

ORDINANCE # 209

AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS, BEAVER COUNTY, PENNSYLVANIA AMENDING ORDINANCE #146, ZONING, ADDING AND REVISING CERTAIN DEFINITIONS AND TERMS AND DELETING CERTAIN OTHERS. ADDING LANGUAGE SPECIFICALLY AUTHORIZING THE GRANTING OF CONDITIONAL USES BY BOROUGH COUNCIL, PURSUANT TO THE PROVISIONS OF ACT 170 OF 1988, AN AMENDMENT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE. IN ADDITION, THIS ORDINANCE AMENDMENT ESTABLISHES THE MULTIPLE DWELLING OVERLAY DISTRICT WITH DUPLEX AND TOWNHOUSE USES AS CONDITIONAL USES, AND ESTABLISHING CRITERIA FOR THE REVIEW APPROVAL, AND CONSTRUCTION OF SUCH RESIDENTIAL USES. THIS AMENDMENT ESTABLISHES MINIMUM ENVIRONMENTAL PERFORMANCE STANDARDS FOR THE MULTIPLE DWELLING OVERLAY DISTRICT APPLICABLE TO CERTAIN RESIDENTIAL USES.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF PATTERSON HEIGHTS, BEAVER COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED, FOLLOWING A RECOMMENDATION FROM THE BOROUGH PLANNING COMMISSION, AND AFTER A PUBLIC HEARING PURSUANT TO PUBLIC NOTICE, GIVEN ACCORDING TO ACT 170 OF 1988, AN AMENDMENT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THAT ORDINANCE #146 BE AMENDED AS FOLLOWS:

SECTION I In Section III, Definitions, Subsection 302, Meaning of Words, the following terms and definitions are hereby added, to occur alphabetically and in numerical sequence. Where a new definition is inserted and assigned a sequential number, all subsequent terms and definitions are renumbered to accommodate the newly inserted language.

ALLEY: A transportation facility, whether opened or unopened which provides access to private or publicly owned property. For the purposes of this ordinance Central Alley and Darlington Alley meet this definition.

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

CONDITIONAL USES: Those uses specifically enumerated in this Ordinance to be allowed or denied by Borough Council after recommendation of the Planning Commission pursuant to the express standards and criteria set forth in this Ordinance, and following the conducting of a public hearing thereon by Borough Council.

DWELLING UNIT: A room or group of rooms located within a residential structure which form a single habitable unit with facilities for living, sleeping, cooking and eating by one (1) family.

DUPLEX: Two (2) dwelling units in a single structure, each capable of accommodating a family, either side by side or one over the other, with either common vertical separation or common horizontal separation.

GROSS FLOOR AREA: The sum of the gross horizontal interior areas of the several floors of a dwelling unit or structure excluding basements (cellars), attics, garages, open breezeways, open porches and terraces.

LAND DEVELOPMENT: The improvement of one (1) lot or two (2) or more contiguous lots on parcels of land or a subdivision of land.

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

MOBILE HOME (Also Modular Home): A transportable single-family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate, used for nontransient residential purposes and constructed with the same or similar electrical, plumbing and sanitary facilities as immobile homes.

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: Any structure or part of a structure legally existing at the time of the enactment of this chapter or any of its amendments, which does not conform with the provisions of this section.

NONCONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated. A nonconforming use is considered legal if it preceded the adoption of Ordinance #146, September 11, 1961, and has been continuously used and occupied. All other nonconforming uses are considered illegal and subject to enforcement provisions.

PLANNING COMMISSION: The duly constituted Planning Commission of Patterson Heights Borough, Beaver County, Pennsylvania.

PRINCIPAL BOROUGH STREET: A transportation facility capable of carrying a significant volume of traffic. For the purposes of this Ordinance amendment, Fourth Street, Fifth Street, Sixth Street, Seventh Street, Eighth Street, Eighth Avenue, and Ninth Avenue meet this definition.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Patterson Heights Borough Council or Zoning Hearing Board, intended to inform and obtain public comments, prior to taking action in accordance with this act.

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

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the 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 (7) days from the date of the hearing.

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

TOWNHOUSE: Three (3) or more dwelling units in a single structure, up to a maximum of six (6) units, each accommodating a family, with the end units have side yards and the interior units having common vertical separations. Each dwelling unit is a minimum of two (2) stories and a maximum of three (3) stories.

