Screening as defined by this Ordinance shall be provided along all lot lines adjoining residential use or Zoning District classification.
- E. All lighting shall be shielded from adjacent streets and properties.
- F. The use shall comply with the performance standards of this Ordinance.
- G. Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification shall cease operations at 12:00 Midnight.

**§2000-649. Research Facility.** A research facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Ordinance.
- B. A research, testing and development facility shall have one (1) point of ingress and egress to an arterial road as defined by this Ordinance.
- C. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- D. All interior driveways and parking areas shall be paved with a material to reduce dust.
- E. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and filed with the local fire department and the Allegheny County 911 service.

**§2000-650. Roadside Stand.** A roadside stand shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All facilities shall be located on a private parcel and not in a public right-of-way.
- B. A roadside stand shall possess a valid permit issued by the applicable Borough's \_\_\_\_\_.
- C. Parking areas shall be provided such that no part of any vehicle is located in a public right-of-way while parked.
- D. No more than one (1) identification sign associated with advertising the roadside stand shall be permitted. The permitted sign shall be a ground or wall sign and shall have a maximum graphic area of forty (40) square feet.
- E. Approval shall be subject to periodic inspections to insure compliance with the conditions of approval. The Applicable Zoning Officer shall notify the operator forty eight (48) hours before such inspection shall take place.

**§2000-651. School, Academic.** An academic school shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. An academic school's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§2000-652. School, Commercial.** A commercial school shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§2000-653. School, Kindergarten, Pre-, Nursery, etc.** A kindergarten, pre-school, or nursery school shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A primary or nursery school's primary drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

**§2000-654. Storage Facility, Self-Service.** A self-service storage facility shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. All access routes to self-service storage facilities shall be provided with ten (10) foot wide adjacent parking lanes. One-way access routes shall have one travel lane not less than fifteen (15) feet in width in addition to the ten (10) foot parking lane. All two-way access routes serving self-service storage facilities shall have two twelve (12) foot-wide travel lanes, each of which shall be provided with an adjacent ten (10) foot wide parking lane.
- B. The storage of hazardous materials such as toxic or explosive substances shall be prohibited.
- C. Wholesale or retail sales, garage sales, flea markets, or outside storage is prohibited.
- D. All structures shall be oriented in such a way that individual storage units are not accessed from the front of the building.
- E. The maximum size of the individual storage units shall be five hundred (500) square feet.

**§2000-655. Storage, Outside.** Outside storage shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. The storage of hazardous materials such as toxic or explosive materials shall be prohibited.
- B. Loading areas and docks shall be screened as per the regulations of this Ordinance.
- C. All lighting shall be shielded from adjacent streets and properties.

**§2000-656. Swimming Pool, Public.** A public swimming pool shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A public swimming pool's hours of operation and activities shall be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- B. A registered lifeguard shall be on duty at all times when the swimming pool is being used.
- C. A plan for ingress and egress shall be presented inclusive of anticipated peak hour rates and vehicular directional movements.

**§2000-657. Tattoo/Piercing Establishment.** A tattoo/piercing establishment shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Dumpsters shall be enclosed and sealed in a manner as to ensure inaccessibility to the general public.

**§2000-658. Terminal, Freight.** A freight terminal shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A circulation plan shall be submitted detailing the proposed siting of all vehicular safety signage.
- B. To the greatest extent practicable, at-grade vehicular crossings of rail lines shall be avoided.

**§2000-659. Terminal, Passenger.** A passenger terminal shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. A circulation plan shall be submitted detailing the proposed siting of all vehicular safety signage.
- B. To the greatest extent practicable, at-grade vehicular crossings of rail lines shall be avoided.

**§2000-660. Wholesale Business.** A wholesale business shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Building shall be substantially similar in design and appearance to a retail sales operation.
- B. The business shall not generate an unusually large volume of truck traffic.
- C. No manufacturing or major assembly of products shall occur on the premises.

- D. Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s).

## **ARTICLE VII**

### **Conditional Uses**

**§2000-700. Procedure.** See Article XI. Conditional uses are subject to general standards and criteria set forth in this Ordinance as well as to the express standards and criteria set forth for specific conditional uses in this Article.

**§2000-701. Apartments, High-Rise.** High-rise apartments shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Parking spaces shall be located no more than three hundred (300) feet from the high-rise apartment's primary entrance.
- B. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- C. The means of a building's ingress and egress shall meet requirements as outlined in the applicable Borough's Building Code.
- D. A twelve (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- E. All dumpsters and/or waste collection areas shall be located on the interior of the high-rise apartment structure.
- F. The primary vehicular entrance to a high-rise apartment development shall, at a minimum, have direct access to a collector road.
- G. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.
- H. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- I. Bufferyards between apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the applicable Borough.
- J. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- K. If the parking area for a high-rise apartment development is adjacent to a single family residential lot and demands greater than ten (10) automobiles, the following shall apply:
  - (1) An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

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

**§2000-702. Group Care Facility.** A group care facility shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Off-street parking facilities shall be provided at the ratio of one (1) space for every one (1) full-time staff member and an additional space for every two (2) non-staff residents who are eligible and are permitted by the sponsor to operate a vehicle.
- B. A maximum of five (5) residents shall occupy said facility.
- C. Whenever a party or parties seeks to occupy a dwelling or other building as a group residence, the party or parties shall file a detailed statement of intent with the Tri-Borough Communities describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. A license or certification shall also be obtained from the Commonwealth of Pennsylvania or the respective Borough prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the applicable Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.
- D. A group residence shall be initially licensed, where it has met the requirements set forth by the Tri-borough Communities and the Borough in which it is located, through December 31 of the year in which the license is issued. For each year thereafter if the group residence intends to continue its business, it must renew its license. The application for renewal is due in the respective Borough office no later than the annual date set by each respective Borough for the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the Borough to deny or revoke an occupancy permit for the group residence.
- E. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).



**§2000-703. Halfway House.** A halfway house shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Whenever a party or parties seeks to occupy a dwelling or other building as an adult halfway house, the party or parties shall file a detailed statement of intent with the Borough office describing the proposed use of the dwelling or building; such statement shall detail the proposed number and nature of the anticipated occupants. The part or parties shall obtain a license or certification from the Commonwealth of Pennsylvania or Allegheny County prior to issuance of an occupancy permit. If an appropriate licensing or certifying agency does not exist, the applicant shall demonstrate to the applicable Zoning Hearing Board that the proposal satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties.
- B. An adult halfway house shall be initially licensed, where it has met the requirements set forth by Allegheny County, through December 31 of the year in which the license is issued. For each year thereafter if the adult halfway house intends to continue its business, it must renew its license. The application for renewal is due to Allegheny County no later than November 1 of the year proceeding the year in which the license renewal is sought. The lack of a license or the failure to seek license renewal on a timely basis shall be a proper basis for the County to deny or revoke an occupancy permit for the adult halfway house.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty percent (80%).

**§2000-704. Mobile Home Park.** A mobile home park shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Gross Lot Requirements.
  - (1) Gross Lot. Ten (10) acres or four hundred and thirty-five thousand-six hundred (435,600) square feet minimum.
  - (2) Gross lot width (at existing street line).
    - (a) One hundred (100) feet for portions used for general vehicular entrances and exits;
    - (b) Two hundred (200) feet for portions containing mobile home berths.
  - (3) Access point on existing street. As specified in Chapter 22, Subdivision and Land Development Ordinance.
  - (4) Buffer Area. Each mobile home park shall be surrounded by a buffer area at least fifty (50) feet wide along the inside of the lot lines.
  - (5) Side and rear yards of gross lot. Fifty (50) feet minimum from any mobile home berth to any lot line.
  - (6) Minimum setback of all mobile homes and accessory structures. Seventy-five (75) feet from any right-of-way road and adjacent to the mobile home lot.

B. Net Lot Requirements.

(1) Berth size.

- (a) Five thousand (5,000) square feet area and forty (40) feet wide as a minimum for a ten (10) to twelve (12) foot wide mobile home;
  - (b) Ten thousand (10,000) square feet area and eighty (80) feet wide for any mobile home with enclosed projections or a double mobile home.
- (2) Open space. Four hundred (400) square feet per berth, not to be located in any required lot setback, buffer area, or yard (berth) areas.
- (3) Buffer areas and lot setbacks. As specified above.
- (4) Distance between mobile homes. A total of twenty-eight (28) feet in both side yards, with a minimum of ten (10) feet per side.

C. The applicant shall comply with any additional standards, as defined by the applicable Zoning Hearing Board that are needed to protect public health, safety and welfare or to address unique characteristics of a particular lot.

**§2000-705. Nursing Home.** A nursing home or life care facility shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The minimum site area required for nursing/convalescent care shall be one (1) acre.
- B. The site shall be served by public water and public sewers.
- C. All nursing/convalescent care facilities shall be licensed by the Commonwealth of Pennsylvania.
- D. Water pressure and volume shall be adequate for fire protection and shall be referred to the applicable local fire company for review and comment.
- E. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the lot or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- F. Nursing/convalescent care facilities shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.
- G. All property lines adjoining an existing residential use or residential district zoning classification shall, at a minimum, be screened per regulations set forth in this Ordinance.
- H. Any development shall be provided with public sewage as approved by the applicable Borough.

**§2000-706. Personal Care Home.** A personal care home shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The site shall be served by public water and public sewers.
- B. All personal care homes shall be licensed by the Commonwealth of Pennsylvania.
- C. Water pressure and volume shall be adequate for fire protection and shall be referred to the applicable local Fire Company for review and comment.
- D. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the lot or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- E. All property lines adjoining an existing residential use or residential district zoning classification shall, at a minimum, be screened by a ten (10) foot Bufferyard as defined by this Ordinance.
- F. Any development shall be provided with public sewage as approved by the applicable Borough.

**§2000-707. Check Cashing Services.** A check cashing service shall be a permitted conditional use subject to the following conditions and/or standards:

- A. A check cashing service shall not be located within one thousand (1000) feet of any tavern or bar.
- B. A check cashing service shall operate between the hours of 9:00 AM and 7:00 PM.
- C. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

**§2000-708. Cinema.** A cinema shall be a permitted conditional use subject to the following conditions and/or standards:

- A. A traffic impact study shall be required to be submitted where the proposed cinema which according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. An additional ten (10) feet of yard setback with a landscape screen in conformance with the bufferyard requirements of this Ordinance. The intention of the Bufferyard shall be to protect the surrounding neighborhood from inappropriate light and other disturbances.
- C. All parking areas adjacent to an existing residential lot shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped bufferyards, fence or wall and should have a minimum opacity of eighty (80%) percent.
- D. Service areas maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen with a minimum height of eight (8) feet. Screens shall be constructed as

earth berm, landscaped bufferyards, fence or wall and shall have a minimum opacity of eighty (80%) percent.

- E. Exterior lighting for parking areas visible from adjacent residences shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.

**§2000-709. Communications Tower.** Communication towers shall be a permitted conditional use subject to the following conditions and/or standards:

A. Use Regulations.

- (1) A telecommunication tower with antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure, is permitted as a conditional use in designated Zoning Districts. The height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.
- (2) A telecommunication tower that is not mounted on an existing structure or that is more than ten (10) feet higher than the structure in which it is mounted, is only permitted as a conditional use in designated Zoning Districts.
- (3) All other uses ancillary to the communication tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication tower unless otherwise permitted in the Zoning District in which the communication tower is located.