SECTION II In Section III, Definitions, Subsection 302, Meaning of Words, the following terms or definitions are hereby deleted in their entirety:

MULTIPLE DWELLINGS

TRAILER

TRAILER (Home or Mobile Home)

ROOMING HOUSE

SECTION III In Section III, Definitions, Subsection 302, Meaning of Words, the following terms or definitions are revised to read as follows:

FAMILY: Any number of related individuals living together as a single housekeeping unit or three (3) unrelated persons occupying the same dwelling unit.

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a public street or roadway or such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

SECTION IV In Section IV, Zoning Districts, Subsection 401, Establishment of Districts, is revised to add the following Zoning District:

MDO Multiple Dwelling Overlay District

SECTION V In Section VI, Permissive Uses and Requirements, Subsection 601, R-Residential District is hereby deleted in its entirety and the following inserted in its place:

Section VI

R-Residential District Regulations

601 Purpose: *The R-Residential District is hereby established in order to provide for low density single family use in appropriate areas of the Borough.*

602 Permitted Uses: *A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes.*

A. Principal Uses:

1. *Single Family Detached Dwellings.*
2. *Public Services including emergency services.*
3. *Public recreation.*

B. Accessory Uses:

1. *Garages for the parking or storage of privately owned vehicles.*
2. *Swimming Pools.*
3. *Storage Sheds (maximum of two)*

603 *Lot Area, Yard, Dimensional and Minimum Gross Floor Area Requirements in the R-Residential District:*

- A. *Minimum Lot Area: Single Family Residential Dwelling seven thousand (7,000) square feet*
- B. *Minimum Lot Width: Single Family Residential Dwelling 50 feet (50') at building line*
- C. *Minimum Yards:*
 1. *Front Yard - Average depth from right-of-way line of structures within three hundred (300) lineal feet of both side lot lines.*
 2. *Side Yards - Ten feet (10') on each side.*
 3. *Rear Yards - Twenty feet (20').*
- D. *Lot Coverage (Bulk): Single Family Detached Residential Dwelling - thirty five percent (35%) maximum.*
- E. *Height - Two (2) stories or thirty-five feet (35') maximum from average grade to highest point of structure excluding chimney. Roof pitch shall be not less than six inches (6") of rise to twelve inches (12") of run.*
- F. *Minimum Gross Floor Area:*
 1. *Two-story Residential Dwelling 1800 square feet*
 2. *Single Story Residential Dwelling 1500 square feet*
 3. *Split entry Residential Dwelling 1500 square feet*
- G. *Parking: A minimum of two (2) off-street paved parking spaces per dwelling shall be provided in addition to one space available in an integral or unattached garage. Each space shall be a minimum of one hundred and sixty two (162) square feet in area or a minimum of nine feet (9') wide by eighteen feet (18') deep, exclusive of access aisles or driveways.*

SECTION VI In Section VI, Subsection 604, Parking Requirements is hereby deleted in its entirety and the following inserted in its place:

604 Parking Requirements: All off-street parking spaces required in conjunction with permitted or conditional uses enumerated herein shall be a minimum of one hundred and sixty-two (162) square feet in area or a minimum of nine feet (9') wide by eighteen feet (18') deep exclusive of access aisles or driveways.

SECTION VII In Section VI, Subsection 605, Signs, is hereby deleted and reinserted as written, in Section IX, Supplemental Regulations, as Subsection 907, Signs.

SECTION VIII In Section VI, Subsection 606, Permitted Exceptions, the prefatory paragraph is hereby revised to read as follows and reinserted as revised, in Section IX, Supplemental Regulations, as Subsection 908, Conditional Uses.

908 Conditional Uses: The following uses may be permitted as conditional uses in zoning districts as stated, following review and recommendation, by the Planning Commission and a public hearing held by the Borough Council, pursuant to conditions enumerated for each use:

A. Duplex in Multiple Dwelling Overlay (MDO) District:

1. Said use shall be established on a properly recorded conforming lot in the district.
2. Primary access shall not be from a borough alley as defined herein.
3. Those conditions outlined in Subsection 611.

B. Townhouse in MDO District:

1. Said use shall be established on a properly recorded conforming lot in the district.
2. Primary access shall not be from a borough alley as defined herein.
3. Those conditions outlined in Subsection 611.

C. Home occupations, including but not limited to, the professional offices of a doctor, dentist, attorney, data processor or certified public accountant. The scale of such operation shall be on a one to one ratio, where the service being offered is provided to one person and not a group of people.

1. Said use shall be clearly subordinate and subsidiary to the primary residential use;
2. No sign shall be permitted in conjunction with the use;
3. Not more than one (1) paid employee shall be permitted.
4. A minimum of two (2) additional off-street parking spaces shall be provided in compliance with Section 604; and
5. A maximum of twenty percent (20%) of the gross floor area shall be devoted to the professional office.

SECTION IX In Section VI, the following subsections 607 through 612 are hereby added as a new zoning classification MDO, Multiple Dwelling Overlay District:

607 *MDO Multiple Dwelling Overlay District*

608 *Purpose: The Multiple Dwelling Overlay District is established in order to provide a variety of housing opportunities where such uses would not be incompatible with the basic character of the underlying district in terms of building materials and appearance, subject to the express standards listed herein.*

609 *District Boundaries: In that area currently zoned R-Residential with Fourth Street on the north; Eighth Street on the south; Darlington Road on the west; on the east by Darlington Alley, between Fourth Street and Fifth Street, and between Central Alley and Eighth Street and Ninth Avenue between Fifth Street and Central Alley. The centerline of each street, road and alley shall serve as the specific location of overlay district boundary lines.*

610 *Permitted Uses MDO District: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:*

A. Principal Uses:

1. *Single Family Detached Dwellings.*
2. *Public Services including emergency services.*
3. *Public recreation.*

B. Accessory Structures:

1. *Garages for the parking or storage of privately owned vehicles.*
2. *Swimming pools.*
3. *Storage sheds (maximum of two)*

611 *Conditional Uses MDO District: A lot or parcel may be erected subject to the granting of a conditional use pursuant to procedures established by this Ordinance and after the filing of an Application for Development with the Borough Secretary.*

A. Duplex, subject to the following conditions:

- 1. A minimum of two (2) off-street paved parking spaces per dwelling unit, designed in conformance with Section 604, shall be provided in addition to one space available in an integral or unattached garage.*
- 2. The main entrance to each dwelling unit shall face the same street.*
- 3. Access to and from the second floor dwelling unit, where applicable, shall be provided from the interior of the structure.*
- 4. Minimum buffer yards shall be provided in compliance with Section IX.*
- 5. Building material shall be compatible with those materials used throughout the R Residential District.*
- 6. Primary access shall not be from a borough alley as defined herein.*

B. Townhouses, subject to the following conditions:

- 1. A minimum of two (2) paved off-street parking spaces per dwelling unit, designed in conformance with Section 604, shall be provided in addition to one (1) space available in an integral or unattached garage.*
- 2. The main entrance to each dwelling unit shall face the same street.*
- 3. Building material shall be compatible with those materials used throughout the R Residential District.*
- 4. Minimum buffer yards shall be provided in compliance with Section IX.*
- 5. Each dwelling unit must have an individual identity which is achieved by a combination of some or all of the following factors:*
 - a. Varying roof pitch and/or roof direction;*
 - b. Addition or deletion of patios and patio wall locations;*
 - c. Staggering of exterior walls;*
 - d. Any other method proposed by the developer that maintains dwelling unit individuality but achieves an overall design compatibility with the structure, as a whole;*
 - e. Altering the height of abutting units.*
- 6. Primary access to townhouses shall not be from a borough alley.*

612 *Lot Area, Yard, Dimensional and Minimum Gross Floor Area Requirements in Multiple Dwelling Overlay District.*

A. Minimum Lot Area:

1. *Duplex - 7000 square feet per structure or 3,500 square feet of lot area per dwelling unit*
 2. *Townhouse - 2000 square feet of lot area per dwelling unit*
- B. Minimum Lot Width:**
1. *Duplex - 50 feet at building line*
 2. *Townhouse - 25 feet per dwelling unit*
- C. Minimum Yards:**
1. *Front yard - No less than the average depth from right-of-way for structures within three hundred (300) lineal feet of both side lot lines.*
 2. *Side yards:*
 - a. *Duplex - Ten feet (10') on each side.*
 - b. *Townhouses - Fifteen feet (15') on each side.*
 3. *Rear yards - Twenty feet (20').*
- D. Lot Coverage - Bulk**
1. *Duplex - 35% maximum, including principal and accessory uses*
 2. *Townhouse - 60% maximum including principal and accessory uses*
- E. Height - Three (3) stories maximum or thirty-five feet (35') maximum from average grade to highest point of structure excluding chimney. Roof pitch shall be no less than six inches (6") of rise for each twelve inches (12") of run.**
1. **Minimum Gross Floor Area:**
 - a. *Duplex 1250 square feet per dwelling unit*
 - b. *Townhouse 1250 square feet per dwelling unit*