B. Standards of Approval.

- (1) The owner of the communication tower is required to demonstrate, using technological evidence that this tower must go where it is proposed, in order to satisfy its function in the company's grid system.
- (2) If the communication tower owner proposes to erect a new tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- (3) Tower Height. The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No communication tower that is taller than this minimum height shall be approved.
- (4) Set backs from the base of the communication tower support structure. If a new communication tower support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and

- any lot line, road or highway shall be one hundred fifteen percent (115%) of the tower's height with the minimum setback equal to twenty-five (25) feet.
- (5) The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards.
  - (6) The communication tower shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The applicant shall also demonstrate that the proposed tower and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the Federal Communications Commission (FCC).
  - (7) The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public. Fencing shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Subsection. Associated supports and guide wires shall not be located within the required setbacks.
  - (8) The applicant shall submit to the Joint Planning Commission a site plan or survey of the lot certified by an Engineer or Architect. The applicant must also submit a fencing and landscaping plan with the application for conditional use.
  - (9) Only one (1) communication tower shall be permitted per lot.
  - (10) The communication tower in its operation will not endanger the health, safety and welfare of the public.
  - (11) The applicant will provide, at the Tri-Borough Communities' request, copies of FCC licenses for all users of the facility. Conditional use approval is contingent upon the maintenance of FCC licenses for all users of the communications facility. Any grant of conditional use hereunder will automatically expire if said license ever expires.
  - (12) Communication tower owners shall be responsible for removing all communication towers whose licenses have expired. Removal of the tower shall occur within one (1) calendar year following the expiration date of the license.
  - (13) All lighting, other than that required by the Federal Aviation Administration (FAA) shall be shielded and reflected away from adjoining lot.
  - (14) Landscaping. Outside of the required fencing, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required.
  - (15) In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies.
  - (16) Communication tower and support structures fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual

impact. Where a communication tower and support structure are located within existing woodland, the communication tower and support structure shall be painted dark green. Support structures two hundred (200) feet in height or taller, or those near airports, shall meet all FAA regulations and shall be painted as per FAA recommendations. No communication tower support structure may be artificially lighted except when required by the FAA.

C. Additional Standards. In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:

- (1) All conditional uses approved under this section will automatically lapse if not used for six (6) continuous months. The party responsible for erecting such tower will be responsible for all the costs associated with the removal. The applicant must also provide proof of purchase of a demolition bond, to be used in the event of abandonment and to be renewed annually, equal to seventy-five percent (75%) of construction cost.
- (2) Inspection. The Borough Council may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
  - (a) Monopole Towers - at least once every three (3) years;
  - (b) Self-Support Towers - at least once every three (3) years;
  - (c) Guyed Towers - at least once every three (3) years.
- (3) Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Borough. Based upon results of an inspection, the Borough or Tri-Borough Communities may require repair or removal of a communication tower.
- (4) Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway with parking inside the fence boundaries must also be constructed.
- (5) When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
- (6) Prior to the site plan certification, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA or the Allegheny County Department of Aviation (ACDA). The ACDA shall review the communication tower application to determine if it is a hazard to any FAA flight paths.
- (7) Applicants will be required to execute a Developers Agreement with the applicable Borough Council.

**§2000-710. Consignment Store.** A consignment store shall be a permitted special exception subject to the following conditions and/or standards, in addition to those listed in §2000-600.

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- B. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- C. Outside storage of materials shall be prohibited.
- D. All dumpsters shall be screened with a minimum eight (8) foot high fence or hedge with a minimum eight percent (80%) opacity.
- E. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.

**§2000-711. Correctional Facility.** A correctional facility shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The number of occupants and/or residents shall not exceed that which permitted by local and County building/fire codes.
- B. Access for emergency response shall be clearly distinguished and provided so as no parking or circulation of visitor or employee traffic blocks such access.
- C. No correctional facility shall be closer than one thousand (1,000) feet from another licensed correctional facility or from any property designated on official zoning map as residential.
- D. Appropriate transition to neighboring property shall be provided by landscaping and site design consistent with the bufferyard requirements of this Ordinance.
- E. To the greatest extent possible, all outdoor lighting shall be directed downward and on to the site. A lighting plan identifying the location, direction, wattage in lumens and potential impacts of any lighting required to extend beyond the boundaries of the lot line shall be submitted.

**§2000-712. Crematorium.** A crematorium shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Any and all odors and smoke generated as part of a crematorium operation shall be in conformance with the regulations set forth in this Ordinance.
- B. Loading areas/docks shall be screened with either landscaping or fencing from neighborhood uses.
- C. No outdoor storage shall be permitted on a lot associated with a crematorium.

**§2000-713. Drive-In Theater.** A drive-in theater shall be a permitted conditional use subject to the following conditions and/or standards.

- 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. Lighting of parking areas shall adhere to lighting requirements in this Ordinance, required provisions pertaining to lighting and glare for all districts.
- E. Parking and truck loading areas shall be screened from view from the adjacent residential properties.
- F. In the case of drive-in theaters, the screen shall be oriented away from the highway, and the ticket building shall be located so that at least two rows of ten (10) cars each may line up on the premises approaching the building.

**§2000-714. Food Processing Facility.** A food processing facility shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Any and all odors and smoke generated as part of food processing shall be in conformance with the regulations set forth in this Ordinance.
- B. All food processing activities shall be in compliance with Allegheny County Health Department regulations.
- C. The Allegheny County Health Department and the Applicable Zoning Officer reserve the right and shall be permitted to inspect operations and facilities without prior notice.
- D. Loading areas/docks shall be screened as per the regulations set forth in this Ordinance.
- E. No outdoor storage shall be permitted on a lot associated with food processing.

**§2000-715. Junkyard.** A junkyard shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The minimum lot area 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 fire fighting and to prevent the accumulation of stagnant water.
- E. Junkyards 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 existing residential lot or within forty (40) feet of any property line or public right-of-way.
- 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 a self-latching gate. The fence shall be located within the interior of the bufferyard a twenty five (25) foot wide landscaped bufferyard. All other property lines shall provide a fifteen (15) foot wide landscaped bufferyard. Bufferyards shall be planted with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- H. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- I. The fence shall be supplemented with screening material which creates a visual barrier that is one hundred percent (100%) opaque.
- J. The Applicable Zoning Officer may inspect the property at any time. The Applicable Zoning Officer shall notify the operator forty-eight (48) hours before such inspection shall take place.
- K. The manner of storage of junk shall be arranged in such a fashion that it shall not be higher than the adjacent fence.
- L. The owner(s) and operator(s) of a junkyard shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- M. The Joint Planning Commission may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

#### **§2000-716. Medical Clinic.**

A medical clinic shall be a permitted conditional use subject to the following conditions and/or standards:

- A. Facilities and equipment to support overnight boarding shall not be permitted.
- B. Access for emergency response shall be clearly distinguished and provided so that no parking or circulation of visitor or employee traffic blocks such access.

**§2000-717. Mobile Home Park.** A mobile home park shall be a permitted conditional use subject to the following conditions and/or standards.

- A. Gross site area shall be a minimum of ten (10) acres.
- B. Proposed mobile home parks shall comply with all applicable provisions of state laws regulating mobile home parks and all applicable standards and regulations set forth in this Ordinance.
- C. Guest parking shall be provided in a common off-street parking area at the ratio of one (1) parking space for every three (3) mobile home lots.
- D. All lots shall be serviced by public and/or private sewer and water.
- E. All dumpster areas shall be screened from all lots and public right-of-ways. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).
- F. All mobile home parks shall provide sidewalks on both sides of a street (both public and private right-of-ways).
- G. The ground surface in all parts of each mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each mobile home park shall be treated in a manner approved by the Joint Planning Commission which will effectively prevent soil erosion and prevent the emanation of dust during dry weather.
- H. Mobile home park lot requirements.
  - (1) Gross density. The maximum number of mobile home lots within each mobile home park shall be not more than eight (8) lots per acre of the total area of the mobile home park.
  - (2) Minimum lot size.
    - (a) The minimum mobile home lot size shall be not less than five thousand (5,000) square feet of area. The minimum width of any mobile home lot shall be not less than fifty (50) feet. The minimum length of each mobile home lot shall not be less than one hundred (100) feet.
    - (b) Where on-lot sewage disposal is proposed, the minimum lot size shall be increased to a size sufficient to accommodate the proposed system or as required by the Pennsylvania Department of Environmental Protection and other distances required herein.
  - (3) All mobile homes shall abut a street of the mobile home park's internal street system.
- I. Setbacks, buffer strips and screening requirements.
  - (1) All mobile homes, auxiliary park buildings and other park structures shall be located at least thirty-five (35) feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to twenty-five (25) feet if a suitable perimeter screening of plantings or fencing is provided and approved by the applicable Borough Council.

- (2) Mobile homes shall be located at least fifty (50) feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings. The minimum distance between mobile homes shall be not less than twenty (20) feet.
- (3) Minimum building setback lines shall be not less than thirty (30) feet from the edge of the street right-of-way. Where applicable, side and rear building setbacks lines of at least ten (10) feet shall be established.

J. Recreation and open space requirements.

- (1) A minimum of ten percent (10%) of the gross area of the mobile home park shall be provided for recreational space. This recreational space shall be suitable for varied outdoor recreational uses. The Applicant will present assurances related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.

K. Parking space requirements.

- (1) A minimum of one and one-half (1.5) off-street parking spaces per each mobile home lot within the development shall be provided within two hundred (200) feet of the mobile home lot to be served.

L. Mobile home park internal street system requirements.

- (1) The street system within a Mobile Home Park shall be designed and constructed according to required standards of local sheets defined by the applicable borough's Subdivision and Land Development Ordinance.

M. Mobile home lot improvements.

- (1) Each mobile home lot shall be provided with a permanent frost-free foundation and each lot will have available adequate provisions, such as anchor bolts and tie-down straps, to assure that each mobile home has available to it a means of securing the home to its site.
- (2) Water and sewer systems. Water supply and sewage disposal system connections shall be provided to each Mobile Home lot within a Mobile Home Park. In addition, the mobile home park shall meet all requirements of the applicable borough's Subdivision and Land Development Ordinance with regard to said water and sewer systems.

N. No mobile home subdivision or land development shall be approved until it has satisfied all applicable ordinances or regulations of the Municipality in which it is located.

**§2000-718. Oil/Gas Well.** An oil or gas well shall be a permitted conditional use subject to the following conditions and/or standards

- A. An oil or gas well shall not be located closer than two-hundred (200) feet from a residential dwelling or fifty-(50) feet from any property line or right-of-way.
- B. An oil or gas well shall provide fencing and shrubbery around the perimeter of the pump head and support frame.

**§2000-719. Rifle Range.** A rifle range shall be a permitted conditional use subject to the following conditions and/or standards.

- A. A shooting schedule shall be filed with the Applicable Zoning Officer. The shooting schedule shall describe hours of operation, schedule of events or meets, a description of where all required safety information is to be posted on the site.
- B. All outdoor rifle ranges shall provide a minimum setback of five hundred (500) feet from all adjoining property lines or public right of ways as defined by this Ordinance.
- C. A landscaped bufferyard of forty (40) feet in width shall be provided along all property lines that adjoin an existing residence or residential Zoning District. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.

- D. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

**§2000-720. Sexually Oriented Business.** A sexually oriented business shall be permitted conditional use subject to the following express standards and criteria:

A. Permit Required.

- (1) No person may operate or be employed at a sexually oriented business without the appropriate license issued by the Borough pursuant to the Tri-Borough Communities' Adult Business Licensing Ordinance.

B. Location of Sexually Oriented Businesses.

- (1) A person is guilty of a violation of this Ordinance if he operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business is a permitted use.
- (2) A person is guilty of a violation of this Ordinance if he operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:
  - (a) A church.
  - (b) A public or private pre-elementary, elementary or secondary school.
  - (c) A public library.
  - (d) A child care facility or nursery school.
  - (e) A public park adjacent to any residential district.
- (3) A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within five thousand (5,000) feet of another sexually oriented business.
- (4) A person is guilty of a violation of this Ordinance if he causes or permits the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure or portion thereof; or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- (5) For the purpose of this Part, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest lot line of the premises of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility or nursery school; or to the nearest boundary of an affected public park.

- (6) The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (7) Any sexually oriented business lawfully operating on the date of enactment of this Section that is in violation of this Section shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two (2) or more sexually oriented businesses are within five thousand (5,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
- (8) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary or secondary school, public library, child care facility, nursery school or public park within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

**§2000-721. Tavern/Bar.** A tavern/bar shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The tavern/bar shall not be located in the Borough of Bellevue.
- B. A tavern/bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- C. A tavern/bar's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
- D. The owner(s) and operator(s) of a tavern/bar shall be responsible for the conduct and safety of the patrons.
- E. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

**§2000-722. Tower, Non-Communications.** A non-communications tower shall be a permitted conditional use subject to the following conditions and/or standards

- A. The minimum lot size for a non-communications tower shall be two (2) acres.
- B. The minimum setback of a non-communications tower from any lot line shall be equal to one hundred percent (100%) of the non-communication tower's height.
- C. The landowner and/or developer shall complete a viewshed impact analysis as part of all potential non-communications tower development.

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

**§2000-723. Water Storage.** Water storage shall be a permitted conditional use subject to the following conditions and/or standards.

- A. No water storage tower shall exceed two hundred fifty (250) feet in height.
- B. Water storage/towers shall be setback from adjacent property lines and/or right-of-ways a distance equal to one hundred ten percent (110%) of the water storage/tower's height.
- C. The height of a water storage/tower shall be measured from the top of the foundation to the upper most point of the tower including any lights and/or antennae.
- D. Lighting shall be required for the water storage/tower as a safety measure for low-flying aircraft in accordance with all United States Federal Aviation Administration (FAA) regulations and approvals.
- E. Access driveways to water storage shall be paved with a minimum of two (2) inches of slag or stone.

**§2000-724. Wind Turbine, Commercial.** A wind turbine shall be a permitted conditional use subject to the following conditions and/or standards.

- A. The minimum lot size for a commercial wind turbine shall be two (2) acres.
- B. A wind turbine for residential use on a residential lot shall be considered an accessory use.
- C. The top of a commercial wind turbine shall not exceed two hundred fifty (250) feet not including the blades. The top of a wind turbine located on a residential lot shall not exceed seventy five (75) feet in height including the blades.
- D. The minimum setback of a wind turbine from any lot line shall be equal to one hundred percent (100%) of the wind turbine's height.
- E. Noise from any wind turbine shall not exceed seventy (70) decibels when measured from a property line.
- F. The landowner and/or developer shall complete a view shed impact analysis as part of all potential commercial wind turbine development.

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

**§2000-725. All Other Uses.** A use not expressly authorized in Table I as a permitted use, conditional use or special exception may be permitted as a conditional use upon the applicant's demonstration that if the proposed use:

- A. Impacts the environment and adjacent streets and properties equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
  - (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, equipment and/or processes involved in the proposed use.
  - (4) The magnitude of walk-in trade.
  - (5) The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.
- B. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- C. Is generally consistent with the Tri-Borough Comprehensive Plan and harmony with the area in which it is proposed.
- D. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed.
- E. Is in compliance with all other standards of this Ordinance and all other applicable Ordinances.



## **ARTICLE VIII Parking and Loading**

### **§2000-800. Off-Street Parking Requirements.**

#### **A. General Requirements for Parking.**

##### **(1) Minimum Dimensions.**

- (a) Each parking space in a parking lot shall be at least nine (9) feet wide and eighteen (18) feet long. Each handicapped parking space shall be thirteen (13) feet wide by eighteen (18) feet long. The dimensions of van accessible spaces shall be provided in accordance with the Americans with Disabilities Act or equivalent provisions.
- (b) The minimum dimension, including access lane, across a double loaded parking bay with parking spaces at right angles to the access lane shall be sixty-two (62) feet and for a single loaded bay forty-four (44) feet. Where parking spaces form a forty-five (45) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty (50) feet and across a single loaded bay thirty-one (31) feet. Where parking spaces form a sixty (60) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty-six (56) feet and across a single loaded bay thirty-six (36) feet.
- (c) A parking bay, for purposes of this Ordinance, shall include the area within a parking lot containing an access lane and the parking spaces to which the lane provides access. A double loaded parking bay denotes parking spaces on both sides of an access lane.

#### **B. Maximum Distances of Parking from Use.**

- (1) Parking to serve any multiple-family residential building shall be located so that no required space is more than two hundred (200) feet from the building such space is designed to serve.
- (2) Parking to serve any non-residential use shall be located so that no required space is more than four hundred (400) feet from the building or use such space is designed to serve.
- (3) Enlargement or Change of Structure or Use.
  - (a) Whenever a structure or use is enlarged or changed, whereby twenty-five percent (25%) or more additional parking area is required to serve such enlargement or change, all parking areas shall be in accordance with this Part.
  - (b) Any change from a residential to commercial or industrial use shall comply in full with the requirements of this Part.
- (4) Where a structure or lot is of mixed uses, the total parking requirements for the various uses shall be added together to determine the total parking required on the lot.
- (5) On a single-family lot or townhouse lot a garage and the access drive to it may count as required parking areas. Where dwelling units and/or commercial uses share parking and/or garage space, parking designated for one dwelling or commercial use shall not block that

designated for other dwellings or commercial uses. No required parking space shall occur wholly or partly in a public right-of-way or be utilized for other than vehicle parking. Driveway entrances shall be located to create maximum sight distances in both directions at the street, and embankments, vegetation or other physical obstructions shall be cut back or removed to enhance the driver's view of the street.

(6) Design of Parking Lots.

- (a) All parking areas serving any commercial, industrial, public or semi-public use or any residential development where more than two (2) dwelling units share the same parking area shall be surfaced with a mud-free material.
- (b) Parking areas within the C-HC District are encouraged to be located along the side or rear of any building located within the district.
- (c) Parking lot surfaces shall be constructed in accordance with applicable Borough construction, Subdivision/Land Development and stormwater management standards and approved by the respective Applicable Borough Engineer.
- (d) Where interconnections between parking lots of two independent developments are provided, a landowner and/or developer may be entitled to one of the following incentives upon approval by the applicable Borough Council :
  - (i) A ten percent (10%) reduction in required parking lot landscaping.
  - (ii) A five (5) foot decreased side or front yard setback requirement.

C. Handicapped-Accessible Parking Space Requirements. The number of handicap-accessible parking spaces shall be in accordance with the following table unless otherwise defined by the Americans with Disabilities Act or equivalent provisions. The percentage of van accessible spaces shall also be provided in accordance with the Americans with Disabilities Act or equivalent provisions.

Total Number of Spaces	Number of Handicap Spaces
≤100	4 percent
>100 but ≤200	4 plus 2 percent of the number over 100
>200 but ≤500	6 plus 1 percent of the number over 200
>500 but ≤1,000	2 percent
>1,000	20 plus 1 percent over 1,000

D. Requirements for Off-Street Loading

- (1) For retail and service commercial uses and apartment buildings that do not accommodate large trucks (registered maximum gross vehicle weight of 40,000 pounds or more) each loading space shall be at least twelve (12) feet by thirty-five (35) feet in dimension with a

- clear height of fourteen (14) feet six (6) inches. For all industrial uses, large product commercial uses (car sales, major appliance and furniture, etc.) planned non-residential development, and office buildings that accommodate trucks with a registered maximum gross vehicle weight of 40,000 pounds or more, each loading space shall be at least fourteen (14) feet by sixty (60) feet in dimension with a clear height of fifteen (15) feet. All other uses with loading should provide a ten (10) foot by twenty-five (25) foot loading space with a clear height of eight (8) feet.
- (2) Maneuvering space shall be provided adjacent to the loading area, if necessary, so that vehicles may change direction and leave as well as enter the loading area moving in a forward direction. Public roads adjacent to a loading area shall not be used for maneuvering. Areas established for off-street parking shall not be utilized for off-street loading or vehicle repair work.
  - (3) Where there are multiple uses within a development, shared loading areas shall be used among as many uses as practical. Loading areas shall be adjacent to the use or building served except that in a group of buildings in the same use on the same lot, one building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.
  - (4) Whenever a use is enlarged or changed, the additional loading required to serve such enlargement or change shall be in accordance with the requirements of this Ordinance.
  - (5) Loading areas and adjacent maneuvering space shall be surfaced with a permanent all-weather material placed over at least 6 (six) inches of well compacted base course, capable of bearing the weight of vehicles ordinarily traveling over or parking upon the surface, and shall be sloped to assure positive drainage to an approved stormwater management facility.
  - (6) Loading areas may be lighted but such lighting shall not create glare conditions on adjacent residential properties or streets.
    - (a) Access to the loading area on any lot shall be via a road or lane at least twelve (12) feet in width for one-way traffic or twenty-two (22) feet wide for two-way use, with a clearance of at least fourteen (14) feet six (6) inches its entire length.
    - (b) When a loading area is to occur on a lot that abuts a residential Zoning District, the edges of such loading area between the residential zone and the loading area uninterrupted by buildings or screening topography shall be planted in accordance with the Bufferyards defined by this Ordinance. A solid fence or wall at least six and one-half (6 ½) feet in height may be constructed in lieu of hedging as required by the Bufferyard requirements provided such fence or wall is maintained in good condition.
    - (c) Nothing in this Section shall compel uses existing prior to passage of this Ordinance to comply with these loading requirements except that any additions or intensifications of use upon the same lot shall be provided with loading areas in accordance with these requirements.

E. Parking and Loading Requirements Table.

Use	Minimum Off-Street Parking Requirements	Minimum Loading Requirements
Accessory Dwelling	1 per unit	N/A
Apartment, Garden	2 per dwelling unit	N/A
Apartment, High-Rise	2 per dwelling unit	N/A
Boarding House	1 for each 2 full-time staff, plus 1 for every 2 beds.	N/A
Duplex	2 per unit	N/A
Group Care Facility/ Halfway House	1 for every 4 residents, plus 1 for each employee on peak shift	N/A
Mobile Home	N/A	N/A
Mobile Home Park	2 per dwelling unit	N/A
Nursing Home/Life Care Facility	1 for every 4 residents, plus 1 for each employee on peak shift	N/A
Personal Care Home	N/A	N/A
Quadplex	2 per dwelling unit	N/A
Single- Family Dwelling	2 per dwelling unit	N/A
Townhouse	2 per dwelling unit	N/A
Automobile Rental	Parking Demand Analysis Required	N/A
Automobile Sales (car, Truck, motorcycle, boat or trailer)	Parking Demand Analysis Required	1 for every 5,000 s.f. of g.f.a. showroom
Automotive services	2 per service bay	N/A
Bakery	1 per 500 square feet above first 2,000 square feet	N/A
Bed and Breakfast	1 Space for each guest room	N/A
Business Services	1 per 500 square feet above first 2,000 square feet	0 - 19,999 s.f. = 1 berth 20,000-60,000 s.f. = 2 berths each additional space 60,000 s.f. = 1 additional berth
Car Wash	1 for every 200 square feet of office plus 4 stacking spaces for automatic wash; 2 stacking spaces for self-service	N/A
Catering Service	1 per 500 square feet above first 2,000 square feet	N/A
Cemetery	2, plus 1 for each 2 employees	N/A
Check Cashing Establishment	1 per 500 square feet above first 2,000 square feet	N/A
Cinema	1 per 3 seats	N/A
Community Center	1 per 500 square feet	N/A
Conference/Convention Center	1 for every 500 square feet of net floor area	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional. space 20,000 s.f. = 1 additional berth
Consignment Store	1 per 500 square feet above first 2,000 square feet	N/A

Use	Minimum Off-Street Parking Requirements	Minimum Loading Requirements
Contractor's Storage Yard	1 for every 2000 square feet of net lot area	N/A
Convenience Store	1 per 500 square feet above first 2,000 square feet	0 - 9,999 s.f. = 1 berth 10,000 - 19,999 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
Correctional Facility	1 for each 400 square feet of gross floor area	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional space 20,000 s.f. = 1 additional berth
Country Club/ Golf Course	1 for every 4 members, plus the number of spaces required for a low turnover restaurant is included	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berth each additional space 20,000 s.f. = 1 additional berth
Crematorium	1 per 1000 square feet	N/A
Day Care Center (adult or child)	1 for each 300 square feet of gross floor area with a minimum of 4 spaces	N/A
Day Care Home (adult or child)	1 for each 300 square feet of gross floor area with a minimum of 4 spaces	N/A
Drive-In Theater	Parking Demand Analysis Required	N/A
Driving Range	1 for every 2 tee stands	N/A
Dry Cleaning Facility	1 for every 2 employees	N/A
Dry Cleaning, Customer Services	1 for every 1,000 square feet, above first 2,000 square feet	N/A
Emergency Services	1 for every 750 square feet of net floor area	N/A
Essential Services	1 for every 750 square feet of net floor area	N/A
Exercise/Fitness Facility	1 for each 400 square feet of gross floor area	N/A
Farmers Market	Parking Demand Analysis Required	N/A
Feed Store	1 for every 300 square feet of gross floor area	N/A
Financial Institution	Parking Demand Analysis Required	N/A
Flea Market	2 for every 1000 square feet	N/A
Flex Space	1 for every 300 square feet of gross floor area	N/A
Food Processing Facility	1 for every 750 square feet of net floor area	0 - 4,999 s.f. = 1 berth 5,000 - 20,000 s.f. = 2 berths each additional space 20,000 s.f. = 1 additional berth