SECTION X In Section IX, Supplementary Regulations, the following language is hereby added as Subsection 909, Required Buffer Yards:

909 Required Buffer Yards: Buffer yards are required for all new duplex and townhouse uses in the Multiple Dwelling Overlay District. Said buffer yard shall be provided by the applicant for a building or zoning permit for the construction or renovation of said use, prior to the issuance of an occupancy permit.

- A.** Buffer yards shall be created in all required side and rear yards on lots abutting existing residential dwelling units.
- B.** The buffer yard shall be a minimum of ten feet (10') in width for the entire length of the required yard measured from the lot boundary line.

- C. In all buffer yards, the ten foot (10') width shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
- D. No structure or storage of materials, grass clippings, tree trimmings, or dog houses shall be permitted in the buffer yard.
- E. All buffer yards shall include a dense screen planting of trees, shrubs and other plant materials to the full length of the lot line, to serve as a visual barrier to airborne particles, noise and glare. Such screen planting shall be in accordance with the following requirements:
 - 1. Plant materials used in the screen planting shall be a minimum of fifty percent (50%) evergreen and of other species and initial heights as will produce a dense visual screen at least eight feet (8') high within five (5) years.
 - 2. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
 - 3. The screen planting shall be so placed that at maturity it will not overhang any street or property line.
 - 4. No planting shall be placed on the lot so as to obstruct the view of motorists on adjacent streets at the intersection of such streets or private access driveways.
 - 5. The screen planting shall be broken only at points of vehicular or pedestrian access.

SECTION XI In Section XI, Administration and Enforcement, Subsection 1102, Zoning Permit Required, is hereby deleted in its entirety and the following language inserted in its place.

1102 Zoning and Building Permit Required:

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Officer. All applications for zoning and building permits shall be in accordance with the requirements of this Ordinance and any amendment applicable at the time of application, and unless upon written order of the Board of Zoning Adjustments, no such zoning or building permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this Ordinance or any Borough ordinance in effect at the time of application.
- B. All construction for which a zoning and building permit was issued shall be completed within eighteen (18) months of the date of issuance of said permit. No permit shall authorize construction activity beyond the eighteen (18) month

period unless an extension is granted, in writing, to the applicant by the zoning officer. Such extension shall not exceed three (3) months or ninety (90) days and only one extension shall be considered.

- C. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement; provided the estimated cost of said construction, as provided by a building contractor, does not exceed the sum of one thousand dollars (\$1,000.00).

SECTION XII In Section XI, Administrative and Enforcement, the following language is hereby added as Subsection 1103.

1103 Occupancy Permit Required:

- A. No building or structure shall be used or occupied until a permit therefor has been issued by the Zoning Officer following a final inspection of the construction for which occupancy is requested.
- B. Any construction, addition, or alteration shall be completed in compliance with this Ordinance and any officially adopted building code.
- C. Said permit for occupancy shall be applied for at the time of application of the Building or Zoning Permit. A fee as determined by the Borough Council shall be paid at the time of application.

SECTION XIII In Section XI, Administrative and Enforcement, the following language is hereby inserted as Subsection 1104.

1104 Enforcement

- A. Civil Damages: Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance enacted under Act 247, as amended, shall, upon conviction thereof in a civil enforcement proceeding, be sentenced to pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall be commenced or be imposed or payable until the determination of a violation by the District Justice. If the defendant neither pays nor appeals in timely fashion, the judgment imposed, the Borough of Patterson Heights may enforce the judgment pursuant to rules of civil procedure. Each day that a violation is continued shall constitute a single and separate offense. All fines collected for the violation of this Zoning Ordinance shall be paid over to the Borough Council and deposited in the General Fund.
- B. Enforcement Remedies: In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the provisions of this Ordinance, the Borough Council, or, with the approval of the Borough Council, an officer of the Borough, in addition to other

remedies, may institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

C. Notice of Violation: The notice of violation for the purpose of enforcement of the provisions of this Ordinance shall consist of the following:

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 property in violation.
3. The specific violation describing requirements not met and the applicable provisions of the ordinance violated.
4. Dates for commencement of compliance activity and dates by which compliance must be achieved.
5. That the recipient of the violation notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in Section XII.
6. That failure to comply within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible penalties resulting.