Use	Minimum Off-Street Parking Requirements	Minimum Loading Requirements
Funeral Home	25 for the first parlor, plus 10 for each additional parlor	1 for every 4 viewing rooms
Gasoline/Energy Recharge Station	1 for each employee and employer	N/A
Greenhouse	1 for every 200 square feet of gross floor area	N/A
Grocery Store	1 per 500 square feet above first 2,000 square feet	N/A
Hardware Store	1 per 500 square feet above first 2,000 square feet	N/A
Heliport	2 per helipad, plus 1 per employee	N/A
Home Improvement Center	1 per 200 square feet of gross floor area	N/A
Home Occupation, No Impact	1 per employee	N/A
Home Occupation, Other	1 per employee	N/A
Hospital	Parking Demand Analysis Required	0 - 19,999 s.f. = 1 berth 20,000 - 60,000 s.f. = 2 berths each additional space 60,000 s.f. = 1 additional berth
Hotel/Motel	Parking Demand Analysis Required	0 - 19,999 s.f. = 1 berth 20,000 - 60,000 s.f. = 2 berths each additional space 60,000 s.f. = 1 additional berth/ 0 - 59,999 s.f. = 1 berth 60,000 - 99,000 s.f. = 2 berths 100,000-160,000 s.f. = 2 berths each additional space 60,000 s.f. = 1 additional berth
Industrial, Heavy (manufacturing, etc.)	Parking Demand Analysis Required	N/A
Industrial, Light ( warehousing, distribution, etc.)	Parking Demand Analysis Required	N/A
Junkyard	1 for each peak shift employee, plus 2 for patrons	N/A
Kennel	1 for each peak shift employee, plus 1 for each 1,000 square feet	N/A
Landfill	1 for each peak shift employee, plus 5 for patrons	N/A
Laundromat	N/A	N/A
Library	1 per 600 square feet	0 - 20,000 s.f. = 1 berth each additional 20,000 s.f. = 1 berth
Marina	Parking Demand Analysis Required	0 - 20,000 s.f. = 1 berth each additional 20,000 s.f. = 1 berth

Use	Minimum Off-Street Parking Requirements	Minimum Loading Requirements
Massage Therapy Establishment	1 for each table, plus 1 per 2 employees	N/A
Medical Clinic	1 for every 3 seats in waiting room and 1 space for every employee	N/A
Museum	1 for every 400 square feet of public space, plus 1 for each employee	N/A
Nursery	1 per 1,000 square feet of net lot area	N/A
Office, Medical	1 per 500 square feet above first 2,000 square feet	0 - 59,999 s.f. = 1 berth each additional 30,000 s.f.
Office, Professional/Administrative	1 per 500 square feet above first 2,000 square feet	N/A
Park	Parking Demand Analysis Required	N/A
Performance Studio or Gallery	1 per 500 square feet above first 2,000 square feet	N/A
Personal and Professional Service	1 per 500 square feet above first 2,000 square feet	0 - 29,999 s.f. = 1 berth 30,000 - 59,999 s.f. = 2 berths each additional 30,000 s.f. = 1 additional berth
Pet Cemetery	3	N/A
Pharmacy	1 per 300 square feet above first 2,000 square feet	0 - 20,000 s.f. = 1 berth each additional 20,000 s.f. = 1 berth
Place of Worship or Assembly	1 for every 8 seats in the largest meeting room	1 berth/500 seats
Post Office	1 space per peak shift employee plus one space per 800 square feet of gross floor area	0 - 9,999 s.f. = 1 berth 10,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
Printing And Publishing Facility	1 for every 500 square feet of gross floor area	N/A
Public Borough/Safety Building	1 space per peak shift employee and one space per 800 square feet of gross floor area	N/A
Public Works Facility	1 space per employee on shift of maximum employment and one space per 800 square feet of gross floor area	N/A

Use	Minimum Off-Street Parking Requirements	Minimum Loading Requirements
Railroad Facility	1 per 2 employees	N/A
Recreation, Indoor (bowling, paintball billiards)	2 for every 1000 square feet	N/A
Recreation, Outdoor ( athletic fields, go-carts, etc.)	Parking Demand Analysis Required	N/A
Recycling, Retail	1 for every 200 square feet of net flooring	N/A
Repair Shop (electrical and household, appliances, etc.)	1 per 500 square feet above first 2,000 square feet	N/A
Research Facility	Parking Demand Analysis Required	N/A
Restaraunt, without Drive-Thru	1 per 500 square feet above first 2,000 square feet	0 - 59,999 s.f. = 1 berth 60,000 - 99,999 s.f. = 2 berths 100,000 - 160,000 s.f. = 3 berths each additional berth 60,000 s.f. = 1 additional berth
Resturant, with Drive-Thru	Parking Demand Analysis Required	0 - 59,999 s.f. = 1 berth 60,000 - 99,999 s.f. = 2 berths 100,000 - 160,000 s.f. = 3 berths each additional berth 60,000 s.f. = 1 additional berth
Retail Business/ Sales	1 for every 200 square feet of net flooring	0 - 9,999 s.f. = 1 berth 10,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
Rifle Range	1 for every 100 square feet	N/A
School, Academic	Parking Demand Analysis Required	N/A
School, Commercial	1 space per employee, plus 1 space per 5 students	0 - 59,999 s.f. = 1 berth 60,000 - 99,000 s.f. = 2 berths 100,000-160,000 s.f. = 3 berths each additional space 60,000 s.f. = 1 additional berth
School, Kindergarten, Pre-, Nursery	1 space per employee, plus 1 space per 10 students	N/A
Sexually-Oriented Business	1 per 500 square feet above first 2,000 square feet	N/A



Use	Minimum Off-Street Parking Requirements	Minimum Loading Requirements
Social Club, Private	1 per 500 square feet above first 2,000 square feet	N/A
Storage Facility, Self-Service	N/A	1: each exterior door 1: five interior doors
Tattoo/Body Piercing Establishment	1 per 500 square feet above first 2,000 square feet	N/A
Tavern/Bar	1 per 500 square feet above first 2,000 square feet	N/A
Terminal, Freight	Parking Demand Analysis Required	N/A
Terminal, Passenger	Parking Demand Analysis Required	0 - 9,999 s.f. = 1 berth 10,000 - 20,000 s.f. = 2 berths each additional 20,000 s.f. = 1 additional berth
Theater	Parking Demand Analysis Required	N/A
Veterinary Office (no boarding)	1 per employee and 2 per exam table for offices greater than 2,000 square feet	0 - 19,999 s.f. = 1 berth 20,000 - 50,000 s.f. = 2 berths each additional space 50,000 s.f. = 1 additional berth
Water Storage/Tower	1 per tower	N/A
Wholesale Business	Parking Demand Analysis Required	0 - 19,999 s.f. = 1 berth 20,000 - 39,999 s.f. = 2 berths 40,000 - 65,000 s.f. = 3 berths each additional berth 25,000 s.f. = 1 additional berth
Wind Turbine, Commercial	1 per turbine	1
All Other Uses	Parking Demand Analysis Required	Analysis Required

## ARTICLE IX Performance Standards

### **§2000-900. Compliance Required.**

- A. All uses shall comply with the requirements of this section. Compliance shall be determined by the Applicable Zoning Officer with respect to permitted uses by the applicable Zoning Hearing Board with respect to special exceptions and by the applicable Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the applicable Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
- B. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

**§2000-901. Fire Protection.** Fire protection and fire-fighting equipment acceptable to the National Fire Protection Association shall be readily available where there is any activity involving the handling or storage of flammable or explosive material.

**§2000-902. Radioactivity; Electrical Disturbances.** No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

**§2000-903. Noise.** Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except that fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25) feet from any property line of the property on which the noise source is located shall not be permitted.

**§2000-904. Vibrations.** Vibrations detectable without instruments on neighboring property in any district shall be prohibited, except that temporary vibration as a result of construction activity shall be permitted.

**§2000-905. Odors.** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

**§2000-906. Smoke.** The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

**§2000-907. Air Pollution.** No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property.

**§2000-908. Glare.** Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

**§2000-909. Erosion.** No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

**§2000-910. Water Pollution.** Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Fish and Boat Commission.

**§2000-911. Excavation, Filling and Grading.**

- A. All finished cut and fill slopes shall have a grade of not more than two (2) feet horizontal for every one (1) foot vertical. All cut and fill slopes greater than twenty (20) feet in elevation or depression must be designed by a certified soils engineer or a certified geologist. The soils engineer or geologist who designs the slope must certify that it is stable upon completion. The Borough Engineer may require that a fence or other barrier be placed in a location which will prevent anyone from nearby properties access to a cut or fill slope.
- B. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two weeks after construction activities are completed, unless those activities are completed between a time period of November 1 and April 1. In such case, the required sodding or seeding shall occur within two weeks of April 1. This shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. During non-growing seasons, appropriate measures shall be taken, such as but not limited to siltation dams, to prevent erosion by wind or water. In addition to the measures stated above, the developer/property owner shall provide assurances that all requirements will be complied with at the beginning of the next growing season.

**§2000-912. Floodway Development.** No development, cutting or filling of land or natural vegetation is permissible within a floodway, except as permitted by action of the applicable Borough Zoning Hearing Board and/or federal, state, county or municipal agencies having jurisdiction over such matters.

**§2000-913. Disturbance Near Water Courses.** No cutting, fill or other disturbing of land or natural vegetation is permissible within fifty (50) feet of the edge of perennial and intermittent streams, except as permitted by action of the applicable Zoning Hearing Board and/or federal, state, county or municipal agencies having jurisdiction over such matters. In cases where the applicable Zoning Hearing Board determines that a hardship running with the land exists as a result of this requirement, a variance may be granted, provided that special precautions can be and are ordered to be taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

## **ARTICLE X**

### **Nonconforming Uses, Structures, and Lots**

#### **§2000-1000. Procedure.**

Subject to the provisions of this Article, a nonconforming lot, nonconforming structure or nonconforming use may be continued even though it does not conform to the provisions of this ordinance for the district in which it is located. The Zoning Officer may keep and maintain a list of all nonconforming lots, structures or uses existing at the time of the passage of this ordinance, its predecessors or amendments thereto.

#### **§2000-1001. Non-Conforming Uses.** The following provisions shall apply to all non-conforming uses.

- A. Continuation and change. A non-conforming use may be sold or otherwise transferred to other owners and may be continued, but shall not be changed in use unless to a conforming use.
- B. Enlargement or expansion.
  - (1) Where a non-conforming use is conducted inside a building or structure, the floor area of the structure and the non-conforming use within it may be enlarged when permitted by the Joint Planning Commission in accordance with Article VI of this Ordinance.
  - (2) Any non-conforming use may be extended by twenty-five percent (25%) throughout any part of a structure which was designed for such use at the time the use became non-conforming; however, a non-conforming use shall not be extended to occupy any structure or portion of a lot, except on a lot or portion of a lot owned at the time the use became non-conforming. This shall be approved by the Joint Planning Commission according to this Ordinance.
  - (3) This Subsection shall not apply to signs.
- C. Damage and reconstruction. Any structure which accommodates or supports an officially recognized non-conforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and diligently pursued within twelve (12) months of such casualty and if the restored structure has no greater lot coverage and contains no greater volume than before such casualty.
- D. Abandonment. In the event that any non-conforming use conducted in a structure or on a lot is abandoned for a period of twelve (12) consecutive months or longer, such non-conforming use shall be deemed to be abandoned and shall not be resumed. Once the non-conforming use is abandoned, the building, structure and/or lot shall not be used except in conformance with the regulations of the Zoning District in which it is located.

#### **§2000-1002. Non-Conforming Structures.** The following provisions shall apply to all legally existing non-conforming structures, as defined by this Ordinance, in all Zoning Districts.

- A. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its non-conformity, except when the applicable Zoning Hearing Board, after a public hearing, may determine undue hardship and may authorize a reasonable modification of such structure.

- B. Damage or destruction. Any non-conforming 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 twelve (12) months of the date that the original structure was damaged or destroyed.
- C. Moving. Should a non-conforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the Zoning District in which it is located.
- D. Legally recognized signs.
  - (1) Non-conforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, non-conforming signs which are damaged or destroyed to an extent of more than seventy-five percent (75%) of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Ordinance.
  - (2) Non-conforming signs may not be enlarged, added to or replaced by another non-conforming sign, use or structure, except that the interchange of poster panels shall be permitted.
- E. 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 public safety.

**§2000-1003. Non-Conforming Lots.** The following regulations shall apply to all non-conforming lots, as defined by this Ordinance, in any Zoning District.

- A. Any legally recorded lot or subdivision existing at the effective date of this Ordinance may be developed in accordance with the requirements of Article IV.
- B. No division of any lot shall be made which does not comply with the requirements of this Ordinance. Any change in lot lines necessary to meet the minimum requirements of this Ordinance shall constitute a revision to the recorded plan and shall meet all applicable Borough requirements.
- C. Any legally recorded lot or subdivision existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of Article IV. Where two or more adjacent lots of record with continuous frontage have less than the required area and width and are held by one owner, the lot shall be considered to be an undivided lot for the purpose of complying with this Ordinance.
- D. When the side and/or rear yards of any developed legally existing non-conforming lot(s) are less than the minimum allowable dimensions, any adjacent undeveloped non-conforming lot shall have the average depth of the non-conforming side and/or rear yards.

**ARTICLE XI**  
**Application and Review Process**

**§2000-1100. Requests for Reasonable Accommodation.**

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit the request in writing to the Applicable Zoning Officer on an application form which shall require that the following information may be reasonably needed to process the request, be provided:
- (1) Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
  - (2) The name and address of the applicant.
  - (3) The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or locational accommodation.
  - (4) The condition of the applicants for which reasonable accommodation is sought.
  - (5) A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
  - (6) A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.
  - (7) A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
  - (8) A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
  - (9) A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar sought by applicants.
- B. The Applicable Zoning Officer may hold any meetings and/or hearing necessary in his discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Applicable Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
- D. The Applicable Zoning Officer shall issue his written decision to the applicants and the applicable Borough within thirty (30) days of filing of the request for accommodation.
- E. A request for reasonable accommodation should be directed in the first instance to the Applicable Zoning Officer. In considering a request for reasonable accommodation, the Applicable Zoning

Officer shall, with the advice of the counsel of the applicable Borough Solicitor, apply the following criteria.

- (1) Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
- (2) The degree to which the accommodation sought is related to the handicap or disability of the applicant.
- (3) A description of hardship, if any, that the applicants will incur absent provisions of the reasonable accommodation requested.
- (4) The extent to which the requested accommodation is necessary to afford the applicant(s) an opportunities equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
- (5) The extent to which the proposed accommodation may impact other property owners in immediate vicinity.
- (6) The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the Zoning Ordinance, the comprehensive plan, and the community development objectives set forth in the Zoning Ordinance.
- (7) The extent to which the requested accommodation would impose financial and administrative burdens upon the applicable Borough.
- (8) The extent to which the requested accommodation would impose an undue hardship upon the applicable Borough.
- (9) The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.
- (10) The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or disabled persons.
- (11) The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued which no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.
- (12) The extent to which the requested accommodation will increase the value of the property during and after its occupancy by applicants.

**§2000-1101. Special Exception Procedures of Approval.**

- A. Approval of Uses by Special Exception. The applicable Zoning Hearing Board shall hear and decide requests for uses by special exception. The applicable Zoning Hearing Board shall not evaluate an application for a use by special exception unless and until:

- (1) A written application for approval of a use by special exception is submitted to the Applicable Zoning Officer. The application shall indicate the section of this Ordinance under which approval of the use by special exception is sought and shall state the grounds upon which it is requested. The application shall include the following:
    - (a) A Development Plan, as defined by the Tri-Borough Communities Subdivision Ordinance or its designated equivalent(s);
    - (b) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
    - (c) A map showing and identifying all lots within two hundred (200) feet of the property for which use by special exception approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Tax Assessors Office.
    - (d) A traffic impact analysis, if required by the Tri-Borough Communities Subdivision Ordinance or its designated equivalent(s).
    - (e) The application fee required by Article XVII of this Ordinance.
  - (2) A hearing pursuant to public notice per MPC §908 (1) is held by the applicable Zoning Hearing Board. Said hearing shall be conducted in accordance with the procedures specified provisions of MPC §908 (1.2) and (MPC §908 (2) through (8)).
  - (3) Decision and approval procedures for the Zoning Hearing Board shall be as those defined as part of MPC §908(9).
  - (4) The delivery of decision for the Zoning Hearing Board shall be as those defined as part of MPC §908(10).
  - (5) In considering an application for approval of a use by special exception, the applicable Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. A violation of such conditions and safeguards, when made part of the terms and conditions under which approval of a use by special exception is granted, shall be deemed a violation of this Ordinance.
- B. Expiration of Approval of Use By Special Exception. An approved special exception use shall be complete within eighteen (18) months following the date of approval, unless the applicable Zoning Hearing Board has established a different completion date at the time of approval. Also, the applicable Zoning Hearing Board may grant an extension of time for any completion date if the applicant or his agent requests such an extension and if good cause for the extension is shown. There are no other exceptions to this rule. If, at the end of the eighteen (18) month period or extended completion period, the special exception use is not completed, and if no extension has been granted, the approval of the special exception use shall be null and void.
- C. Expiration of Approval of Use by Special Exception Granted Prior to Effective Date of this Ordinance. Approval of a use by special exception granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction or authorize



the occupancy described in the application for approval of the use by special exception is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the applicable Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

**§2000-1102. Conditional Uses Procedure for Approval.**

**A. Approval of Conditional Uses.**

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

returned as incomplete, a written notice, which cites the specific requirements of this Ordinance, which have not been met, shall be sent to the applicant. The application shall include the following:

- (i) A Development Plan the Tri-Borough Communities Subdivision Ordinance or its designated equivalent(s)
  - (ii) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
  - (iii) A map showing and identifying all lots within two hundred (200) feet of the lot for which conditional use approval is requested and a list of the names and addresses of the owners of these lots from the most recent records of the Allegheny County Tax Assessors Office.
  - (iv) A traffic impact analysis, if required or by the requirements of this Article.
  - (v) The application fee required by Article XVII of this Ordinance.
  - (c) A written recommendation is received from the Joint Planning Commission or thirty (30) days has passed from the date of the Joint Planning Commission meeting at which the application is first considered for approval.
  - (d) A hearing pursuant to public notice per MPC §908 (1) is held by the applicable Borough Council. Said hearing shall be conducted in accordance with the procedures specified provisions of MPC §908 (1.2).
  - (e) Decision and approval procedures for the Council shall be as those defined as part of .MPC §913.2 (b)(1).
  - (f) The delivery of decision for the Council shall be as those defined as part of MPC §913.2 (b)(3).
  - (g) In granting a conditional use, the applicable Borough Council may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may seem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance.
- B. Expiration of Conditional Use Approval. An approved conditional use shall be complete within eighteen (18) months following the date of approval, unless the applicable Council has established a different completion date at the time of approval. Also, the applicable Council may grant an extension of time for any completion date if the applicant or his agent requests such an extension and if good cause for the extension is shown. There are no other exceptions to this rule. If, at the end of the eighteen (18) month period or extended completion period, the conditional use is not completed, and if no extension has been granted, the approval of the conditional use shall be null and void.
- C. Expiration of Conditional Use Approval Granted Prior to Effective Date of this Ordinance. Conditional use approval granted prior to the effective date of this Ordinance shall expire automatically without written notice to the applicant if no application for a grading permit,

building permit or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within twelve (12) months of the effective date of this Ordinance or as specified in the approval, unless the Borough Council, in their sole discretion, extends conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve- (12) month extension.

**§2000-1103. Use of Flood-Prone Land.** Areas of lot designated as being floodprone should be encouraged for parking, outdoor storage of non-flammables, non-liquid, non-buoyant materials, or planted buffer area. Such areas may be used for all other permitted uses within the Zoning District where located when such use is in strict compliance with the requirements of this Ordinance.

A. Identification.

- (1) Flood-prone areas (floodplain areas) shall be any areas of the applicable Borough which are identified as Zone A (area of special flood hazard) on the current Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA) dated October 4, 1995, and any revision thereto.
- (2) Determination of the Regulatory Flood Elevation. For the purposes of this Ordinance, the regulatory flood elevation, i.e., the 100 year flood elevation plus a freeboard safety factor of 1 1/2 feet shall be used. When available, information from other Federal, State and other acceptable sources shall be used to determine the 100 year flood elevation, as well as a floodway area, if possible. When no other information is available, the 100 year flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:
  - (a) Corps of Engineers - Floodplain Information Reports.
  - (b) U.S. Geological Survey - Flood Prone Quadrangles.
  - (c) U.S.D.A., Natural Resource Conservation Service - County Soil Surveys (Alluvial Soils).
  - (d) Known highwater marks from past floods.
  - (e) In lieu of the above, the applicable Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review.
- (3) Changes in Designation of Area(s). The delineation of any of the identified floodprone area(s) may be revised by the applicable Borough Council where natural or man-made changes have occurred and/or where more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

- (4) Boundary Disputes. Should a dispute concerning any district boundary arise, an initial determination shall be made by the Joint Borough Planning Commission and any party aggrieved by this decision may appeal to the applicable Zoning Hearing Board. The burden of proof shall be on the appellant.

B. Application Procedures. All applications for building permits, proposed subdivisions, or other development located within or adjacent to any identified floodplain areas, shall, in addition to all other required information, provide the specific information described herein.

- (1) A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other floodprone development or structures, and the location of any existing or proposed stream improvements or protective works. The plan shall show:
  - (a) All such proposals are consistent with the need to minimize flood damage.
  - (b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - (d) Existing and proposed contours; information concerning 100 year flood elevations, and other applicable information such as uplift forces, associated with the 100 year flood; size of structures, location and elevation of streets, water supply and sanitary sewage facilities; soil types; and floodproofing measures.
  - (e) Adequate information demonstrating the flood carrying capacity of any affected water course whether or not it is to be altered.
  - (f) Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the applicable Borough, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division, as specified in the Water Obstruction Act of 1913, as amended.
  - (g) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
  - (h) Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.
- (2) Applications for a building permit shall show the elevation of the lowest floor (including basement) based upon National Geodetic Vertical Datum of 1929.
- (3) A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for development of the site adhere to the restrictions cited in this Ordinance. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design, and the level to which any structures have been floodproofed.

### C. Specific Design Requirements.

#### (1) Structures.

- (a) All buildings and structures and substantial improvements thereto shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the height of flood waters.
- (b) All buildings and structures and substantial improvements thereto shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
- (c) Within any identified flood-prone area, the elevation of the Lowest floor (including basement) of residential structures shall be at or above the regulatory flood elevation.
- (d) Within any identified flood-prone area, the elevation of the lowest floor (including basement) of non-residential structures shall be at or above the regulatory flood elevation or be flood-proofed up to that height.
- (e) Any structure, or part thereof, which is not elevated to the regulatory flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the referenced standards.
- (f) Fully or partially enclosed space below the lowest floor (including basement) is prohibited

#### (g) Floors, Walls and Ceilings.

- (i) Wood flooring at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
- (ii) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.
- (iii) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water resistant" and will withstand inundation.
- (iv) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water resistant" material.

#### (h) Paints and Adhesives.

- (i) Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.
- (ii) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water resistant” variety.
- (iii) All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.

(2) Utilities.

- (a) All new or replacement sanitary sewage systems, water, gas, and oil supply systems shall be designed to prevent infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
  - (b) All stationary mechanical equipment such as water heaters, furnaces, air conditioning and ventilating systems shall be located above the regulatory flood elevation.
  - (c) Electrical distribution panels shall be at least 3 feet above the regulatory flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  - (d) No part of any on site sewage disposal system shall be located within any identified flood prone area.
- (3) No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal, or plant life, shall be stored below the regulatory flood elevation.
  - (4) The finished elevation of proposed new streets shall be no less than the regulatory flood elevation.

D. Existing Structures in Identified Floodprone Areas. Structures existing in any identified floodprone area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain subject to the following:

- (1) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (2) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.
- (3) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100 year flood.