SECTION XIV In Section XI, Administrative and Enforcement, the following language is hereby added as Subsection 1105.

1105 Land Development

- A. Any person, partnership, corporation or other legal entity with an ownership interest in land within the Borough of Patterson Heights shall submit to the Secretary of the Planning Commission, a completed Application for Development form along with any and all fees due and six (6) copies of all supporting documentation, thirty (30) days prior to the date of the first meeting at which the proposed land development is scheduled to be discussed.
1. Documentation shall include a development narrative describing the proposed development, a site plan at no more than fifty (50) to one (1) scale which includes contours at a minimum of five foot (5') intervals, the proposed location of all structures, all existing utility lines, public rights-of-way, stormwater drainage facilities, and all structures on abutting lots within fifty feet (50') of the lot proposed for development.
 2. A deposit, as determined by the Borough Council, shall be made at the time of application to cover all legal and consulting fees incurred by the Borough during review.

B. The Planning Commission shall make recommendations to the Borough Council on the proposed development within forty-five (45) days following the date of the first scheduled review, and forward a copy of said recommendations to the applicant within five (5) working days of the action taken. The Planning Commission's actions shall be one of the following:

1. Recommend approval of the application as submitted;
2. Recommend approval of the application with conditions;
3. Recommend denial of the application.

C. The Borough Council shall take action on the recommendation of the Planning Commission within forty-five (45) days of the date of the Planning Commission's action, unless an extension of time is agreed to be both the applicant and the Borough. The Borough Council's actions shall be one of the following:

1. Approve the application as submitted;
2. Approve the application with conditions;
3. Deny the application.

A copy of the decision shall be forwarded to the applicant within five (5) working days of the decision.

D. Where the applicant agrees to the conditions stated by the Borough Council or the application is approved as submitted, the Application for Development shall be forwarded to the Zoning Officer, accompanied by an application for a building and zoning permit, including the required fees, for each structure proposed.

E. Where the applicant does not agree to the conditions stated or where the Application for Development is denied by the Borough Council, a revised application may be resubmitted within thirty (30) days of the decision of Borough Council. Such reapplication shall contain revisions suggested by the conditions of approval or as a result of a mediated agreement between the Borough Council and the applicant. Such reapplication shall be reviewed within the time constraints outlined in this section for an original submission.

F. Mediation shall be voluntary and the terms and conditions of the mediation shall consist of the following:

1. Funding for the mediation;
2. Selecting a mediator with a working knowledge of zoning and submission procedures;
3. Completing the mediation including time limits for completion;
4. Suspending time limits otherwise authorized in this ordinance providing there is written consent by the mediating parties;
5. Identifying all parties and affording them an opportunity to participate;

6. Subject to legal constraints, determining whether some or all of the mediation sessions shall be open to the public;
7. Assuming that the mediated solutions is in writing and signed by the parties.

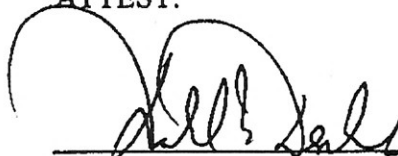
No offers or statements made in the mediated sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION XV Severability: Should any part, section or provision of this ordinance amendment be declared, determined or ruled invalid as applied, such declaration, determination or ruling shall not effect the validity of the Zoning Ordinance as a whole or any part hereof other than the part expressly stated to be invalid or invalid as applied, and all other provisions of this Ordinance amendment and the Patterson Heights Zoning Ordinance as a whole shall continue to be separately and fully effective.

SECTION XVI Enactment: Provisions enumerated in this Ordinance amendment shall be in full force and effect upon enactment by the Borough Council of Patterson Heights.

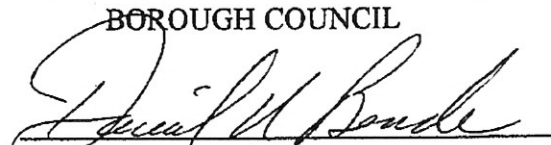
ENACTED AND ORDAINED this 10th day of May, 1993.

ATTEST:



Secretary

BOROUGH OF PATTERSON HEIGHTS
BOROUGH COUNCIL



President