E. Prohibited Activities Within a Floodplain Area. Within any identified floodplain area the following shall be prohibited:

- (1) The construction, development or operation of any hospital, nursing home or related care facility; jail or prison, mobile homes and/or mobile home parks.
- (2) Any other construction or development which may endanger human life.
- (3) Any construction or development which would include in its use or operation the production, use of or storage of any dangerous material or substance such as listed below but not limited thereto:
  - (a) Acetone
  - (b) Ammonia
  - (c) Benzene
  - (d) Calcium carbide
  - (e) Carbon disulfide
  - (f) Celluloid
  - (g) Chlorine acid
  - (h) Hydrochloric acid
  - (i) Hydrocyanic acid
  - (j) Magnesium
  - (k) Nitric acid and oxides of nitrogen
  - (l) Petroleum products (gasoline, fuel oil, etc.)
  - (m) Phosphorus
  - (n) Potassium
  - (o) Sodium
  - (p) Sulfur and sulfur products
  - (q) Pesticides (including insecticides, fungicides and rodenticides)
  - (r) Radioactive substances, insofar as such substances are not otherwise regulated.

F. Variances. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a landowner or developer, the applicable Borough may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered in accordance with the procedures contained in the MPC and the following:

- (1) No variance shall be granted to allow any of the prohibited activities or for any of the other requirements pertaining specifically to development which may endanger human life.
- (2) No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.
- (3) In reviewing any request for a variance, the applicable Borough shall consider, at a minimum, the following:
  - (a) That there is good and sufficient cause.
  - (b) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (c) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense; (ii) nor create nuisances, cause fraud on or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

- (d) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.
- (4) Whenever a variance is granted, the applicable Borough shall notify the applicant in writing that:
  - (a) The granting of the variance may result in increased premium rates for flood insurance.
  - (b) Such variances may increase the risks to life and lot.
- (5) A complete record of all variance requests and related actions shall be maintained by the applicable Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.



## **ARTICLE XII**

### **Rezoning Applications**

#### **§2000-1200. Purpose of Rezoning Applications.**

- A. The purpose of rezoning is to protect the safety, capacity and efficiency of the Tri-Borough communities' existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Tri-Borough Comprehensive Plan,
- B. All rezoning applications shall be reviewed within the context and principals of joint municipal planning; rezoning recommendations shall be based on the projected beneficial and/or detrimental effects on the Tri-Borough Communities as a whole rather than each independent Borough.

#### **§2000-1201. Rezoning Application Forms.**

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

#### **§2000-1202. Review of Rezoning Applications.**

- A. Upon receipt of a rezoning application, the Applicable Zoning Officer will review the package for completeness. If the Applicable Zoning Officer finds the application to be incomplete or insufficient, the rezoning application will be returned to the applicant. When the rezoning application is found to be complete by the Applicable Zoning Officer, one (1) copy shall be forwarded to each member of the Joint Planning Commission and each member of each Borough Council. As part of the rezoning approval process, the Joint Planning Commission and each Borough Council shall consider the motivation and implications of each plan, analysis and report.
- B. The Joint Planning Commission shall review the application in compliance with the following procedural guidelines:
- C. The Joint Planning Commission shall decide if the proposed rezoning is or is not generally consistent with the Joint Comprehensive Plan.
- D. If the rezoning proposal is found to be generally consistent with the Joint Comprehensive Plan, the Joint Planning Commission shall consider any projected beneficial and/or detrimental effects on the Tri-Borough Communities.
- E. Based on these analyses, each Joint Planning Commission member shall submit a recommendation either in favor or not in favor of the rezoning proposal.
- F. The final recommendation of each Joint Planning Commission member shall be forwarded to each of the Tri-Borough Communities Borough Councils. The respective name and Borough association of each Joint Planning Commission member shall be attached to each recommendation.

- G. Upon receipt of the Joint Planning Commission's final recommendations, each Tri-Borough Community Borough Council shall render a decision in favor or not in favor of the rezoning proposal. Each Borough Council shall compose a brief summary explanation of its decision and forward the decision and explanation to the Applicable Zoning Officer.
- H. The Applicable Zoning Officer shall receive one decision from each Tri-Borough Community. Two or more out of three decisions in favor of rezoning shall be enough to proceed with the property rezoning as the applicant has requested.

**§2000-1203. Application Criteria.** There are two categories of rezoning applications: minor and major. Minor and major rezoning applications are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental and social impacts on the municipality(s).

- A. Minor Applications. Minor rezoning applications are expected to have a lesser impact on the traffic, fiscal resources and existing physical and environmental character of the community(s). The following situations constitute eligibility for the minor application:
  - (1) The rezoning of a non-residential parcel, or contiguous parcel(s), that totals one (1) acre or less and is located in the MU or C-NC district.
  - (2) The rezoning of an existing residential parcel, or contiguous parcel(s), that totals three (3) acres or less in either the Zoning District R-L or R-M classification.
- B. Major Applications. Any rezoning project that does not meet either of the criteria in §2000-1203(A) is a major application.
- C. Application Requirements. The following Section outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of minor or major rezoning applications.

**§2000-1204. Rezoning Applications Plans, Analyses and Reports.**

The plans, analyses and reports to be submitted as part of a minor application shall include §2000-1204 A-B; a major application shall include §2000-1204 A-I.

- A. A Preliminary Plat.
- B. Topographic Survey. Contours shall be illustrated at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
- C. Site Conditions Report. The applicant shall describe the following existing characteristics about the site proposed for development.
  - (1) Total site acreage.
  - (2) Existing Zoning District(s), land use(s) and covenants.
  - (3) Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns.

- (4) Relationship of proposed subdivision to adjoining, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic arteries; elementary and high schools; and street improvements.
- (5) Reservations, if any, by the landowner and/or developer of any area designed for use as public grounds shall be suitable size and location for designated uses.
- (6) Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or lot, or further aggravate or increase existing menace.
- (7) A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the lot.

D. Infrastructure Demand Statement.

- (1) The infrastructure demand statement shall be submitted to the Tri-Borough Communities, containing the following information:
  - (a) Pre-development data for overall demand.
  - (b) Estimated gallons of sanitary sewage created per average day.
  - (c) Estimated gallons of potable water consumed/utilized per average day.
  - (d) Estimated number of school age children.
  - (e) Estimated total residents and/or employees.
- (2) Post-development data for overall demand.
  - (a) Estimated gallons of sanitary sewage created per average day.
  - (b) Estimated gallons of potable water consumed/utilized per average day.
  - (c) Estimated number of school age children.
  - (d) Estimated total residents and/or employees.

E. Conceptual Development Plan the Tri-Borough Communities Subdivision Ordinance or its designated equivalent(s).

F. Fiscal Impact Analysis.

- (1) An evaluation providing the following information shall be completed:
  - (a) Potential municipal and school district tax generation of the proposed development

- (b) Population projections including the number of school-aged children at build-out of the proposed development.
  - (c) Length of road to be dedicated to the Borough.
  - (d) Length of sewer and water lines to be dedicated to the Borough.
  - (e) The Borough will evaluate the proposed development of the proposed zoning in relationship to the potential development in the existing zoning.
- G. Slope Stability Investigation.
- H. Phase One Environmental Assessment.
- I. Traffic Report.

**§1200-1205. Additional Information.**

The Joint Planning Commission and each individual Borough Council reserve the right to request additional information as part of the review and approval process.

**ARTICLE XIII**  
**Building and Occupancy Permits**

**§2000-1300. Administration and Enforcement.**

- A. Appointment and Powers of Applicable Zoning Officer.
- (1) For the administration of this Ordinance, an Applicable Zoning Officer, who shall not hold any elective office in any local government, shall be appointed by the Borough for which it serves.
  - (2) The Applicable Zoning Officer shall meet the qualifications established by the Joint Planning Commission and shall be able to demonstrate to the satisfaction of the Joint Planning Commission a working knowledge of municipal zoning.
  - (3) The Applicable Zoning Officer shall administer this 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 this Ordinance.
  - (4) The Applicable Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
- B. If the Applicable Zoning Officer shall find that any provisions of this Ordinance are being violated he shall forward an enforcement notice to the owner of the lot upon which such violation is occurring. See §2000-1500.
- C. Enforcement notices regarding violations shall indicate the nature of the violation by specific paragraph relied on and shall order the action necessary to correct it.
- D. Enforcement notices shall order the discontinuance of illegal uses of land or structures, or the removal or moving of illegal structures or additions or alterations thereto, as well as any other action necessary to assure compliance with or prevent violation of this Ordinance and shall indicate the owner's alternative actions under the terms of this Ordinance. See §2000-1500.
- E. The Applicable Zoning Officer shall allow the owner of a lot upon which a violation of this Ordinance has been noted a period of up to thirty (30) days, at the option of the Applicable Zoning Officer, to carry out the required action. At the conclusion of the period within which the owner is obliged to correct the violation he shall be subject to penalty as required by Section XVII of this Ordinance, with each day that the violation remains uncorrected being a separate penalty. Provided that the zoning officer may require action to come into compliance to be taken within a period shorter than thirty (30) days if the zoning officer finds that the ongoing activity that results in the violation presents an immediate danger to the public health, safety and welfare. The Applicable Zoning Officer's notice shall indicate specifically the date on which the owner shall first be subject to penalty.
- F. All questions of interpretation of this Ordinance shall be first presented to the Applicable Zoning Officer, and such questions shall be considered by the applicable Zoning Hearing Board only on appeal from the decision of the Applicable Zoning Officer.

- G. The Applicable Zoning Officer shall keep records of all applications either approved or disapproved, including one copy of each permit issued, shall maintain a journal of his/her activities, and shall submit a report annually to each Borough Council.
- H. The Applicable Zoning Officer shall receive and process all requests for reasonable accommodation under the Fair Housing Amendments Act or the American Disabilities Act as applicable. Criteria and procedures for the handling of such requests shall be in accordance with this Ordinance.

**§2000-1301. Building Permits.**

- A. No building or structure shall be erected, moved, expanded or structurally altered without a permit for such action having been issued by the Applicable Zoning Officer. Building permits shall be required for construction of fences, exterior walls and patios, but not for the installation or paving of walkways or residential driveways when no earth moving is involved or for erection of small auxiliary structures less than one hundred (100) square feet in floor area and not on a permanent foundation. Building permits shall be required for the installation or paving of walkways or residential driveways when earth moving is involved or for those surfaces that cross public sidewalks. All surfaces shall be subject to inspection for compliance with applicable Borough concrete standards.
- B. Applications for building permits shall be made to the Applicable Zoning Officer for the project to be covered by the permit, using forms supplied by the Applicable Zoning Officer. The permit shall bear the signatures of both the general contractor and the owner of the project.
  - (1) No building permit shall be issued until all other required permits have been obtained from any other office or agency (local, regional, State, County, and Federal).
  - (2) No building permit shall be issued until the Applicable Zoning Officer determines whether a stormwater management plan is necessary for the project to be covered by the permit, and if so, finds that an approved plan meeting the requirements of the applicable Borough's Subdivision and Land Development Ordinance, or its equivalent, has been submitted.
- C. Building Permit Applications Shall Include the Following, in Triplicate.
  - (1) A site plan of the lot upon which the proposed construction is to occur, drawn to scale and dimensioned, showing the following where applicable:
    - (a) The boundaries of the lot, indicating dimensions and total area and names of record of owners of abutting properties.
    - (b) Public streets abutting the lot indicating right-of-way and pavement width.
    - (c) Public utilities in the streets abutting the lot and/or in easements running across the lot identified by type and line size.
    - (d) Existing buildings on the lot and approximate location of walls of buildings or structures within twenty-five (25) feet of the lot boundaries on adjacent properties.

- (e) The proposed building or structure, indicating height, and dimensions between building or structure and all lot boundaries.
  - (f) The location of proposed parking and loading areas and drives, indicating the number of parking spaces.
  - (g) The location of proposed signs.
  - (h) Topographical information for the area to be developed at no greater than five foot (5') contour intervals, showing proposed grade changes and means of collecting and disposing of storm water.
  - (i) The seal of approval of the State Department of Labor and Industry, if applicable, or in lieu of such seal, the M.A. number and file number of the project as carried by the department.
- (2) A narrative statement indicating:
- (a) The proposed use of the structure to which the permit applies and the use of other buildings or structures on the lot, if any.
  - (b) The number of dwelling units, whether for sale or rent, or commercial retail or service units if applicable, that the building is designed to accommodate.
  - (c) If the building or structure is part of a larger complex of buildings or structures to be erected over time on the same lot, an indication of location and scheduling of future construction.
  - (d) If the building or structure is for commercial, industrial or multi-family residential use, the area of the lot to be occupied on the ground by the building or structure.
  - (e) A statement giving the developer permission to build if the developer and owner of the land are not the same person or corporation.
- (3) The Applicable Zoning Officer may waive portions of these requirements where interior work or construction not affecting the outside dimensions of an existing building is involved or no site work is included.
- (4) The Applicable Zoning Officer may, to satisfy requirements of other development ordinances adopted by any of the Tri-Borough Communities, expand the application form to secure additional information necessary to assure conformance with such other development ordinances.
- (5) Building plans and specifications as required by the applicable Borough's Building Code.
- D. If the application is satisfactory, the Applicable Zoning Officer shall inspect the premises where the construction is proposed to occur and shall be satisfied that the structure will be located as specified on the application and that construction can take place on the site without violating this Ordinance or any other Borough or Tri-Borough ordinance. Upon completing his inspection and finding the application and premises compatible conforming to this Chapter, the Zoning Officer

shall approve the application and return one copy of the documents together with a signed building permit authorizing the applicant to proceed.

- E. If the application is not satisfactory, the Applicable Zoning Officer shall return all but one set of the application documents together with a letter indicating the specific reasons why the application cannot be approved and the changes needed to make it acceptable.
- F. The Applicable Zoning Officer shall visit the lot whereon the approved construction is taking place in order to ensure that the work is proceeding in accordance with the application documents. If new construction is proposed to occupy a previously open area, the Applicable Zoning Officer may order the owner to have stakes positioned by a registered surveyor to indicate the lot line and outline of the new construction. Subsequently the Applicable Zoning Officer, depending on the type of construction proposed, shall visit the site after pouring of foundation footers, at the conclusion of erection of structural members and rough-in carpentry, and upon completion of the structure. The Applicable Zoning Officer shall not be denied access to the lot in order to inspect the construction in progress and may order the work halted pending appeal to the applicable Zoning Hearing Board or corrected to conform to the approved application documents.
- G. If an applicant wishes to amend the use, arrangement or construction of the structure from that shown on the application documents after such documents are approved, he shall file with the Applicable Zoning Officer an application for a building permit to cover the proposed amendment. All work shall conform to the approved application documents for which the permit has been issued and any approved amendments thereto.
- H. A building permit shall become void, if after six (6) months from the date of issue, construction for which the permit was issued has not commenced and been vigorously pursued. The life of a building permit shall be one (1) year from the date of issue. Permits may be extended for not more than one (1) additional year on large projects for which the value of the permit is in excess of \$100,000 dollars, upon request of the permit holder when the permit is originally issued. To continue uncompleted construction after the expiration of a building permit, the permit holder shall apply for a new permit, for which a fee representing the value of the work to be completed shall be collected. Failure to renew a permit after expiration shall be a violation of this Ordinance and subject to penalty under Article 17 of this Ordinance.

#### **§2000-1302. Occupancy Permits.**

- A. For new use or expansion of existing uses:
  - (1) Upon completion of the entire building or structure for which a building permit has been issued, the contractor or builder for such building or structure shall apply to the Applicable Zoning Officer for an occupancy permit.
  - (2) The Applicable Zoning Officer shall inspect the premises and, if satisfied that all conditions of the building permit have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth on the building permit.
  - (3) If the Applicable Zoning Officer upon inspection finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the violations



corrected to conform to the building permit and shall not issue an occupancy permit until satisfied these corrections have been made. The contractor shall be responsible for requesting a re-inspection after violations have been corrected and the Applicable Zoning Officer shall not issue an occupancy permit until all violations have been corrected.

- (4) It shall be a violation of this Ordinance for a new structure to be occupied without an occupancy permit first having been issued.

B.

B. For Changing Existing Uses.

- (1) To preserve the character of the Borough's single family neighborhoods, in any R-L or R-M zoning district, no single-family dwelling unit building shall be converted to a multi-family dwelling unit building after the date of this Ordinance unless evidence of said building is existing as a legally operating multi-family dwelling for twelve (12) consecutive months from the date of the application and said evidence is provided by the landowner and/or developer to the respective Borough in a form acceptable to said Borough. The creation of a multi-family dwelling unit shall only be permitted in a building, new in its entirety, and where said building is identified as the principal building on the lot.
- (2) If a lot owner wishes to change the use of any building or structure on the lot (or properties) he owns, or if a new owner seeks to occupy a lot that is used for commercial or industrial purposes, he shall apply to the Applicable Zoning Officer for an occupancy permit. The Applicable Zoning Officer shall first determine that no building permit is needed to effect the proposed change. Changes for which an occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion of a use, or continuation of the use of a commercial or industrial lot by a new owner.
- (3) If the Applicable Zoning Officer is satisfied that such change is in conformance with all requirements of this Ordinance and of other applicable development ordinances of the Boroughs of Avalon, Bellevue, Ben Avon, and/or the Tri-Borough communities, he shall issue an occupancy permit.
- (4) Applications for occupancy permits for a change of use that are denied by the Applicable Zoning Officer may be appealed to the applicable Zoning Hearing Board. It shall be the responsibility of the owner of a lot to determine that any persons leasing or subleasing the premises will use them only for activities permitted by this Ordinance, and if a use is contemplated or undertaken by a lessee or sublessee which is not permitted, or is permitted only as a special exception, it shall be the responsibility of the owner to either secure permission from the applicable Borough for the use or to remove the use from the premises.

### **§2000-1303. Certificate of Zoning Compliance**

A. Certificate of Zoning Compliance.

- (1) It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, land or premises, or part thereof, hereafter created, erected, changed, converted or enlarged in its use and structure unless a certificate of zoning compliance has been issued by the Applicable Zoning Officer stating that the proposed use of the building structure or land conforms to the requirements of this Ordinance.

- (2) Every application for an occupancy permit shall be deemed to be an application for a certificate of zoning compliance.
- (3) No certificate of zoning compliance shall be issued until the erection, construction or alteration has been completed, or the use established and inspected and approved by the Applicable Zoning Officer providing that the certificate shall be issued or written notice shall be given to the applicant stating why a certificate cannot be issued no later than five (5) days after the Applicable Zoning Officer is notified in writing that the building or premises is ready for occupancy.
- (4) A temporary certificate of zoning compliance may be issued by the Applicable Zoning Officer for a period not to exceed six (6) months during alteration or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards, such as but not limited to a performance security/guarantee, to protect the safety of the occupant and the public.
- (5) It shall be unlawful for any owner to sell any building, structure, land or premises, or part thereof, or interest therein, situated in the Tri-Borough Communities, unless the owner first delivers to the purchaser at or prior to the time for settlement a certificate of zoning compliance indicating the legality of the existing use of the lot to be sold.
- (6) A certificate of zoning compliance may be revoked or suspended by the Applicable Zoning Officer if he finds that the holder of the certificate has failed to comply with conditions attached to the issuance of the certificate, or if he finds that the building or use does not comply with the requirements of this Ordinance.
- (7) In all cases under this Ordinance a fee shall be charged for a certificate of zoning compliance. Such fees shall be established by resolution of the applicable Borough Council.

## **ARTICLE XIV**

### **Amendments**

#### **§2000-1400. Enactment of Zoning Ordinance Amendments.**

- A. Any Borough Council may introduce and consider amendments to this Ordinance and/or to the Official Zoning Map as proposed by a Borough Council, by the Joint Planning Commission or by a petition of a landowner within one of the Tri-Borough communities:
- (1) Petitions for amendment shall be filed with the Joint Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule affixed from time to time by Resolution of the Borough Councils.
  - (2) Referral to Joint Planning Commission. Any proposed amendment introduced by a Council shall be referred to the Joint Planning Commission for review.
  - (3) Development by Joint Planning Commission. Upon direction from a Borough Council, the Joint Planning Commission shall develop a draft amendment to the Ordinance.
- B. The Joint Planning Commission shall send copies of the draft Ordinance amendments, together with any recommendations, to each of the Borough Councils for review. Each Borough Council shall review and provide feedback. The governing bodies of the other participating municipalities shall submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment, to the governing body of the municipality within which the amendment is proposed. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendments. Upon receipt of the feedback, the Joint Planning Commission shall hold a public meeting and prepare revisions to the amendment as deemed appropriate. See also MPC §809-A and MPC §303.
- C. The Joint Planning Commission shall forward the revised amendment to the Sponsor Council. The Sponsor Council shall submit a copy of the revised amendment to the County and each Borough Council for review prior to holding the public hearing. The governing bodies of the other participating municipalities shall submit their comments, including a specific recommendation to adopt or not to adopt the proposed amendment, to the governing body of the municipality within which the amendment is proposed no later than the date of the public hearing. Failure to provide comments shall be construed as a recommendation to adopt the proposed amendments. See also MPC §809-A and MPC §303.
- D. The Sponsor Council shall hold a public hearing on the proposed amendment, pursuant to public notice and posting of such notice in the Municipal Building of each Tri-Borough municipality. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected lot or area shall be posted at least one (1) week prior to the date of the hearing
- (1) In addition to the requirement that notice be posted, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Sponsor Borough at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within five hundred (500) feet

of lot boundary of the area being rezoned, as evidenced by tax records within the possession of the municipalities. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

(2) This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

- E. No amendments to the joint municipal zoning ordinance shall be effective unless all of the participating Borough Councils approve the amendment.
- F. The process of completing Amendments shall comply with MPC§813-A Publication, Advertisement and Availability of Ordinances.

**§2000-1401. Procedure for Landowner Curative Amendments.**

- A. Curative amendments, along with the applicable application fee, shall be filed in the municipality within which the landowner's property is located. Provided, however, that the applicable Council before which the curative amendment is brought shall not have the power to adopt any amendment to the Joint Zoning Ordinance without the approval of each Tri-Borough community. The challenge shall be directed to the validity of the Joint Zoning Ordinance as it applies to the entire area of its jurisdiction. Application for said amendment shall include all information as identified on the application form as available in the applicable Borough Municipal Office.
- B. A landowner who desires to challenge on substantive grounds the validity of the Joint Zoning Ordinance or Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the applicable Council with a written request that his challenge and proposed amendment be heard and decided.
- C. The applicable Council shall commence a hearing thereon within sixty (60) days of the request as provided by the MPC. The curative amendment and challenge shall be referred to the Joint Planning Agency and each Borough Council and notice of the hearing thereon shall be given as provided in according to the MPC.
- D. The hearing shall be conducted in accordance with section 908 of the MPC and all references therein to the zoning hearing board shall, for purposes of this section be references to the governing body: provided, however, that the provisions of sections 908 (1.2) and (9) of the MPC shall not apply and the provisions of section 916.1 of the MPC shall control. If a municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- E. The Council of a municipality which has determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- (1) the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- (2) if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
- (3) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- (4) the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- (5) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

**§2000-1402. Procedure for Joint Municipal Curative Amendments.**

**A. Procedure upon Municipal Curative Amendment**

- (1) A Borough Council, by formal action, may declare the Joint Zoning Ordinance or portions thereof substantially invalid and propose that the Tri-Borough communities prepare a curative amendment to overcome such invalidity. The formal action shall make specific findings setting forth the declared invalidity of the Joint Zoning Ordinance which may include:
  - (a) References to specific uses which are either not permitted, or not permitted in sufficient quantity,
  - (b) References to a class of use or uses which require revision, or
  - (c) Reference to the entire Ordinance which requires revisions.
- (2) The Councils of each Tri-Borough community shall vote, within thirty (30) days following such declaration by the initiating governing body, by formal action whether or not to declare the Joint Zoning Ordinance or portions thereof substantially invalid.
  - (d) In the event of the failure of all of the Borough Councils to declare the Joint Zoning Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration by the initiating Council shall be deemed null and void.
  - (e) In the event that each of the Tri-Borough Councils vote, by formal action, not to declare the Joint Zoning Ordinance invalid in accordance with this Section. The declaration of the initiating Council shall be deemed null and void.
  - (f) The declaration shall be binding upon all the Tri-Borough communities from the moment the initiating Council declares the Joint Zoning Ordinance invalid,

- (g) In the event that all of the Borough Councils take formal action to declare the Joint Zoning Ordinance or portions thereof substantially invalid within thirty (30) days.
- (3) Upon the declaration that the Joint Zoning Ordinance is invalid by one or more of the Tri-Borough Councils, the Tri-Borough communities shall begin to prepare and consider a curative amendment to the Joint Zoning Ordinance to correct the declared invalidity.
- B. Within nine (9) months from when all three of the participating municipalities have taken formal action to declare the Joint Zoning Ordinance or part thereof invalid, the Tri-Borough communities shall enact a curative amendment to or reaffirm the validity of this Ordinance pursuant to the provisions required by this Ordinance to cure the declared invalidity of this ordinance.
- C. Upon the initiation of the procedures by the initiating Council as set forth in Section A.1, no Council shall be required to entertain or consider any landowner's curative amendment as provided for by the MPC. Upon completion of the procedures as set forth in Sections A and B, no rights to a cure pursuant to the provisions of the MPC, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Section.
- D. The Tri-Borough communities having jointly utilized the procedures as set forth in Subsections A and B may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this ordinance pursuant to Subsection B; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Council by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Tri-Borough communities may utilize the provisions of this Section to prepare a curative amendment to the Joint Zoning Ordinance to fulfill said duty or obligation; provided, however, that the Tri-Borough communities shall not be deemed to have utilized the procedures set forth in Subsections A and B either if the Tri-Borough communities take formal action to not declare the Joint Zoning Ordinance invalid in accordance with Subsection A.2 or if they fail to act in accordance with Subsection A.2 above.

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**ARTICLE XV**  
**Enforcement**

**§2000-1500. Enforcement**

A. Enforcement Notice. The Enforcement Notice shall contain the following information:

- (1) The name of the owner of record and any other person against whom the municipality intends to take action.
- (2) The location of the lot in violation.
- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the applicable Borough Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the applicable Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. 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 applicable Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (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 of this Ordinance shall be paid over to the applicable Borough.
- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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- (3) Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the applicable Borough the right to commence any action for enforcement pursuant to this Subsection.
- C. Other Remedies. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the applicable Borough Council, or with the approval of the applicable Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Council of the municipality. No such action may be maintained until such notice has been given.



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**ARTICLE XVI**  
**Administrative Roles and Duties**

**§2000-1600. Joint Planning Commission.**

- A. The Joint Planning Commission shall consist of nine (9) members, made up of three representatives from each Tri-Borough community.
- B. Upon request of each of the Borough Councils which comprise the Tri-Borough's communities, the Joint Planning Commission shall prepare and update periodically the Joint Comprehensive Plan.
- C. The Joint Planning Commission shall receive, review and make recommendations to the applicable Borough Council on conditional use requests.
- D. The Joint Planning Commission shall maintain a file of records of its actions, such file being the property of each Borough Council.
- E. The Joint Planning Commission may prepare, hold hearings upon, and recommend for adoption a zoning ordinance for the Tri-Borough communities and subsequently may prepare and recommend amendments thereto.
- F. The Joint Planning Commission may prepare and recommend for adoption a subdivision and land development ordinance and/or planned residential development ordinance for the Tri-Borough communities, as well as amendments thereto.
- G. The Joint Planning Commission shall receive, review and make recommendations to the Borough Councils on commercial or industrial development proposals, planned residential developments and subdivision plans.
- H. The Joint Planning Commission shall receive, review and make recommendations to the applicable Zoning Hearing Board on special exception requests.
- I. The Joint Planning Commission may call and hold public hearings on matters relating to development in the Boroughs including amendments to the zoning and subdivision ordinances.
- J. The Joint Planning Commission may, at the request of the Borough Councils, prepare and recommend an annual capital improvements program, a building code, housing code, environmental study or similar reports or plans necessary to manage land development in the Boroughs.
- K. The Joint Planning Commission may promote public interest in and understanding of the Joint Comprehensive Plan and ordinances designed to implement the plan.
- L. The Joint Planning Commission shall hold regularly scheduled advertised meetings that are open to the public.

**§2000-1601. Borough Councils.**

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- A. Borough Councils of the Tri-Borough communities are ultimately responsible for the adoption, amendment and enforcement of this Ordinance.
- B. The Borough Council of each Tri-Borough community shall appoint three (3) representatives to the Joint Planning Commission. Alternates may be appointed as necessary.
- C. The Borough Council of each Tri-Borough community shall appoint a Zoning Hearing Board and Zoning Officer.
- D. The Borough Council of each Tri-Borough community shall receive the recommendations of the Joint Planning Commission on matters the Commission reviews pursuant to this ordinance, but are not obligated to act in accordance with the recommendations.
- E. The Borough Council of each Tri-Borough community shall follow the procedures established by this Ordinance for the adoption and/or amendment of any zoning ordinance.
- F. The Borough Council of each Tri-Borough community may remove its representatives to the Joint Planning Commission. The procedure for removal shall be in accordance the provisions defined in PA MPC §206.
- G. The Borough Council of each Tri-Borough community may remove its zoning officers from their jobs, or members of its Zoning Hearing Board, as appropriate. The procedure for removal of Zoning Hearing Board members shall be in accordance the provisions defined in PA MPC §905.
- H. The Borough Council of each Tri-Borough community shall be permitted to establish fees, individual or in cooperation with the other Tri-Borough Community Councils to administer the Joint Zoning Ordinance.
- I. The applicable Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - (1) All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P. S. §10702.
  - (2) All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P. S. §10501 et seq.
  - (3) Applications for conditional use under the express provisions of this Ordinance.
  - (4) Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
  - (5) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
  - (6) Appeals from the determination of the Applicable Zoning Officer or the Applicable Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P. S. §10501 et seq., 10701 et seq.

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- (7) Where such determination relates only to development not involving a MPC Article V or VII application, the appeal from such determination of the Applicable Zoning Officer or the Applicable Borough Engineer shall be to the applicable Zoning Hearing Board pursuant to this §2000-1602.
- (8) Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Joint Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Joint Planning Commission shall be to court.
- J. Conditional Uses. Where the applicable Borough Council, in this Ordinance, has stated conditional uses to be granted or denied by the applicable Borough Council pursuant to express standards and criteria, the applicable Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the applicable 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 and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 et seq.

**§2000-1602. Zoning Hearing Boards.**

- A. Each Tri-Borough community shall establish and maintain an independent Zoning Hearing Board (Board) consisting of members appointed by each respective Borough Council.
- B. A Zoning Hearing Board shall receive recommendations on special exceptions from the Joint Planning Commission and shall act thereon.
- C. There is hereby created for each Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10901 et seq.
  - (1) The membership of each Board shall consist of three residents of the applicable Borough appointed by resolution by the Borough Council. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one member shall expire each year. The applicable Board shall promptly notify the applicable Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the applicable Board shall hold no other office in the Borough.
  - (2) Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the applicable Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
  - (3) Each Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.

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- (4) Each Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
  - (5) Within the limits of funds appropriated by the applicable Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the applicable Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the applicable Borough Council.
- D. Hearings. The applicable Zoning Hearing Board will conduct hearings and make decisions in accordance with the Municipalities Planning Code. A copy of the Municipalities Planning Code is available for review in the applicable Borough Building. The applicable Borough Council shall establish, by resolution, fees with respect to hearings before the applicable Zoning Hearing Board.
- E. Jurisdiction.
- (1) Each Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters within the physical boundaries of its Borough:
    - (a) Substantive challenges to the validity of any land use ordinance, except those brought before the applicable Borough Council pursuant to §609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P. S. §10609.1, 10916.1.
    - (b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
    - (c) Appeals from the determination of the Applicable Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
    - (d) Appeals from a determination by the Applicable Borough Engineer or the Applicable Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
    - (e) Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P. S. §10910.2.
    - (f) Applications for special exception under this Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P. S. §10912.1.

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- (g) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- (h) Appeals from the Applicable Zoning Officer's determination under §916.2 of the MPC, 53 P. S. §10916.2.
- (i) Appeals from the determination of the Applicable Zoning Officer or Applicable Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P. S. §10501 et seq., 10701 et seq.

F. Variances.

- (1) The applicable Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Applicable Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
  - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the lot is located.
  - (b) That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot.
  - (c) That such unnecessary hardship has not been created by the applicant.
  - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot, nor be detrimental to the public welfare.
  - (e) 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.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 seq.

- G. Special exception. Where the applicable Borough Council, in this Ordinance, has stated special exception to be granted or denied by the applicable Zoning Hearing Board pursuant to express standards and criteria, the applicable Board shall hear and decide requests for such special

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exception in accordance with such standards and criteria. In granting a special exception, the applicable Board 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 and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 et seq.

H. Parties Appellant before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the applicable Borough Council pursuant to the Pennsylvania Municipalities Code), procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Applicable Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Applicable Borough Engineer or the Applicable Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance; from the determination of the Applicable Zoning Officer or Applicable Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the applicable Zoning Hearing Board in writing by the landowner affected, any officer or agency of the applicable Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the applicable Board by any landowner or any tenant with the permission of such landowner.

I. Time Limitations.

- (1) No person shall be allowed to file any proceeding with the applicable Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the applicable Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he has no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal an adverse decision on a tentative plan or from an adverse decision by the Applicable Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- (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.

J. Stay of Proceedings.

- (1) Upon filing of any appeal proceeding before the applicable Zoning Hearing Board and during its pendency before the applicable Board, all land development pursuant to any challenged ordinance, order or approval of the Applicable Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Applicable Zoning Officer or any other appropriate agency or body certifies to the applicable Board facts indicating that such stay would cause imminent peril to life or lot, in which case the development or official

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action shall not be stayed otherwise than by a restraining order, which may be granted by the applicable Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Applicable 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 applicable Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the applicable Board.

- (2) After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
- (3) The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- (4) If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

K. Accommodations under the Fair Housing Amendments Act and/or the Americans with Disabilities Act.

- (1) The applicable Board shall hear and determine appeals from decisions of the Applicable Zoning Officer with respect to requests for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act. In hearing such an appeal, the applicable Board shall apply the criteria set for in this Ordinance. In granting a request for reasonable accommodation, the applicable Board may attach such reasonable safeguards and/or limitations as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare in a manner consistent with the requirements of the Fair Housing Amendments Act or the Americans with Disabilities Act. In handling a request for reasonable accommodation, the applicable Board shall be governed by the criteria set forth in this Ordinance to the fullest extent as may be consistent with the Fair Housing Amendments Act and the Americans with Disabilities Act.

**§2000-1603. Applicable Zoning Officer.**

- A. The Applicable Zoning Officer shall receive applications for building permits and occupancy permits.
- B. The Applicable Zoning Officer shall review such applications after site visits before deciding to issue a permit or refer the proposal to the Joint Planning Commission or applicable Zoning Hearing Board.

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- C. The Applicable Zoning Officer shall testify at meetings of each Borough's Zoning Hearing Board on any contested decision he has made.
- D. The Applicable Zoning Officer shall halt construction where it is not proceeding in accordance with permit, or permit has expired, or never existed.
- E. The Applicable Zoning Officer shall visit approved construction in progress to verify continued compliance with permit.
- F. The Applicable Zoning Officer shall investigate alleged violations of performance standards or other requirements of this Ordinance and, if allegations are correct, demand compliance with this Ordinance.
- G. The Applicable Zoning Officer shall interpret this Ordinance literally.
- H. The Applicable Zoning Officer shall keep a current record of nonconforming uses throughout all Boroughs.
- I. The Applicable Zoning Officer may be delegated the job of preparing advertisements for public hearings, preparing lists of lot owners to be notified by mail of hearings and posting notices and reason of hearings.



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**ARTICLE XVII**  
**Schedule of Fees and Financing Responsibilities**

**§2000-1700. Fees.**

A Schedule of Fees applicable to Zoning Ordinance-related applications and processes shall be kept on file and available at the respective Borough Municipal Administration Office in which said application is to be filed or process conducted.

**§2000-1701. Financing Responsibilities.**

The manner and extent of financing the costs for administration and enforcement, including the financial responsibilities for defending legal challenges to this Zoning Ordinance, is available on file as part of the communities' respective intergovernmental cooperation agreement(s).